

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Filton, Bristol

On: Tuesday 15 February 2011

JUDGMENT

Player: Tom Willis

Club: Newport/Gwent Dragons RFC

Match: Newport/Gwent Dragons RFC v Llanelli Scarlets RFC

Venue: Rodney Parade

Date of Match: 5 February 2011

Panel: Rick Charles (Chairman), Geraint Edwards and Mike Curling.

Secretary: Liam McTiernan

Attending: Robert Beale - Rugby Manager Newport/Gwent Dragons

Preliminary

1. The Panel was constituted in accordance with Appendix 5 to the Anglo-Welsh Cup Regulations 2010/11 and the hearing was conducted in accordance with IRB Regulation 17. Mr Beale informed that Panel that Tom Willis (the Player) was unable to attend the hearing as he was in hospital for an operation following an injury to his thumb sustained playing rugby over the weekend of 12/13 February 2011. Mr Beale stated that the Player was content for the hearing to proceed in his absence and for Mr Beale to speak on his behalf. An adjournment was not sought and the Panel proceeded to deal with the case in the Player's absence. There was no objection to the composition or constitution of the Panel.

Charge and Plea

2. The Player was charged with stamping contrary to Law 10(4)(b), in that on 5^h February 2011 he stamped on an opponent during (33rd minute of the first half) of the match Newport/Gwent Dragons v Llanelli Scarlets. Mr Beale accepted on behalf of the Player that an offence of foul play took place but suggested that there were mitigating circumstances and that the Player regarded his actions as justified to an extent.

The Facts

3. The Panel read the RFU Citing Report dated 10 February 2011 and signed electronically by the Citing Officer, Mr Ken Pattinson. The report describes the incident in the following terms. *“A contest for the ball develops between Scarlets No.2 and Dragons No.13 just outside the Dragons 22m line, both players grappling for the ball and ultimately going to ground. A ruck is formed with both players from both sides converging over the ball, which does not emerge cleanly from the breakdown.*

Dragons No.2 witnesses a Scarlets player not rolling away and trapping the ball, and stamps on or around his exposed legs three times. The first attempt appears to miss the Scarlets player completely, but the second and third attempts plainly land upon the Scarlets player's upper thigh.

Referee Greg Garner is on the far side of this breakdown and is unsighted, but his assistant on that side flags for foul play and advises the referee that he has just seen 'Black 2' use his foot against a 'Red Player'. He suggests the referee take the opportunity to 'calm him down', which the referee does with a warning.

I therefore cite Dragons No.2, Tom Willis, for stamping or trampling on an opponent, contrary to Law 10(4)(b) of the Laws of the Game 2011.”

4. The Panel then viewed the DVD recording of the incident at normal and slow speeds. The recording shows the Scarlets' No.2 lying on his right side on the Dragon's side of the ruck slowing down the release of the ball. The Player arrives at the ruck and raises his right leg. He then stamps hard with a directly downward motion towards the back of the right upper leg of the Scarlets' No.2. The stamp does not make direct contact as the ruck moves the Scarlets' No.2 slightly as the Player's boot goes down. The Player then brings his right foot up again and stamps downwards on the upper left thigh/left buttock of the Scarlett's No.2. This stamp is less forceful than the first attempt. He then raises his foot again but only by a few inches and stamps again with the same degree of force in the same area. The recording also shows the Scarlets' No.2 get up without treatment and move away. Mr Beale accepted on the Player's behalf that the recording disclosed an offence of stamping.

Finding

5. In the case of a citing it is the function of a Disciplinary Panel to review the case and determine on the balance of probabilities whether the Player concerned committed the act of foul play alleged by the Citing Officer in his report.
6. The Panel considered all documentary evidence and the evidence put

forward at the hearing. The Panel found the video evidence to be particularly persuasive and were satisfied to the required standard that the Player deliberately stamped twice making contact on the body of an opponent using his right boot. The Panel noted that the referee did not see the incident and relied on the report of the assistant referee that there had been “use of the foot” when giving a warning to the Player. With the benefit of technology not available to the officials, the Panel concluded that this decision was wrong and were satisfied that the cited act of foul play had occurred. Accordingly the Panel upheld the citing.

Mitigation

7. Mr Beale stated that the Player was a former All Black who was in his third season as Captain of the Dragons. He described the Player as a tough and uncompromising professional rugby player who generally sets a good example on and off the field. Mr Beale suggested that the Player’s conduct had been the result of frustration caused by the deliberate slowing down of the ball by the Scarlets’ player and that the act had not been malicious. He submitted that the act was out of character and that the Player did not have a disciplinary record. Mr Beale added that the injury sustained by the Player in the interim could prevent him from playing for the rest of the current season. No action has been taken by the Dragons in relation to this incident.

Sanction

8. The Panel considered the seriousness of the Player’s conduct by reference to the factors set out in Regulation 17.35.6 of the IRB Regulations relating to the Game. The Panel found that that the offending was deliberate, involved the use of the boot on the body of a player who was on the ground and in a vulnerable position. No apparent injury was sustained. The act of foul play was completed. The Panel also found that the act was premeditated but accepted that there had been a degree of frustration on the part of the Player caused by the slowing down of possession for the Dragons. The Panel concluded that the offence had no effect on the game. Taking all the relevant factors into account we determined that the offending was in the Low End.
9. The entry point for a Low End offence of stamping on an opponent is 2 weeks’ suspension. The Panel considered whether there were any aggravating factors and any mitigating factors as described in Regulation 17.35.7 and 8. The Panel concluded that there had been no real acknowledgement of culpability by the Player but considered that this aggravating feature was cancelled out by the mitigating feature of the previous good record of the Player. The Panel decided that the period of suspension should remain at two weeks. **Accordingly we determined that Tom Willis should be suspended from playing rugby union for two weeks from the date of the hearing. The**

Player will be able to play again on 2 March 2011.

10. The Player's attention was drawn to his right to appeal against the sanction awarded.

Costs

11. An order for costs of £500 is made against the Player/Club.

Rick Charles (Chairman)