RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, Bloomsbury

DATE: 17 November 2010

Player: David BURR Club: Richmond RFC

Match: Old Albanians v Richmond

Venue: Old Albanians Date of match: 23 October 2010

Panel: Jeremy Summers (Chairman), Philip Evans and Elizabeth Riley ("the Panel")

Secretary: Liam McTiernan

David Burr ("the Player")
Tony Gadsby-Peet – Chairman
Mark Matzopoulos – 1st XV Assistant Coach

DECISION

1. The Player was found guilty of stamping on an opponent contrary to Law 10.4 (b). For the reasons set out below he was suspended from playing rugby for a period of 5 weeks from 13 November 2010 (the date of a club suspension) until 18 December 2010 He is free to play again on 19 December 2010.

PRELIMINARY ISSUES

2. The Player did not object to the composition of the Panel, and no preliminary issues arose.

CITING

- 3. The Panel convened to consider a citing by Old Albanians dated 1 November 2010 in consequence of which the Player was charged with a single offence of stamping contrary to Law 10.4(b). The Player pleaded guilty to that charge.
- 4. The Panel considered:
 - i. The Citing Letter.
 - ii. The match recording.
 - iii. Statements from Paul Gustard and Stefanes Liebenberg.
 - iv. Submissions from Richmond.
- 5. Although the citing letter and Mr Liebenberg's statement referred to Mr Gustard's head having been stamped on twice, Mr Gustard's statement did not refer to two separate contacts.

- The match recording was viewed, but was not of assistance in showing the detail of the contact.
- 7. No on field treatment had been given to Mr Gustard, and there was no evidence of any injury having being dealt with following the game.

MITIGATION

- 8. The Player gave evidence. He accepted having trodden on Mr Gustard's head, but claimed he had not intentionally set out to do so or to cause injury.
- Mr Gustard had been preventing the quick release of the ball and the Player had therefore been trying to move him out of the way with his boot. He accepted this was unlawful rucking.
- 10. The Player is 28, has been playing for 21 years and has no previous disciplinary record. He stated he was surprised to have been cited, but accepted he had been guilty of foul play.
- 11. Richmond had convened its own disciplinary hearing on 13 November, assessed the offending as being mid-range and imposed an immediate 3 week sanction taking into account mitigation factors. The Panel would wish to commend Richmond for as always taking prompt and effective internal action.

SANCTION

- 12. The Panel undertook an assessment of the seriousness of the offending having regard to the criteria set out in 19.8.2.5 of the RFU Regulations. In this regard the Panel found as follows:
 - a) That the Player had acted intentionally in that, on his own admission, he had deliberately used his boot on an opponent.
 - b) Whilst on the evidence available the Panel could not be satisfied to the standard required that the Player had deliberately stamped on an opponent's head or set out to cause injury, he had clearly been reckless.
 - c) The offending consisted of a single stamp (the benefit being given to the Player in light of the inconsistent evidence referred to above) which had landed on an opponent's head.
 - d) There was no injury, although the victim had been concerned at the time.
 - e) There was no effect on the game.
 - f) The victim being on the floor was vulnerable.
 - g) There was no premeditation.
 - h) The conduct was complete.
 - i) There were no other relevant factors constituting the Player's offending.

- 13. In light of these findings, and in particular that contact had been with the head, the Panel assessed the offending as being at the TOP END on the scale of seriousness.
- 14. Having assessed the offending as being top end the Panel was then required to determine the appropriate entry point within the range (as prescribed by Appendix 2 of RFU Regulation 19) of between 9 and 52 weeks.
- 15. In all the circumstances, in particular that no injury was sustained, the Panel determined that the appropriate entry point was a suspension of 9 weeks.
- 16. None of the aggravating features set out in Regulation 19.8.2.7 were found to be present.
- 17. Having regard to the matters advanced in mitigation, the Panel gave credit by way of reduction of 4 weeks from the entry point, and the Player was accordingly suspended for a period of 5 weeks.
- 18. As above that suspension will run from 13 November until 18 December 2010 inclusive.

COSTS

19. The Player and/or his club are ordered to pay costs of £200.

APPEAL

20. The Player was advised of his right of appeal as set out in the RFU Regulations.

Jeremy Summers

Chairman

21 November 2010