

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Bloomsbury Holiday Inn, London

On: Monday, 28 November 2011

JUDGMENT

Player: Samuel Hewick

Club: Worthing RFC

Match: Barnes RFC –v- Worthing RFC

Venue: Barnes RFC

Match Date: 12 November 2011

Panel: Jeremy Summers (Chairman), Simon Wakefield, Elizabeth Riley (the Panel)

Attending: Samuel Hewick (the Player)
David Hinchliffe (1st XV Manager, Worthing RFC)

Secretary: Rebecca Morgan (Assistant, RFU Discipline Department)

Decision

1. The Player was found guilty of trampling 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 three weeks, from 15 November 2011 until 5 December 2011. He is free to play again on 6 December 2011.

Preliminary matters

2. The Player did not object to the composition of the Panel, and no preliminary issues arose.
3. The charge was read to the Player, who admitted that he had stamped/trampled on an opponent contrary to Law 10.4(b).

Facts

4. The Panel considered:
 - (a) the sending off report;
 - (b) oral evidence from the referee;
 - (c) oral evidence from the Player;
 - (d) oral evidence from Mr Hinchliffe.
5. No match footage was available.
6. The sending off report of the referee stated as follows:

'After being involved in a tackle, a Barnes player released the Worthing player and rolled to the side, away from the scrum half channel. I had no need to make any communication to the players as the ball was won and available immediately. As he was on his back, Mr Hewick stamped the Barnes player 3 times to the stomach, chest and shoulder, as he entered the tackle zone. At this point I awarded Mr Hewick a red card.'

'The player stamped on received treatment from the physio and then continued in the game.'

7. The incident occurred in the fifth minute of the second half of the match. The referee was approximately five metres away and had an unobstructed view.
8. The referee gave evidence by telephone conference call and confirmed that he had not seen any match footage. He described the incident as follows: Worthing took the ball into contact and the Worthing player was turned in the tackle, meaning that the Barnes tackler ended up on the wrong side. As the Barnes player was rolling away, the Player ran straight across him as he was lying on the ground on his back. The ball was already won and there were three separate points of contact with the Barnes player – on his stomach, his chest and his shoulder. The Player's actions were a trample rather than a stamp as he simply continued his line of running into the breakdown over the Barnes player. The Player did not lift his knees or force his feet down in a stamping motion.

The Player's case

9. The Player gave evidence. He agreed with the referee's account of the incident and stated that he should have been more careful. Barnes had been counter-rucking strongly throughout the match and the Player was anxious to get to the breakdown. There was no force in his actions as they were simply a running stride.
10. The Player had apologised to the Barnes player and the referee after the match and had shaken hands.
11. The Player is 22 years old and has been playing rugby for 13 years. This is his fourth season for Worthing 1st XV. He has a good disciplinary record.
12. Mr Hinchliffe stated that the Player is an established first team player and is highly regarded. Worthing had convened its own disciplinary hearing on 15 November 2011 and had assessed the offending as being mid range and imposed an immediate two week sanction. The Panel wishes to commend and thank Worthing for taking prompt and effective internal action.

Finding and sanction

13. The Player was found guilty, on his own admission, of trampling on an opponent contrary to Law 10.4(b).
14. The Panel undertook an assessment of the seriousness of the offending having regard to the criteria set out in 19.11.9 of the RFU Regulations. In this regard the Panel found as follows:

- (a) The Player was reckless as to the risk of trampling on the Barnes player.
 - (b) There were three separate points of contact with the Barnes player – on his stomach, his chest and his shoulder.
 - (c) There was no provocation and the Player was not acting in retaliation.
 - (d) There was no injury and no effect on the game.
 - (e) The Barnes player was vulnerable in that he was rolling away on the wrong side of a breakdown.
 - (f) There was no premeditation and the conduct was completed.
 - (g) There were no other relevant features of the Player's conduct or other relevant circumstances.
15. In light of those findings the Panel assessed the offending as being at the mid range of the scale of seriousness. The mid range entry point is a suspension of five weeks.
16. No aggravating factors were found for the purposes of RFU Regulation 19.11.11.
17. Having regard to the matters advanced in mitigation, and the factors set out in RFU Regulation 19.11.12, the Panel gave credit by way of a reduction of two weeks from the entry point. The Player was accordingly suspended for a period of three weeks, from 15 November 2011 until 5 December 2011. He is free to play again on 6 December 2011.

Costs

18. The Player and/or his club is ordered to pay costs of £200.

Appeal

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

Elizabeth Riley, on behalf of the Chairman
29 November 2011