RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Brighouse, Leeds

On: 22 February 2010

JUDGMENT

Player: Christopher Murphy

Club Hull RUFC

Date of Match: 6 February 2010

Panel: Mike Hamlin, (Chairman), Dr Barry O'Driscoll and Peter

Rhodes

In attendance: Ron Gibbins – President of Hull RUFC

Christopher Murphy – Player

To consider: That on the 6.2.2010, the player kicked an opponent during the 27th minute of the first half of the match Leicester Lions -v- Hull, contrary to Law 10(4)(c).

There were no preliminary points or objection to the composition of the Panel.

EVIDENCE AS TO FACT

The panel has considered the following:-

- 1. The report of the referee Mark Jackson.
- 2. Oral submissions from the player and Ron Gibbins.
- 3. Relevant e-mails passing between RFU Disciplinary Department and Hull RUFC.
- 4. The minutes of the Disciplinary meeting held by Hull RUFC on Monday 8 February.
- 5. The DVD of the incident.

The referee's report stated: "A line out formed 5 metres in to the Hull half. The ball was put in and won by the player. The ball had been passed from the line out – the referee followed the ball. The player was looking towards his own goal line and had a Lions player lying on the floor to his front. The player looked down and then kicked out at the player on the floor with his right foot striking the Lions player in the stomach. The assistant referee indicated foul play with his flag and informed the referee who stopped the game. The referee had not seen the incident and took the assistant referee's recommendation of a red card. The Lions player made no protest and the victim player received no treatment".

The player admitted the allegation. He admitted that on 3 previous occasions he had, whilst jumping for the ball and/or coming to ground, been interfered with by an opposing player. He had spoken to the referee about it. At the time of this incident nothing had been done and having viewed the DVD it was apparent that the player

had been interfered with in the act of his jumping for the ball. Out of frustration he admitted that he saw the player on the floor and "tapped" him with his foot. He admitted that there was no place in the game for this but it was a spontaneous act of frustration. Whilst he did intend to tap/kick him there was no intention to cause any form of injury merely to remind him that he should not have done what he did. The victim player suffered no injury, made no protest and there was no effect on the game. There had been two yellow cards prior to this incident for technical offences. The player had gone to the referee to apologise at half time.

The club had promptly held a disciplinary hearing on Monday 8 February and having deliberated on the offence had carried out an assessment in accordance with the RFU regulations and determined that this was a low entry offence and allowed 50% mitigation and had suspended the player from 8.1.10 until the date of this hearing, 22.2.10.

The player had an exemplary record having played rugby for 23 years, represented England at various levels including England Saxons, made 58 appearances in the Old Courage League First Division, 116 appearances in the Guinness Premiership and also played in the French Championship for one season. He was Captain of Hull RUFC and was involved with work within the community forging links with local schools, colleges and businesses. He had been a professional for 12 years and his disciplinary record was something he was proud of and he was bitterly disappointed to be sent off at this stage in his career. He was apologetic at the time and apologetic before the panel.

The panel found the allegation proved on the player's own admission. The panel then undertook an assessment under paragraphs 8.2.5 - 8.2.8 in accordance with the regulations in relation to the entry point and determined the following:

- (i) The act was intentional, there was no question of it being reckless but it was an act borne out of frustration;
- (ii) It was not a grave offence although the kick was not delivered with any force it was unacceptable;
- (iii) It had no effect on the game, nor any effect on the victim.
- (iv) The victim player was vulnerable in that he was lying on the floor.
- (v) There was no premeditation but it was an act of spontaneous intent.
- (vi) The act was completed although not with any significant force.

The panel having considered the matter found that there were no aggravating factors pursuant to paragraph 8.2.7.

Taking into account the above factors the panel accordingly determined that this was a low entry point of 4 weeks.

The panel then carried out an assessment of the mitigating factors which were as follows:

- 1. The player had an unblemished record. His conduct had been exemplary throughout his rugby career, having been a professional for 12 years and being a very experienced player, he ought to have known better;
- 2. He readily acknowledged his guilt at the time, apologising to the referee at half time and to the player after the game;
- 3. His conduct at the hearing was appropriate. He was clearly embarrassed in having to appear before the panel for this offence at this time in his rugby playing career;

4. Remorse was shown appropriately at the time of the incident and at the hearing.

The panel therefore determined, taking into account the above, that the player was in all circumstances entitled to a deduction of 50% on the low entry tariff of 2 weeks

SANCTION

The player is therefore suspended for a period of 2 weeks. The panel endorsed the suspension imposed by the player's club and taking into account the suspension he has served from 8.2.10 to 22.2.10, accordingly the player is therefore free to play again on 23.2.10. The player's club should also be commended at the speed with which they held their disciplinary hearing and for the manner in which they carried out the determination of the player's culpability. The minutes of the meeting were to be commended.

COSTS

The panel makes an Order for costs in the sum of £150 against the player/club.

RIGHT OF APPEAL

The player is reminded of his right of appeal and the procedure on appeal as set out in RFU Disciplinary Regulation 12.1.1.

Signed: Mike Hamlin
Chairman

Dated: 25 February 2010