RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Filton Holiday Inn, Bristol.

On: Monday 19th January 2009

JUDGMENT

Player: John Griffiths

Club: Mounts Bay RFC

Match: Redruth RFC v Mounts Bay RFC

Venue: Redruth RFC

Date of Match: 20th December 2008

Panel: Mike Curling (Chairman), John Doubleday and Nigel Gillingham.

Attending: John Griffiths (the Player)

Adrian Bick (Coach)

Secretary: Liam McTiernan

To Consider: The sending off of John Griffiths, Mounts Bay RFC, for an act of striking during the 11th minute of the second half of the match between Redruth and Mounts Bay, contrary to Law 10(4)(a).

Preliminary Matters

The Player raised no objections to the composition of the Panel.

Mr. Bick informed the Panel that Mr. Griffiths intended to plead not guilty. However, in view of remarks made by Mr.Bick it emerged that Mr. Griffiths did not intend to deny striking the Redruth No.1, and in fact had apologised to him (and his wife) after the game as they were friends and former team-mates.

The Chairman demonstrated the difficulty to Mr. Bick of maintaining such a plea, given the frank admissions already made to the Panel of the Player's intention to commit (and the actual commission) of an offence of striking. The Panel propositioned Mr. Bick with their perception of how he actually *intended* to plead, namely to advance a plea of guilty with substantial mitigation, rather than make out a defence on the basis of a not guilty plea, when the facts as presented in the referees report were not in dispute. Mr. Bick agreed wholeheartedly with the Panel's perception of how the hearing may develop, and after consulting with the Player, indicated a plea of guilty would be forthcoming.

Referee's Report

The Chairman read the referee's report to the Player and his representative, as follows: "Following a period of play, a number of players were lying on the floor. No.4 approached the players and I clearly saw him punch a Redruth player in the face. I immediately blew my whistle, separated the players and consulted my TJ who had been unsighted.

"I called both captains to me, told them to tell their players to calm down and informed them of my decision. I then issued a red card to the above player. I had a clear view and was not unsighted. The game restarted with a penalty to Redruth, approximately 20 metres infield on the ten metre line of Mounts Bay."

Plea

On the basis of the referee's report, the Player formally entered a plea of guilty.

DVD Evidence

The Chairman then directed that the DVD evidence be shown to the Panel. Mr. Bick was kind enough to offer commentary on the footage as it played. The incident was shown at a range of speeds, including full speed, slow-motion and frame-by-frame.

Mr. Bick explained that a "borderline dangerous tackle" by Mounts Bay No.6 on Redruth No.14 had lit the fuse for the incident that followed, Redruth No.1 stepping over the tackle area from the side to secure the ball and/or remove Mounts Bay No.6 from the tackle area. The referee had blown his whistle to indicate that the ball had become unplayable, and had whistled again, this time more sharply, because he had witnessed the Player strike an opponent.

Mr. Bick advanced on behalf of the Player that from his vantage point at that time, he witnessed what appeared to be two strikes to the body of Mounts Bay No.6 by Redruth No.1.The DVD seemed to confirm this. At this point the Player cocked his arm and threw a powerful punch which appeared to make initial contact with the shoulder area of Redruth No.1

Mr. Bick opined that had the blow portrayed in the clip made full contact with the head of Redruth No.1, (having been thrown by somebody of the Player's physical stature) serious injury could, and probably would have, occurred. The fact that Redruth No.1 immediately took to his feet and began to remonstrate with Mounts Bay players is indicative that the full force of the blow was deflected and thus that no real harm was done.

Decision

In light of the Player's admission of guilt and acceptance of the facts as described, the Panel found the Player guilty of an offence of striking, contrary to Law 10(4)(a). The Panel then retired to consider an entry point and sanction.

Entry Point

The Panel had no difficulty in classifying the offence as being at the Mid Range of the scale. To this end, Discipline Regulation (DR) 8.2.5 was of assistance.

The Player's actions were visibly intentional; there was one strike with a closed fist. The Player claimed to have acted in retaliation, although the Panel did not accept the notion of retaliation on behalf of another party with the principle of coming to the defence of another. The Player's actions (fortuitously, given the potential force generated by the cocking back of the arm) did not result in injury, and did not negatively affect the outcome of the match. There was some vulnerability to the Redruth No.1 to the extent that the Player was having his shirt held from the back, preventing him from avoiding the strike. There was no premeditation. A Mid Range entry point of five weeks was considered to be proportionate to the gravity of the offence.

Aggravating Features

The Panel attempted to identify any factors which may serve to aggravate the offence. The only factor that applied was DR 8.2.7 (b), the Player's status as an offender of the Laws of the Game. The Player had been sent off whilst playing for Coventry in 1999, and since then had appeared three times before disciplinary panels for accruing three yellow cards for foul play in a season while playing for Launceston, in December 2003 (3-week suspension), November 2004 (4-week suspension) and February 2006 (4-week suspension).

The Panel were minded to discount his dismissal for Coventry in 1999 and his 3-week suspension in December 2003 as out of the timeframe for consideration of a player's disciplinary record and propensity to commit foul play. The Panel were of the view that the Player's two most recent sanctions should be taken into consideration for the purposes of assessing his disciplinary record, and came to the decision that an additional two weeks would reflect the Panel's general dissatisfaction with the Players disciplinary record. This was augmented by the failure on behalf of the Player to volunteer information regarding these appearances to the Panel of his own volition. The Panel did not consider that these appearances (and lengthy suspensions given the nature of the offences committed) should easily have slipped the Player's mind.

Mitigation

The Panel then paused to consider the mitigation advanced by the Player and Mr. Bick, under DR 8.2.8. The Panel determined that the Player was entitled

to credit for his acknowledgment of guilt and his remorse. He had already been fined one week's wages by the Club for his indiscretion, although he had not been suspended due to a shortage of playing staff at the Club over recent weeks. The Club felt that to suspend the Player at such a time would impose a disproportionate penalty against the Club and the team-mates of the Player.

Mr. Bick admitted on behalf of the Player that this reaction was not proportionate to the threat posed by Redruth No.1 to the safety of Mounts Bay No.6, and advanced that the Player was immediately remorseful, because he had involved himself in an incident that hitherto had not concerned him, and thrown a punch at someone whom he considered a friend outside of the context of the Game.

The Panel determined that a two-week reduction in the overall sentence was appropriate in the circumstances.

Sanction

The Player is therefore suspended for five weeks, running from 19th January 2009 up to and including 23rd February 2009. The Player is free to play again on 24th February 2009.

Costs

The Panel imposed an order of costs of £150 against the Player/Club, in compliance with DR 8.3.1 and Appendix 6 of the DR.

Right of Appeal

The Player is advised of his Right of Appeal and the procedure thereof under DR 12.1.1.

Signed: Mike Curling, Chairman.

Date: 20th January 2009.