

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, Farnborough

DATE: 24 February 2009

Player: Christophe BLANDIN

Club: Farnborough RFC

Match: Aldershot & Fleet RFC ("A&F") v Farnborough RFC ("FRFC")

Venue: Aldershot Park **Date of match:** 3 January 2009

Panel: Jeremy Summers (Chairman) Jonathan Dance and Paul Murphy ("the Panel")

Secretary: Bruce Reece-Russel

In attendance:

Farnborough

Christophe Blandin ("the Player")
Gary Allcock – Hon. Secretary
Antony Wakeford – supporter

Aldershot & Fleet

Steven Love – player
Martin Booth – Club Captain
Barry Warner – Head Coach
Darren Waters – Assistant Coach

Hampshire RFU

Jed Stone – Disciplinary Officer
Simon Thomas – Referee's Assessor

PRELIMINARIES

1. The Panel convened to hear the following matters alleged against the Player:
 - a. A citing brought by A&F alleging that the Player had stamped on an opponent contrary to Law 10 (4) (b). This offence was denied.
 - b. A citing brought by A&F alleging that the Player had struck an opponent contrary to Law 10 (4) (a). This offence was denied.

- c. A citing brought by Mr Simon Thomas the Referee's Assessor appointed for the match alleging that the Player had struck an opponent in a separate incident contrary to Law 10 (4) (a). This offence was admitted.
 - d. A further citing brought by Mr Thomas alleging that the Player had struck an opponent in a further and separate incident contrary to Law 10 (4) (a). This offence was admitted.
2. The player did not object to the composition of the Panel. The Panel outlined the procedure to be followed during the hearing to the Player and his representative Mr Allcock and no other preliminary issues were raised.
3. The Panel considered:-
 - a. Evidence from Steven Love.
 - b. Evidence from Darren Walters.
 - c. Evidence from Barry Warner
 - d. Evidence from Martin Booth.
 - e. Evidence from the Player.
 - f. Evidence from Anthony Wakeford.
 - g. A report from Mr Thomas dated 14 January 2009.
 - h. Submissions from Mr McEvelly.
 - i. Submissions from Mr Allcock.

THE CONTESTED CHARGES

4. Mr Love gave evidence to the effect that he had tackled an attacking opposition player and had gone to ground. The ball was recycled by FRFC and quickly distributed to the next phase of the attack. Mr Love was still lying face down when he felt a single stamp to his lower right back. He reacted by looking up to and stated that he had clearly seen the Player, and that it was the Player's foot that he had pushed away. He then tried to get to his feet and, whilst still on his knees, was struck once by the Player with the blow connecting underneath his right eye.
5. With reference to the stamp, he further confirmed that although he was unsighted, he had heard the call "ball gone" before he was stamped upon. He

had no doubt that the Player was the offending party because he had looked directly at him before the Player had run away to rejoin play. In cross examination he confirmed his certainty as to the identity of the Player. He was also certain that the stamp could not have been delivered accidentally from his own team, because when he pushed the Player's foot away he saw his Farnborough sock. He asserted there was definite force behind the stamp although no marks had been left. He was equally adamant that the force had been delivered by a downward motion and not a rucking motion. In any event he reiterated that, as far as he was concerned, the ball was out before he felt the stamp. He indicated that there was space between him and the opponent he had tackled in which the Player could have safely trodden had he so wished.

6. In his evidence, Mr Walters indicated he had been standing virtually in line with the breakdown described by Mr Love and about 10 metres away. He was clear that he had seen the Player stamp on Mr Love and that, as Mr Love was getting up, the player had then punched Mr Love. He too claimed that the ball had been won by Farnborough and had been moved away from the breakdown prior to the stamp. He demonstrated the stamp to the Panel and indicated that there was one single, and firm, vertical up and down movement of the Player's leg. He was clear that the Player was wearing number 5, because he saw that number as he ran away. He recalled that the Player had been on his feet at all times. He asserted that there had been no provocation. Although the referee had been well positioned, he had been following the ball when it left the breakdown and therefore did not see the stamp.
7. Mr Booth similarly described the incident. He had been standing in the defensive line to the left of the breakdown. He had seen the stamp, and then looked away to follow the ball. He then heard a shout behind him and had turned round to see the punch. He indicated that he had seen the ball move out to the backs at a distance of between 5 and 10 metres before seeing the single stamp to Mr Love's back. He similarly thought the Player had been on his feet throughout.
8. Mr Warner had been standing beside Mr Walters, and therefore had a similar view. Although he too described the stamp followed by the punch in similar terms to the previous witnesses, in cross examination he indicated that the Player may have been on the ground before getting up to stamp on Mr Love.

He was aware of a large red mark underneath Mr Love's eye following the punch. However he was not aware of the need for any medical treatment following either incident. He confirmed that he had discussed the incident with Mr Walters at the time, but denied that they had prepared their statements together. In his view it was a malicious, unprovoked attack.

9. M. Blandin then gave evidence on his own behalf. He denied both the stamp and the first punch. He nevertheless accepted the two later punches as cited by Mr Thomas. He similarly confirmed that he did not challenge the content of Mr Thomas' report.
10. When asked why A&F should make up further incidents given his admitted involvement in later acts of foul play, M. Blandin indicated that there was some form of conspiracy to prevent him playing in the area and that this may have been borne out of the some broad animosity due to his French origin. He indicated that his intention at all times whilst at the ruck concerned was to protect his line. He was trying to ensure that FRFC retained possession in the attack by legitimately clearing out at the ruck. He was not aware of having any trodden on Mr Love, but accepted that he could have perhaps done so accidentally. When asked why he had been trying to clear out apparently after the ball had gone, he indicated (commendably) that, as a prop, he was not a quick player.
11. Mr Wakeford was the last witness to give evidence before the Panel. He indicated that he had not seen a stamp but had seen M. Blandin punch an opponent. He also indicated that it was this punch which had then led to a melee involving officials and supporters in the crowd (an incident that is the subject of separate RFU proceedings). It was common ground that the breakdown which occurred following Mr Love's tackle as set out above had immediately preceded that melee.

THE ADMITTED CHARGES

12. The material part of Mr Thomas' report read as follows:

« In the second half at 28 minutes (running time, including a lot of injury time) an incident involving coaches and spectators erupted on the far touchline to me, following

an A&F player being on the ground post tackle, and an A&F replacement running onto the pitch. The referee was stopping most players getting involved. Then I saw M. Blandin (#5 Farnborough) walk across towards me from the far side, checking the ref wasn't looking, and punch an unsuspecting Aldershot & Fleet player on the head with a hard pre-meditated blow. The player remained standing as M. Blandin walked away. This occurred on the 15m line just inside the A&F half opposite where I was standing on the touchline.

Towards the end of the second half a maul took place around the half way line and within the 15m line-out line, less than 20 m from my position). After the ball had gone open to the Farnborough backs and the referee had gone with it, on the blind side of the maul closest to touch, M. Blandin (#5 Farnborough) targetted a dis-engaging A&F player, who was looking to follow the ball, and punched him with a round 'haymaker' blow to the face. This made the A&F player stagger, but he did not retaliate. »

13. As noted, M. Blandin did not challenge that report

FINDINGS AS TO GUILT

14. The Panel carefully considered all the evidence and the helpful submissions made by Mr Allcock and Mr McEvilly on behalf of the RFU. The Panel reminded itself of the test to be satisfied by the citing parties, namely that the charges had to be proved on the balance of probabilities.
15. Although the Panel had some concerns as to the similarity of the evidence given by A&F witnesses, it nevertheless found that the evidence was credible and accordingly was satisfied, to the standard required, that the Player was guilty of the two offences he had denied.
16. The Panel found the Player guilty of the remaining two charges on his own admission.
17. The Player was advised of the Panel's findings accordingly, and Mr Stone of Hampshire RFU was then able to inform the Panel that the Player had two previous disciplinary matters recorded against him. In season 2004/2005 he had received an 8 week suspension for punching an opponent. He had also been suspended in September 2007, on that occasion for 4 weeks, again for punching.

MITIGATION

18. The Player is 38 and has been playing rugby since his youth. He has played semi-professional rugby both in France and for Blackheath in England. He is well regarded by A&F as staunch club member who will play for lower terms when needed and takes an active part in encouraging and coaching the clubs younger players. Mr Allcock submitted that in all the circumstances the Player's offending for each offence should be assessed as being at the mid-range of the scale of seriousness and that all sanctions should run concurrently with each other.

FINDINGS AS TO SANCTION

19. The Panel considered the criteria prescribed by RFU Disciplinary Regulation ("DR") 8.2.5 in respect of each charge brought against M. Blandin.
20. In respect of the first charge of stamping the Panel found that this had been an intentional act on a prone Player. The act had consisted of a single stamp to the lower back, but had had no effect on the game. There had been no provocation and the action was completed. There was no evidence of injury and, in light of that fact in particular, the Panel assessed the offending as being a mid range offence.
21. The mid range entry point for stamping is 5 weeks. The Panel found no aggravating features¹ to be present but, having regard to the Player's not guilty plea and previous record, held that no discount was available on mitigation². The Player was accordingly suspended for a period of 5 weeks for this offence.
22. With regard to the first offence of striking (involving Mr Love) this was again an intentional and unprovoked act. There was evidence of some injury. Significantly there was also evidence that this incident had led to a disturbance in the crowd involving both officials and spectators. In light of those facts the Panel assessed this offence as being at the top end of the scale of seriousness. The top end entry point of this offence is between 8 and 52

¹ DR 8.2.7

² DR 8.2.8

weeks. As required³ the Panel then went on to assess the appropriate entry point between those stipulated periods and had regard to the relevant Practice Note⁴ issued by the RFU Disciplinary Officer. In the Panel's view the appropriate entry point was one of 10 weeks.

23. As with the stamping the Panel found that no aggravating features were present, but that no discount on mitigation was merited. The suspension for this offence was accordingly a period of 10 weeks.
24. The two offences were clearly linked and on the evidence almost instantaneous in time. The Panel therefore determined that these two sentences should run concurrently with each other.
25. Turning to the two admitted offences, both involved intentional unprovoked actions. Thankfully neither appeared to have caused any injury, nor have any effect on the game. However from the narrative in Mr Thomas' report both could be termed as cheap and cynical punches. In the circumstances the Panel assessed both offences as being mid range and carrying a 5 week entry point accordingly.
26. No aggravating features were present. In light of the guilty pleas a discount of 1 week was given for both offences. A suspension was therefore imposed of 4 weeks for each offence.
27. These offences were separate, and additional, incidents and the Panel therefore determined that both sanctions should run consecutively with each other and with the earlier offences.

SANCTION

28. The Player was accordingly suspended for a total of **18 weeks**.
29. The Panel took into account the fact of the intervening close season, and the Player was therefore suspended as follows:
 - From 25 February 2009 to 2 June 2009 inclusive; and

³ Dr 8.2.6

⁴ DR Appendix 9 - RFU Guidance Note 3

- From 18 August 2009 to 15 September 2009 inclusive.
30. The Player is free to play again on 16 September 2009.
31. The Player's offending constituted a worrying and regrettable series of incidents that occurred within 20 minutes of each other. In the Panel's view it was likely that these were intended more to intimidate than to injure. However foul play of this kind has no place in rugby or any sport, and it is hoped that the Player will reflect on that point before he resumes his playing career.

COSTS

32. Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of the hearing of £100 in accordance Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgment⁵.

RIGHT OF APPEAL

33. The Player was advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14th day following receipt of this judgment.⁶

Jeremy Summers
Chairman
3 March 2009

⁵ Regulation 8.3.2

⁶ Regulation 11.2.3