

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, M6 Junction 2.

On: Tuesday March 21st 2011.

JUDGMENT

Players: Matthew Fearn & Simon Stratford

Club: Hinckley RFC

Match: Clifton v Hinckley

Venue: Clifton

Match Date: 5th February 2011

Panel: HHJ Sean Enright, John Brennan and Peter Howard

Attending: The Players
Paul Walsh (Director of Rugby at Hinckley RFC)

Regarding: Citings against both Players alleging that each of the Players had stamped on an opponent in the 15th minute of the second half, contrary to Law 10(4)(b).

Preliminary Matters

1. The Players did not object to the composition of the Panel.
2. The Players admitted the offence.

Evidence as to Fact

3. The Panel considered the followed evidence:
 - (a) The DVD, which showed the injured player at the bottom of a ruck being illegally rucked by several opponents.
 - (b) The citing report sent by Clifton (undated).
 - (c) A statement from David Cook and photos of his injuries.
4. The Panel were made aware that the referee had not seen the incident.

Findings

5. Mr Stratford played No.4 for Hinckley. He told us that he was trying to ruck the ball out, although he did not make contact with the ball, and

the DVD shows him stamping on the prone player at least three times in the upper body and shoulder in contravention of Law 16(3)(f).

6. The Panel were satisfied that his actions were intentional and were committed with the use of the boot. There was no provocation. The injured player was vulnerable, being trapped in a ruck and unable to defend himself. The Panel find as a matter of inference that Cook suffered scratch marks to the face in this incident, but not as a result of the Players actions. The offending was not premeditated and the offence was complete. On these facts our entry point was mid-range, namely 5 weeks.
7. The Panel identified no aggravating features. There were mitigating features, namely a prior good record and a guilty plea.
8. The Panel therefore discounted the sentence by 50% to reflect a guilty plea and prior good character and rounded it up to three weeks in accordance with the usual practice. We were told the Player had been banned by his club and had served a three week ban. He is free to play again with immediate effect.
9. The Panel found Mr Fearn's stamp to be intentional, committed with the use of the boot. There was no provocation. The injured player was vulnerable, being trapped in a ruck and unable to defend himself. We find as a matter of inference that Cook suffered scratch marks to the face in this incident but not as a result of the Player's actions. The offending was not premeditated and the offence was complete. Our starting point was low entry which is two weeks.
10. The Panel identified no aggravating features.
11. The Player had a previously good disciplinary record and he had pleaded guilty and put character evidence before us. We reduced the ban to one week. He is free to play again on Monday 28th March.

Costs

12. The Club will pay £200 to the RFU in costs.

Right of Appeal

13. The Players are hereby advised of their right of appeal. Any such appeal must be lodged with the RFU Disciplinary Office not later than 10am on the 14th day following receipt of this judgment.

Signed: SEAN ENRIGHT (Chairman)

Date: 21st March 2011