

RFU – GUINNESS PREMIERSHIP

DISCIPLINARY HEARING

At: Park Inn, Heathrow

On: Tuesday 7 April 2009

JUDGMENT.

Player: Butch James **Club:** Bath Rugby

Match: Bath Rugby v London Wasps

Venue: Recreation Ground **Date of match:** 1st April 2009

Panel: Jeff Blackett (Chairman), Jeff Probyn and Jon Dance

Secretariat: Liam McTiernan

Attending: The Player.
Dave Guyan – Team manager Bath
Owen Eastwood – Legal representative
Budge Poutney – Citing Officer
Riki Flutey (by telephone)

The Citing Complaint

1. The Player was cited for stamping on an opponent contrary to Law 10(4)(b). He denied the offence. The citing report stated:

“Wasps 12 receives ball on the Bath 22m line and runs at Bath defence. Wasps 12 makes contact with Bath 10 who fails to complete the tackle. Bath 4 makes the tackle on Wasps 12. Bath 10 then rejoins the contact situation at the back of the contact area towards the nearside of the touchline. Bath 10 looks down at Wasps 12 and raises his right foot and stamps down with some force. It is clear to hear a section of the crowd moan immediately after the contact of Bath 10’s boot. Unclear where the contact was definitely made but Wasps 12 head is seen to move with the force of Bath 10’s stamp which intimates the contact was made at the upper end of shoulder/neck/head height. The incident is unclear on Sky DVD. Wasps 12 carries on playing through the game, with no apparent injury.”

The citing officer did not speak to the match officials and opined: “they obviously did not see it otherwise they would have flagged it.”

2. The panel viewed the DVD recording of the incident. The Player attempted to tackle Wasps 12 (Flutey) but was handed off. He fell backwards but then came forward to the ruck which was forming after Flutey had been tackled. The Player

then lifted his right leg and stamped downwards. The view was restricted and it was not possible to identify where his foot landed, but it was just possible to see Flutey's head move backwards. The Player then moved away as Wasps won the ball and moved it towards the left. There was no reaction from any of the players, and the DVD showed Flutey getting up seemingly unconcerned. As play progressed to the right the DVD footage showed Flutey jog across the screen, again seemingly unconcerned.

3. The Player said that after he went to the back of the contact area he saw that Flutey had not been held and he was still moving forward on the ground. He stamped in front of him to indicate that he should not go forward any more and Flutey immediately pushed the ball backwards. He stated that he did not stamp or attempt to stamp on Flutey nor did he intend to stamp on him.

4. Riki Flutey gave evidence via a telephone link. He said that after he had been tackled he was not held so he continued to move forward. He saw the Player stamp on the ground in front of him so he recycled the ball backwards. He said there was no contact, he suffered no injury and had no complaint about anything the Player did.

Decision

5. There is insufficient evidence before the Panel to support an allegation of foul play against the Player. Although the DVD clearly shows the Player stamp downwards with some force at the back of the ruck it is impossible to see any contact. Although the Panel thought that his explanation was extraordinary, we believed what he had to say, particularly as his account was corroborated by Riki Flutey. We therefore dismiss the citing: the Player is free to play with immediate effect.

Costs

6. There is no order for costs.

Signed: ***Jeff Blackett***
Chairman

Date: **8 April 2009**