## **RUGBY FOOTBALL UNION**

#### **DISCIPLINARY HEARING**

**VENUE:** Holiday Inn, Bloomsbury, London

DATE: 12 October 2009

Player: Gary JOHNSON Club: London Irish

Match: Wasps A v London Irish A

Venue: Wasps Date of match: 5 October 2009

Panel: Jeremy Summers (Chairman) Peter Budge and Elizabeth Riley ("the Panel")

Secretary: Brenda Parkinson

In Attendance:

Gary Johnson ("the Player")
Kieran McCarthy – London Irish Senior Rugby Manager
Justin Bishop – London Irish A Team Coach

#### **DECISION**

1. The Player was found guilty on his own admission of an offence of stamping contrary to law 10.4 (b). He was suspended from playing rugby for 1 week. The suspension will run from 7 to 13 October 2009 inclusive. He is free to play again on 14 October 2009.

## **PRELIMINARY ISSUES**

- 2. The Player did not object to the composition of the Panel, it having been noted that Ms Riley currently plays for Wasps. No other preliminary issue arose.
- 3. The Player pleaded guilty to the charge which alleged that he had stamped on an opponent, with the offence having taken place in the 59<sup>th</sup> minute of the game.

#### **EVIDENCE**

- 4. The Panel considered:
  - a) The Sending Off Report.
  - b) The match recording.
  - c) Oral testimony from the Player.
  - d) Submissions from Messrs Johnson and McCarthy.
  - e) A letter dated 7 October 2009 from London Irish to the Player.

- 5. The Sending Off Report, which was agreed, recorded as follows:
  - "With Wasps on the attack, London Irish #4 stepped over a ruck as the Wasps #9 was in the process of picking up the ball. It appeared as though Irish #4's intention was to try and knock the ball out of the Wasps player's hands but he succeeded only in kicking the Wasps' #9 on the top of the head. The over-riding impression of the incident was that it was clumsy rather than malicious but a boot to the head of an opponent left little alternative to a red card."
- 6. The report further indicated that Wasps 9 had received a cut to the top of his head but had been able to continue playing.
- 7. The match recording was then viewed, which corroborated the Referee's report. This was consistent with the match recording and showed that the Player came through the middle of the ruck leading, with some force, with his left leg. In so doing he struck Wasps 9 who reacted immediately and fell backwards to the ground.

### **MITIGATION**

- 8. The Player gave evidence on his own behalf. He explained that Wasps 9 had control of the ball and had moved its position at the back of the ruck. The ruck was accordingly over and, as coached, he had attempted to prevent release of the ball by lawfully stepping through the ruck. He had misjudged this action and had inadvertently made contact with Wasps 9. He accepted that this was foul play and stated that he had immediately apologised to Wasps 9 and had done so again after the game.
- 9. He is 25 and has been with the London Irish Academy since 2002. He was awarded a senior contract 3 years ago and had a previously unblemished disciplinary record.

## **FINDINGS**

- 10. As required, the Panel conducted an assessment of the Player's conduct<sup>1</sup> and found as follows:
  - a) The offending was not intentional.
  - b) The offending was however clearly reckless.
  - c) The Player in essence had, as the Referee described, been clumsy when attempting to go for the ball. As a result his boot had made contact with an opponent's head. There was no provocation and the action was not retaliatory.
  - d) There was no significant effect on the victim who continued playing after treatment.
  - e) There was no effect on the game.
  - f) Wasps 9 was in the process of clearing out the ball from a ruck and, not perhaps anticipating the Player's action, was to a certain extent vulnerable.

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<sup>&</sup>lt;sup>1</sup> 8.2.5 DR (IRB Regulation 17.14.2)

- g) There was no premeditation.
- h) The offending was completed.
- i) There were no other relevant factors.
- 11. In light of these findings, the Panel assessed the offending as being at the LOW END of the scale of seriousness. The low end entry point for this offence as prescribed in Appendix 2 DR is a suspension of 2 weeks.
- 12. The Panel considered the aggravating factors set out in the DR<sup>2</sup>, and found none to be present.
- 13. The Panel then considered the mitigating factors as set out in the DR<sup>3</sup>. The Player had pleaded guilty, had a clear disciplinary record and had expressed genuine remorse before the Panel. In those circumstances the Panel felt able to reduce the entry point suspension by 50 %.

## **SANCTION**

- 14. The Player was accordingly suspended from playing rugby for a period of 1 week. London Irish had already held its own disciplinary proceedings on 7 October and had stood down the Player pending the hearing. He had accordingly missed being included in the Club's Heineken Cup squad at Leinster.
- 15. The Player was accordingly suspended from 7 to 13 October 2009 inclusive and is free to play again on 14 October 2009.

### COMMENT

- 16. The Panel would wish to express its gratitude to London Irish for the speed and efficient way it conducted internal disciplinary proceedings. However, as the club accepted there is a risk that, in coaching players to come through a ruck in this way, there is a clear risk of foul play occurring even if it is only reckless (as defined in Note 1 to Appendix 9 DR) in nature.
- 17. If injury results from such an act, future disciplinary panels may conclude that the offending should not be categorised as being at the low end of the scale of seriousness. All clubs may accordingly wish to reflect on this point.

#### COSTS

18. Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of the hearing of £250 in accordance with Appendix 6 DR, such costs to be paid within 21 days of receipt of this judgment<sup>4</sup>.

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<sup>&</sup>lt;sup>2</sup> Regulation 8.2.6

<sup>&</sup>lt;sup>3</sup> Regulation 8.2.7

<sup>&</sup>lt;sup>4</sup> 8.3.2 DR

# **RIGHT OF APPEAL**

19. The Player is advised of his right of appeal which must be exercised within 14 days of receipt of this judgment.

# **Jeremy Summers**

Chairman 14 October 2009