

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**At:** Holiday Inn, Taunton  
**On:** Wednesday 6<sup>th</sup> April, 2011

**JUDGMENT**

**Player:** Gareth Evans  
**Club:** Plymouth Albion RFC  
**Match:** Esher RFC v Plymouth Albion RFC  
**Venue:** 369, Molesey Road, Hersham, Surrey  
**Date:** 19<sup>th</sup> March, 2011  
**Panel:** Mike Curling (Chairman) and John Doubleday  
**Secretary:** Bruce Reece-Russel  
**Attending:** The Player  
Geraint Ashton-Jones (representing the Player)  
Terry Brown (Fixture Secretary of Plymouth Albion RFC)

**Charge and Plea**

The Player was charged with an offence contrary to Law 10(4)(j), in that he dangerously tackled an opponent in the match Esher v Plymouth on 19<sup>th</sup> March 2011. The Player pleaded guilty to the offence.

**Preliminary Matters**

The Player raised no objection to the composition or constitution of the Panel.

**The Citing Report**

The Citing Report recorded the following: "The stated game was approaching half time, 47.55 on the match time on the DVD with Esher attacking in the Plymouth 22, the score at the time being Esher 21 Plymouth 3. A ruck formed to

the right of the posts, and the ball was moved back to the Esher No.10 (David Slemen) who was approximately 5-10 metres from the Plymouth goal line. The referee was playing an advantage for a penalty and we were 5-10 metres from the opposition line. The player, David Slemen stepped to the right of one player, was tackled but managed to offload, throwing the ball to his left but behind the supporting players. A couple of seconds later the Plymouth No.2 picked David Slemen up and turned him upside down and drove him into the ground head first landing him on the back of his head and shoulder.

### The Citing Club's Case

This is summarised by the Citing Report and the supporting statements of Messrs. Slemen and Grimwade. Medical evidence was adduced by Dr Noakes and Mr Grimwade. Mr Slemen had initially reported pain in his neck and being slightly dazed. After the appropriate medical checks (2/3 minutes) he continued to play for the remainder of the match. Subsequently he reported a headache behind his right ear and right-sided neck pain. For two weeks after the injury there was stiffness and pain on rotation of the cervical spine. Physiotherapy treatment continued 2-3 times a week to keep him able to train and play.

### The Player's Case

The Player was attempting a tackle with the intent of getting his opponent to land the "wrong way" and on his back so that he could compete for the ball. This was not achieved in part due to the opponent off-loading the ball and in part to the inside step that had been achieved. His head and been on the wrong side and he could not see that the ball had been off-loaded. His opponent's legs went beyond the horizontal and were nigh on vertical when he started to come to the ground. However the opponent was bent at the midriff so that he made contact with the ground with his upper shoulder. The Player was adamant that he did not drive his opponent to the ground but acknowledged he has an obligation, if lifting a player in a tackle, to bring him safely to the ground. He realised that he had not done this and regretted his action. The Player's club and the Royal Navy RFC (for whom the Player also plays) had met and decided to impose a ban from playing of one week from 5<sup>th</sup> April 2011 assessing the offence as being Low Entry.

### Entry Point

The Panel viewed the match DVD and determined that the Player had dropped his opponent to the ground. The Panel further determined that:

- a) The offending was deliberate.
- b) The Player had lifted his opponent and dropped him to the ground.

- c) There was an injury albeit not serious.
- d) The opponent was vulnerable given that he was lifted from a low body position and therefore could not resist the lifting.
- e) There was no premeditation.
- f) There was no effect on the game.
- g) The offending was completed.

The Panel took into account that tackles of this nature are inherently and intrinsically dangerous and can result in serious or even catastrophic injury. The Panel determined this to be a Mid-Range offence.

#### Aggravating Features

The Panel did not identify any Aggravating Features.

#### Mitigation

The Player's opponent had continued to play in the match. The injury was not therefore serious. Although a serving Royal Marine, the Player manages without the advantages a fully professional player enjoys to play for both his club and the Royal Navy showing a considerable commitment to the game. He is actively involved in his club's community activities whenever time allows. The Panel accepted that all the Mitigating Factors in RFU Regulation 19.8.2.8 were present.

#### Sanction

Accordingly the Panel determined that the Player be suspended from playing for three weeks from 5<sup>th</sup> April and is therefore able to play again on 26<sup>th</sup> April 2011.

#### Right of Appeal

The Player's attention was drawn to his right of Appeal against the sanction.

#### Costs

An order for costs of £250.00 is made against the Player/Club.

**Signed:** Mike Curling, Chairman

**Date:** 6<sup>th</sup> April 2011