

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Filton, Bristol

On: Monday 27 September 2009

JUDGMENT

Player: Darren O'Reilly

Club: Birmingham & Solihull RFC

Match: Plymouth Albion v Birmingham & Solihull RFC

Venue: Plymouth

Date of Match: 5 September 2009

Panel: Rick Charles (Chairman), John Doubleday and Jonathan Dance

Secretary: Liam McTiernan

Attending: The Player.
Russell Earnshaw (Birmingham & Solihull RFC)

Charge and Plea

1. The Player was charged with striking contrary to Law 10(4)(a), in that he struck an opponent during (38th minute of the second half) of the match Plymouth Albion v B Birmingham & Solihull. He denied the offence.

The Facts

2. The Panel read the RFU Discipline Report dated 7 September 2009 and signed by the Referee, Mr Luke Pearce, and the Assistant Referee, Mr Mark Summerhayes. The report describes an incident 78 minutes into the game during the second half and states as follows:

"A scrum was awarded on the Birmingham 5 metre line 5 metres from the goal line and 5 metres from the touch line. As the ball had left the scrum and the players were breaking up a fracas broke out between both front rows. In the ensuing fracas I saw the Birmingham No 16 Darren O'Reilly punch the Plymouth hooker in the side of the head. I raised my flag to signal foul play and after informing the referee of what I had seen he decided to issue a red card to the Birmingham player. The Plymouth Player was not injured in the incident and continued to participate in the game. After the game had finished the Birmingham Player apologised to

the referee about the incident."

The Assistant Referee gave evidence through a telephone conference call. He confirmed the content of his report and added that he had reported the incident to the Referee on the microphone. He had moved away to indicate to the defending backs where they should be. As he moved back he saw the front rows of both side stand up. He did not see what started the fracas but saw the Player punch the opposition hooker on the side of the head with his left hand.

3. The panel then viewed the DVD recording of the incident at normal speed and frame by frame. The scrum is set with a Birmingham put in. The front rows engage and the Birmingham scrum half bends down to put the ball in. The scrum moves sideways towards the touch line. The Plymouth loosehead prop turns approaching 90 degrees boring in on the Player. The Referee blows his whistle and moves towards the scrum indicating that it should break up. All the forwards on both sides stand up with the exceptions of the front rows. As the front rows stand up the Player who was playing as the tighthead prop swings his left arm towards the right side of the Plymouth hooker's head. His hand passes in front of the hooker's face and there is no clear contact. The hooker ducks down and towards the Player and they grapple for a matter of seconds until quickly separated by other forwards from both sides.

4. The Player denied that he had struck the Plymouth hooker. He explained that he had been on the field for about 16 minutes. There had been no other incidents. Immediately after the scrum engaged he was struck twice with a knee at the top of his face by the Plymouth hooker. The Player accepted that he was upset by this and that he reacted badly but denied that he had punched with his left hand. He is right handed and was using his left hand to try and grab the Plymouth hooker by the shirt but he did not make contact.

Finding

5. The Panel reviewed the DVD recording a number of times at a variety of speeds and took account of what the Player had said. We found the Player to be a credible witness and we accepted his account. Although we concluded that it was probably the Player's intention to punch the Plymouth hooker with his right fist having first got hold of his shirt in the left hand, on the evidence available to us we were not satisfied on the balance of probabilities that there was contact between the Player's left hand and the Plymouth hooker. Accordingly we were not satisfied to the required standard that the Player struck the Plymouth hooker and we found that he did not

6. Accordingly we dismiss the charge but we made it clear to the Player that his reaction short of striking was unacceptable and we warned him about his future conduct. Our finding should not be seen as any criticism whatsoever of the Referee whose on the spot decision to award the red card was based on the report to him of an incident that took place very

quickly. Viewing the incident at normal speed we could see exactly why that recommendation had been made and that decision had been reached. However, we were able to view the incident a number of times using technology not available to the match officials and with that advantage have come to a different conclusion.

Costs

7. No Order for costs is made.

Rick Charles (Chairman)