

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**VENUE: The Holiday Inn, Bloomsbury**

**DATE: 28 November 2011**

**Player: Cody MACKIE**

**Club: Old Dunstonians RFC**

**Match: Old Dunstonians RFC v East Grinstead RFC**

**Venue: Old Dunstonians RFC**

**Date of match: 29 October 2011**

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

**Secretary: Rebecca Morgan**

**In Attendance:**

**Old Dunstonians (ODRFC)**

Cody Mackie ("the Player")  
James Couser – counsel  
Benn Richards - Club Solicitor

**East Grinstead (EGRFC)**

Matthew Ravenscroft – Hon Sec

**DECISION**

1. **The Player was guilty, on his own admission, of dangerously tackling an opponent contrary to Law 10.4 (e). However for the reasons set out below the Panel was unable to uphold the citing and the Player is accordingly free to continue playing with immediate effect.**

**PRELIMINARY ISSUES**

2. The Player did not object to the composition of the Panel. The manner in which the Panel intended to proceed with the hearing was explained to the parties, who agreed with the approach to be adopted, and no other preliminary issues arose.

**CHARGE AND PLEA**

3. The charge was read to the Player who, while accepting that he had dangerously tackled an opponent contrary to Law 10.4 (e), denied the citing.

### THE CITING

4. The Panel was convened to consider a citing of the Player by EGRFC in consequence of which the Player was charged with a single offence as set out above.
5. The Panel considered:
  - i. The Citing, by letter, dated 1 November 2011.
  - ii. The match recordings provided by both clubs.
  - iii. All other documentation in the RFU hearing pack.
  - iv. Submissions from EGRFC.
  - v. Oral evidence from the Referee.
  - vi. Oral evidence from the Player.
  - vii. Submissions on behalf of the Player.
6. The operative part of the Citing letter read as follows:

In or around the 15<sup>th</sup> minute of play, inside the Old Dunstonians 22, the score level at 3-3, Old Dunstonians Number 9 committed an act of foul play contrary to law 10.4 whereby violently and deliberately barged the East Grinstead player Mr Matt Psyden, who did not have the ball and was not involved in play, in the back causing serious injury by way of a badly broken arm which has required an operation and k wired on both sides of the ulna;

The player is identified as Old Dunstonians number 9 - Scrum half (wearing the yellow number 9 shirt) and believed to be Mr Codie Mackie

7. The match recordings from both clubs were viewed, although the functionality available to the Panel only permitted the footage to be viewed at normal speed.
8. This showed EGRFC attacking through a number of phases on or about the ODRFC 22metre line. EGRFC recycled possession and EG9 broke left to the base of the scrum to continue the attack. The Player was in the defensive line close to the breakdown and had been seen to have made at least one other tackle in the preceding phases of play. EG9 advanced only a short distance before executing a skillful inside pass to a support runner who took the ball on at pace. Shortly after the pass, and the footage timer showed this to be under one second, the Player was seen to make contact with EG9 in a forceful challenge. The collision was broadly speaking front on. Although it was possible that the Player had attempted to lift his arms in an attempt to make a tackle that action was not in any event completed, and so the action became a charge rather than a tackle.

9. EG9 was clearly hurt by the force of the impact and fell to ground heavily to his left. He suffered a significant injury to his left wrist, which requires surgical intervention and for which the prognosis is not known at present. The Panel however understands that EG9 may not be able to play again.
10. Significantly, the Referee appeared to be well placed and was within 2-3 metres of the incident. He immediately signaled foul play and at the next break in play came back to check on EG9 and issued a Yellow Card to the Player.
11. It is right to record that, in disputing the charges, the Player and ODRFC expressed their regret that serious injury had been sustained and wished the EG9 a full and speedy recovery.
12. Having regard to the action taken by the Referee and the provisions of Appendix 4 to RFU Regulation 19, the Panel asked the Referee to give evidence by telephone conference.
13. The Referee gave clear and compelling evidence. He stated that he had not seen the footage and so his evidence was based solely on his recollection of the incident at the time. He had had an unobstructed view of the challenge although recalled being further away from it than the footage suggested.
14. The Referee accurately described the passage of play shown on the footage. He said that following EG9's pass, the Player had continued to attempt to tackle EG9 and a collision had occurred which he described as face to face or chest to chest.
15. In his view the Player might have been able to do more to have pulled back from the challenge but contact would still have been made. He had not thought there to have been any malice in the challenge. He did not have appointed Assistants and so the decision was his alone. The EG captain had spoken to him at the time, and he had explained he had issued a Yellow Card.
16. He viewed the incident as being very unfortunate and the only issue that had arisen in an otherwise good game. In response to questions from the Panel he confirmed that, had the Player come in so late as to have been dangerous, he would have issued a Red Card. In his assessment the challenge did not fall into that category. As noted, he felt that the Player could have done a little more to pull back (although contact would still have been made). In those circumstances he had issued the Yellow Card.

### **RULING**

17. The Panel gave very careful consideration to the evidence and had great sympathy for EG9. However, having regard to the evidence of the Referee and the provisions of Appendix 4 to Regulation 19, the Panel could not be satisfied that the Referee's decision was wrong and in those circumstances the citing was not upheld.

### **COSTS**

18. The Panel considered that the citing was nevertheless appropriately brought so that a serious incident could properly be ruled upon by a disciplinary panel. In those circumstances the Panel directed that the citing fee should be returned to EGRFC.

**Jeremy Summers**

Chairman

29 October 2011