

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Venue: Holiday Inn, Leeds/Brighouse

Date: 25th January 2010

APPEAL JUDGMENT

Player: Robert Baldwin

Club: Wharfedale

Match: Wharfedale v Launceston

Venue: Wharfedale

Date of match: 12th December 2009

Panel: Clif Barker (Chairman), Barry O'Driscoll and David MacInnes

Secretary to the Panel: Liam McTiernan

In attendance:

- (i) Robert Baldwin (Player);
- (ii) John Spencer (JS), Solicitor, representing the Player;
- (iii) Tony Simpson, RFU Press Officer, (Observer).

To consider: An appeal by the Player against a yellow card issued to him during the above game for an offence of striking with the fist, contrary to Law 10(4)(a)

Decision: **The Appeal is allowed and the yellow card rescinded.**

Preliminary matters:

The Player and JS confirmed that they had no objection to the composition of the Panel

Evidence as to fact

The Panel considered:

- (i) A Caution Report, dated 13th December 2009, signed by the referee and assistant referee;
- (ii) A DVD, produced by the Player;
- (iii) An e-mail dated 21st January 2010 from Tim Mathias;
- (iv) A notice of appeal dated 17th December 2009;
- (v) The oral evidence of the Player; and
- (vi) The oral representations and submissions of JS.

The Panel's Findings of Fact

- 1.** The referee, John Meredith, had issued the yellow card after the intervention of one of the assistant referees, Mr P G Fahey (AR). In the Caution Report, the AR recorded that the Wharfedale player, wearing number 8, was pulled back at a maul in the middle of the field and, in retaliation, struck out and hit the player who was pulling him back. On the recommendation of the AR, the referee issued a yellow card to both the Wharfedale number 8 and his opponent.

- 2.** The Panel accepted the Player's evidence that, although he was wearing the number 8 shirt, it was a case of mistaken identity and that the Player was not engaged in a maul in the middle of the field at the time but was out on the touchline in a wing position. The Panel also accepted the Player's evidence that the Wharfedale player who was pulled back and then threw the punch was the number 6, Richard Brown.

- 3.** The Panel also felt justified in accepting the Player's evidence because (i) a DVD, whilst falling short of showing the precise moment of the incident itself because the camera had by then followed play away from the maul, nevertheless clearly established that the offender was Richard Brown and not the Player, (ii) Richard Brown had in fact admitted that he was the player responsible and had been reprimanded and warned by the Club and (iii) Tim Mathias, the Launceston player yellow carded, had submitted written evidence confirming that the player who struck him was the Wharfedale number 6 (Richard Brown) and not the Player.

- 4.** On the evidence available to it, the AR was mistaken as to the number on the shirt of the offending player. In that respect, the Panel noted that the numbers on the Wharfedale shirts were small and the DVD revealed that, for example, the numbers 3, 6 and 8 could easily be confused.

Decision

Accordingly, the Player's appeal is allowed and the yellow card rescinded.

Costs

The Panel orders that the appeal fee of £100 is returned.

Clif Barker
Chairman

Date: 25th January 2010