

RFU – GUINNESS PREMIERSHIP

DISCIPLINARY HEARING

At: Park Inn, Heathrow

On: Tuesday 7 April 2009

JUDGMENT.

Player: Julian White **Club:** Leicester Tigers RFC

Match: Leicester Tigers v Sale Sharks

Venue: Welford Road **Date of match:** 4th April 2009

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

Secretariat: Liam McTiernan

Attending: The Player.
Peter Wheeler – CEO Leicester
Simon Cohen – Head of Rugby Operations Leicester

1. The Player (wearing number 3) was sent off in the 22nd minute of the first half for striking Andrew Sheridan (wearing number 1). He indicated in advance of the hearing that he accepted the referee's report and did not contest the award of the red card. He did not object to the composition of the panel.

The Facts

2. The Referee's report stated:

“In the 22nd minute of the first half as a scrum stood up, I saw the Leicester number 3 and Sale number 1 push each other. I then saw the Leicester number 3 punch the Sale number 1 to the face. The punch connected and caused the Sale number 1 to fall to the floor. I blew my whistle, eventually the players separated. I then spoke to my touch judge and told him what I had seen. He informed me he had nothing to add. I then asked the Leicester number 3 and the Leicester captain to come to me, I then sent the Leicester number 3 off.”

3. The video of the incident showed the scrum breaking up as Leicester moved forward. Sheridan stood up and the Player grabbed his left leg with his right arm and lifted it off the ground. As both players stood they began to push each other and then Sheridan punched the Player in the face. His fist connected with the nose/mouth area, but it was at the full extent of his reach and contact was light. The Player then punched Sheridan, his fist making contact with the side of his face. Sheridan fell to

the floor and there was a melee involving a number of players. Jason White (Sharks) was involved in calming down the melee and the Player drew his fist back as though to punch Jason White. However he did not go through with the punch. Sheridan was not on the ground for long – he got up quickly and appeared to be unaffected by the blow.

4. The Player said that as the scrum broke up Leicester were still moving forward and he grabbed Sheridan's leg to maintain his balance and to prevent him from falling over. He accepted that this caused the pushing which ensued. However, he said he punched Sheridan in response to the punch which he received. When asked why he stopped himself from punching Jason White he said: "Because it was not Andrew Sheridan." He and Sheridan are friends and he subsequently apologised for punching him. Sheridan has subsequently sent a message via e mail to the panel in this he confirmed that he and the Player shook hands by way of an apology both at half time and immediately post match. Consequently they left Welford Road on good terms.

Decision on Entry Point

5. The Panel concluded that the punch was deliberate and it caused a short and minor flare up between the players. Although it knocked Sheridan over, this was more because he had been off balance and he was not hurt by the punch. The Player was provoked by a punch from Sheridan. In those circumstances the Panel decided that this could be classified at the Low End of the scale of seriousness.

Mitigation

6. Mr Cohen submitted that there were no aggravating features. In particular he addressed the Panel on whether the Player's status in the game should be considered as an offender of the laws (in accordance with RFU Disciplinary Regulation 8.2.7(b)). He acknowledged that the Player had the following matters recorded against him:

| | | |
|--------------|---|--|
| April 2002 | - | Striking – suspension 2 weeks |
| October 2002 | - | Striking with the head – suspension 10 weeks |
| October 2005 | - | Striking – suspension 8 weeks |
| January 2008 | - | Striking – suspension 5 weeks |
| May 2008 | - | Stamping – suspension 1 week |

He said that in every striking case the Player had always reacted to provocation. He was not malicious, nor did he initiate violence. However he played in the front row where, to succeed, a player has to respond robustly to physical challenge. In this particular case there were two of the best props in the world competing in a match which both teams had to win. Within that contextual setting, the Player had responded instinctively to being punched – there was no premeditation.

7. Mr Cohen brought the judgment of the May 2008 case to the attention of the Panel. He said that in that case (Mr Christopher Quinlan chairing) the Panel determined that the Player could properly be characterised as a persistent offender but that the mitigating factors identified in that case outweighed that single aggravating feature. He urged the Panel to adopt the same course of action in this case,

particularly as most of the mitigating factors listed in Regulation 8.2.8 were present: the Player acknowledged culpability immediately and did not seek to contest the referee's report, his conduct prior to and at the hearing was impeccable and he showed remorse.

Sanction

8. As already indicated the Panel categorised this offending as being at the LOWER END of seriousness. The LOWER END entry point for striking is 2 weeks suspension. The Panel considered the Player's status in the game. Although two of the matters occurred in 2002 and are therefore seven years old, he offended again in 2005 (albeit when he reacted to provocation) and there were two further matters at the end of last season. In considering the Player's status the Panel are required to take into account the Player's disciplinary record in all competitions and in other sports during his playing career from the age of 18¹. Clearly the older the offences the less relevant they are, and a number of offences followed by several years of unblemished activity might lead a Panel to conclude that a player is not an offender of the laws. That is not the case here where the Player has been sanctioned three times since 2005 in addition to the two earlier matters. The Panel therefore determined that as a matter of fact the Player's record is such that he can properly be classified as having the status of an offender of the laws of the game. That status is an aggravating feature.

9. The Panel accepted Mr Cohen's submissions on mitigating factors which would normally merit a reduction from the entry point, but in this case the Panel determined that they were effectively cancelled out by the aggravating feature. That is, had the Player not had the status of an offender of the laws of the game, and had demonstrated other mitigating factors, a suspension of one week for this punch would have been consistent with other similar offences. In those circumstances, therefore, the appropriate sanction is a suspension for 2 weeks.

10. The Player is suspended for two weeks from 7 – 20 April and may play again on 21 April.

Costs

11. Costs of £250.00 are awarded against the Player/club.

Right of Appeal

12. The Player is reminded of his right of appeal against this decision.

Signed: **Jeff Blackett**
Chairman

Date: **8 April 2009**

¹ RFU Disciplinary Regulation 8.2.7(b) footnote 1