

RFU DISCIPLINARY HEARING

Holiday Inn, Filton, Bristol

3rd November 2008

Player: Richard Baxter **Club:** Exeter RFC
Match: Plymouth Albion RFC v Exeter RFC **Date:** 11th October 2008
Venue: Plymouth Albion RFC
Panel: Mike Curling (Chairman) David Martin and John Doubleday
Secretary: Bruce Reece-Russel
In attendance:

the Player
Peter Drewett-Director of Rugby-Exeter RFC
Christopher Over - Solicitor

Graham Dawe - Chairman of Rugby - Plymouth Albion RFC
Jon Colam - Director - Plymouth Albion RFC
Geoff Griffiths - Player at Plymouth Albion RFC
Ian Dixey - Counsel

To consider: the citing by Plymouth Albion RFC of the Player for dangerous charging contrary to Law 10(4)(g)

Preliminary Matters

The Chairman introduced the Panel. There was no objection to the composition or constitution of the same.

There were no other preliminary matters for consideration.

Charge and Plea

The Charge sheet was read out. The Player pleaded not guilty to the charge.

Evidence as to fact

The Panel considered:

- (a) the citing document dated 24th October 2008
- (b) submissions from Mr.Dixey
- (c) evidence from Mr.Griffiths
- (d) the match DVD
- (e) submissions from Mr.Drewett
- (f) evidence from the Player and
- (g) submissions from Mr.Over

The citing

The citing document referred to the nature of the alleged offence as being under "Law 10D" though there was reference to a "shoulder charge". The matter proceeded under a correct reference to Law 10(4)(g).

Mr. Dixey referred the Panel to the match DVD which was viewed by the Panel at full speed, slow motion and enlargement. He said that immediately after the incident Mr. Griffiths had returned to his position but had "collapsed" shortly thereafter. Mr. Griffiths had lost a wisdom tooth and sustained a double fracture to the angle of his left lower jaw. Mr. Dixey pointed out that Mr. Baxter's hands had been down the whole time and that there had been no attempt to tackle. He said that the DVD (in slow motion) showed Mr. Baxter look up and raise his left shoulder which made contact with Mr. Griffiths face. There had been no attempt to "go for the ball" and indeed Mr. Baxter had stepped backwards immediately before the contact.

Mr. Griffiths confirmed the matters mentioned by Mr. Dixey and said that he had taken the ball into contact. He was "half tackled" by the Exeter winger. Upon contact he had "seen stars", had been "mildly concussed" and heard a "crunching noise". He continued to play but shortly after had to be treated initially by the club physio and then the club doctor and he left the field of play. He said that he'd undergone 90 minutes of reconstructive surgery involving (inter alia) the insertion of 4 screws in his lower jaw. He had no doubt that the injury was caused by the contact with the Player.

Mr. Over asked Mr Griffiths whether anybody had at the time suggested that the incident "was Mr. Baxter's fault". Mr Griffiths replied in the negative.

Defence Case

Mr. Over pointed out initially that the Player had played c 300 games for his club and not previously been cited nor received a red card. He said that the Exeter club were genuinely sorry for the injury to Mr. Griffiths. He suggested that the DVD shows Mr. Baxter bending his legs shortly before the impact and that the right arm is rising to make a tackle. He pointed out that the actions of the Exeter winger (whilst perfectly legitimate) were a contributory factor to the collision. He reminded the Panel of the close proximity of the referee and that there had been no reaction or remonstrations by other players.

Mr. Drewett explained that the DVD shows the Player's right arm being raised so as to be able to make a tackle and that there is a bending of his knees. He felt that Mr. Griffiths "had been sandwiched" between the Player and the Exeter wing and that the collision was accidental. He further said that it was effectively the Player who absorbs the "power coming through from Mr. Griffiths"

Mr. Baxter said that he was “getting set” for the tackle but that almost simultaneously his winger had tackled Mr. Griffiths from a different angle driving Mr. Griffiths on to him. He had intended to make a tackle and had not intended to shoulder charge his opponent or to cause him injury.

Mr. Over submitted that the Players actions were neither intentional nor reckless. The charge was one of “dangerous charging” but Mr. Baxter had not moved towards Mr. Griffiths indeed he had very slightly moved backwards to absorb the impact he knew was coming. It was impossible to know what else he could have done.

Findings

Having carefully examined the DVD and the submissions the Panel determined that the citing club had not proved on the balance of probabilities that the Player had dangerously charged Mr. Griffiths but rather that this had been an unavoidable collision given the distance that was closed very quickly between the two players and the actions of the Exeter wing. The citing was therefore dismissed.

Costs

Neither party made any application for costs which should therefore lie where they fall.

Mike Curling
Chairman

Dated: 6th November 2008