## **RUGBY FOOTBALL UNION**

# **DISCIPLINARY HEARING**

At: Holiday Inn, M6 Junction 2.

**On:** 1<sup>st</sup> March 2011.

**JUDGMENT** 

Player: Harry Wells

Club: Leicester RFC

**Match:** Leicester Tigers Academy v Nottingham

Venue: Leicester

Match Date: 29<sup>th</sup> January 2011

**Panel:** HHJ Sean Enright, Peter Howard and Geoff Payne.

**Secretary:** Liam McTiernan (RFU Discipline Department)

**Attending:** Harry Wells (the Player)

Simon Cohen (Head of Rugby Operations, Leicester Tigers)

Neil McCarthy (Academy Manager, Leicester Tigers)

**Observing:** Sarah McCarthy

Regarding: A charge alleging that the Player stamped on an opponent

during (25<sup>th</sup> minute of the second half) the game Leicester v Nottingham on 29<sup>th</sup> January 2011, contrary to Law 10(4)(b).

#### **Preliminary Matters**

1. The Player did not object to the composition of the Panel.

#### Charge and Plea

2. The Player admitted the charge.

## Evidence as to Fact

- 3. We considered the followed evidence:
  - (i) DVD of the incident;
  - (ii) The report of the referee, Mr Towndrow.

4. The referee's report records that: "Nottingham No.17 (Elliott Gwynne) had tackled Leicester scrum-half and lifted him off the ground, which I had penalised with a penalty kick. Leicester took a quick penalty and drove up the field. The ball was set back neatly at the back of a ruck and Leicester scrum-half was moving to pick it up. The retiring Nottingham No.17 came from an offside position and attempted to pick up ball. I immediately blew the whistle – the same player had committed both penalties within seconds.

"He was lying on the floor and had grabbed the leg of the Leicester No.4 – Harry Wells. Leicester No.4 then lifted up his foot and lashed out, standing on the head of the Nottingham No.17. I had a clear view of the whole incident. After calling both captains over, I yellow-carded Nottingham No.17 (Elliott Gwynne) for persistent infringement; and red-carded Leicester No.4 (Harry Wells) for stamping.

"The rest of the game was completed without incident."

# **Finding**

5. The Panel found that the incident comprised of a single intentional stamp with the boot which connected with the head of the other player. Although it was contended that the Player had been provoked, we did not think anything that took place could be regarded as provocation amounting to mitigation. As to the effect of the Players actions on the victim, according to the referee the Nottingham player sustained two gashes to his head and to the rear of his ear from the Leicester No.4 boot. There was no evidence before us as to whether the Nottingham player required medical treatment or whether he was unable to return to the field. In our view the injured player was vulnerable and it did not matter that he himself had contributed to the position in which he found himself. The incident comprised of a single completed act which was intentional but not premeditated. On these facts our starting point was mid-range, namely five weeks.

#### Aggravating Features

6. The Panel found no aggravating features present.

#### Mitigating Features

7. The Panel identified the following mitigating factors: a guilty plea; some evidence of remorse; and an absence of prior disciplinary record. We therefore reduced the notional ban to two and a half weeks which we then rounded up to three weeks in accordance with Guidance. We were told and saw written evidence that the Player had been

disciplined by his club and has not played since. He was subjected to a three week ban which has now expired.

## Sanction

8. The Panel imposed a three week ban which takes effect from the date of the game played. The Player is, therefore, free to play again with immediate effect.

# <u>Costs</u>

9. The Panel made an award of £500 costs against the Player/Club.

# Right of Appeal

10. The Player is hereby advised of his right to 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:** 1<sup>st</sup> March 2011