

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Filton, Bristol

On: Monday 27 September 2009

JUDGMENT

Player: Mal Roberts

Club: Launceston RFC

Match: Cinderford v Launceston

Venue: Cinderford

Date of Match: 5 September 2009

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

Secretary: Liam McTiernan

Attending: The Player.
Jim O'Hara (Launceston RFC)

Peter Glanville (Cinderford RFC)

Adrian Duncan (Cinderford RFC)

Charge and Plea

1. The Player was cited by Cinderford RFC for the offence of stamping contrary to Law 10(4)(a), in that he stamped on an opponent during (28th minute of the first half) of the match Cinderford v Launceston. He admitted the offence but suggested that it was a case of careless rucking.

The Facts

2. The Secretary confirmed that the Referee did not see the incident and would not be giving evidence. Peter Glanville presented the case on behalf of Cinderford RFC, the citing club, stating that the player injured in the incident, Adrian Duncan, was a full time professional with the Gloucester Academy Squad and was on the verge of breaking through into the Gloucester squad. By reference to a DVD of the incident which we watched, he described the incident. Adrian Duncan had come onto the pitch as a replacement hooker about 2 minutes before the incident. A

Launceston player is tackled near the halfway line and goes to ground. The ball was recycled by a Launceston Player who is tackled by the Adrian Duncan wearing No 17 for Cinderford. Both players go to ground and a small ruck forms. Peter Glanville suggested that Adrian Duncan was on his feet facing his own side contesting for the ball. The Referee blows his whistle indicating a penalty to Launceston and as he does so the Player stamps downwards twice in quick succession with his left foot, looking downwards. It is not possible to see the precise place of impact of the position of the ball at the time.

Adrian Duncan gave evidence and his evidence of the build up to the incident was reflected in the DVD. He had just come on to the pitch and was keen to make an impression. He made the tackle on the ball carrier, took him to ground and went through the gate to contest possession of the ball. He felt a blow on the back of his left leg followed quickly by another. The ball was nowhere near his left thigh. He saw blood coming from a serious gash in his leg that required 10 stitches. He left the pitch and has not played since. In answer to Mr O'Hara, Mr Duncan stated that he believed he was legitimately contesting the ball on his feet. He described as absolutely ridiculous Mr O'Hara's suggestion that the wound may not have been caused by the stamping. He did not know which impact had caused the gash in his leg. He accepted that the referee had penalised him for not releasing the ball. He confirmed that he had received a letter from the Player that he regarded as a sort of apology with its reference to an "ungainly incident".

3. Peter Glanville drew our attention to the medical evidence, specifically the Physiotherapy Injury Report dated 11 September 2009 prepared by Paul Tanner, the Gloucester Rugby Club Academy Physiotherapist, and the Medical Report also dated 11 September 2009 by Dr James Lambert. Dr Tanner treated Adrian Duncan in the dressing room and describes the wound as in the shape of an inverted triangle on the posterior aspect of the left thigh with an estimated length of 12cm. Ten sutures were used to close the wound. The assessment of the Physiotherapist is the Adrian Duncan would be fit to play 28 days after the injury but we were told that an infection of the wound may delay this.

4. The Player stated that he had been trying to create quick ball and had been prevented from doing so by Adrian Duncan lying on the ball. He became frustrated and used his boot to remove him. There was no malice involved or intention to cause the injury which he regretted.

5. Mr O'Hara submitted that the Player was contesting the ball, trying to ruck it. This occurred in front of the Referee who quite properly did not reverse the penalty or take any action. He accepted that the second attempt to ruck the ball was a stamp. He also accepted that a distressing injury had been sustained, hence the apology. Mr O'Hara stated that there was no evidence that the injury was caused by the stamp, again suggesting that it may have been caused by something else. He suggested that the incident should be viewed as careless rucking not stamping and that a Low Entry point should be used as the starting point

to determine the appropriate sanction. Mr O'Hara stated that the Player is the Club Captain and has an unblemished record over a long rugby career. He told us that an internal disciplinary hearing had dealt with the matter as an act of careless rucking and has suspended the Player for a week.

Finding

5. The Panel was concerned that there was an inconsistency between the plea of guilty by the Player to the offence of stamping and the mitigation being advanced by Mr O'Hara based on careless rucking. The Panel decided to proceed on the basis of the guilty plea but having considered all the evidence made the following findings of fact. The Panel was satisfied on the balance of probabilities that the Player had deliberately stamped twice on the left thigh of Adrian Duncan causing the wound described by Dr Lambert. The Panel found the suggestion that the wound had not been caused in this way to be misconceived and highly unattractive in the circumstances. The Panel was satisfied to the required standard that a red card should have been awarded to the Player

6. The Panel considered the seriousness of the Player's conduct by reference to the factors set out in Regulation 8.2.5 of the RFU Disciplinary Regulations, including that the offending was deliberate, involved the use of the boot on a vulnerable player causing an unpleasant injury. The Panel accepted that the acts were not premeditated and that at the time Adrian Duncan was off his feet and slowing down the release of the ball. Taking all the relevant factors into account we determined that the offending was Mid Range.

7. The entry point for a Mid Range offence of stamping on an opponent is 5 weeks suspension. We considered whether there were any aggravating features and any mitigating factors. We viewed the expression of regret as rather late and qualified and we took the view that as Club Captain his example was poor. We took this into account together with the Player's acceptance, albeit somewhat qualified, of responsibility for his acts together with his good record and character. We determined that the Player should be suspended for 3 weeks but reduced this by a week to reflect the period of suspension for 1 week already imposed by the Club and served. The Player will be suspended for 2 weeks and able to play again on 13 October 2009

Costs

7. An order for costs of £200 is made against the Player/Club.

Rick Charles (Chairman)