

Rugby Football Union
DISCIPLINARY HEARING

VENUE: The Holiday Inn London, Bloomsbury

DATE: 21 February 2012

Player: Lee RAIKES

Club: Cobham RFC

Match: Old Pauline FC 3rd XV v Cobham RFC 2nd XV

Venue: Old Pauline

Date of match: 21 January 2012

Panel: Jeremy Summers (Chairman), Gerard McEvilly and Dr Julian Morris (the Panel)

Secretary: Rebecca Morgan

In Attendance:

Lee Raikes (“the Player”)

Billy Davison – Director of Rugby

DECISION

1. **The Player was found guilty of striking an opponent with his head contrary to Law 10.4 (a). For the reasons set out below he was suspended from playing rugby for 4 weeks from 16 February 2012 to 15 March 2012 inclusive, and is accordingly free to on 16 March 2012.**

PRELIMINARY ISSUES

2. The Player did not object the composition of the Panel.
3. The Player confirmed receipt of the case papers, and no preliminary issues arose.
4. The Panel convened to consider the citing of the Player’s for striking an opponent with his head in the 20th minute (first half) of the above game.

CHARGE AND PLEA

5. The Player admitted that he had struck an opponent contrary to Law 10.4 (a).

THE CITING

6. The Panel considered:

- i. The Citing Letter from OPFC dated 27 January 2012.
- ii. Written evidence from OPFC players
- iii. Oral evidence from the Player.
- iv. Submissions on behalf of the Player

7. The Citing letter contained the following paragraphs:

Approximately half way through the first half of the game which had been keenly contested but not any more aggressively than expected for a friendly fixture, the Cobham loose-head prop appeared to use his boots to rake over the head and face of the Old Pauline scrum half, who was lying on the ground near to the half way line. The Old Pauline scrum half stood and told the Cobham player not to do such a thing again.

At this point, in full view of the Referee and several witnesses, the Cobham player head-butted the Old Pauline player in the face making audible contact with our player's nose - at which point the Referee blew his whistle. This was the first and only physical action which took place during the incident. The Referee proceeded to give the Cobham player a yellow card. Please find appended to this letter witness statements in support.

8. The OPFC witnesses indicated that they had witnessed the offence and that the sound of a breaking nose was audible on contact.
9. It appeared not be in dispute that there were however no visible signs of injury at the time and that the OP scrum half played the remaining 60 minutes of the game.
10. In the view of OPFC the Referee had been wrong in not issuing a Red Card to the Player.

MITIGATION

11. The Player gave evidence. He confirmed that he accepted he had acted wholly inappropriately. He expressed genuine remorse for an incident that he said was totally out of character. He is 31 years of age and has played for 18 years with a previously unblemished disciplinary record.
12. Mr Davison confirmed that the club regarded the Player highly and considered his actions to have been an aberration. The club had however viewed the matter as being extremely serious and had convened an internal disciplinary hearing on 16 February 2012 immediately after having been notified of the citing. The Player had pleaded guilty before that hearing and had been suspended for a period of 4 weeks.

SANCTION

13. As required by paragraph 5 to Appendix 4 of RFU Regulation 19 the Panel was satisfied, to the standard required, that the Referee had been wrong in not dismissing the Player. Having so concluded it then undertook an assessment of the seriousness of the offending having regard to the criteria set out in RFU Regulation 19.11.9. In this regard it found as follows:

- a) The Player had acted intentionally.
- b) Recklessness was not therefore in issue.
- c) The offending involved a single strike with the head following an earlier altercation that had been brought about by the Player. There appeared to have been no provocation.
- d) Contact was on the nose. There was evidence that this had required re-setting in the following week. However as the injured player had completed the match, the Panel could not be satisfied that the full extent of the injury was caused by the Player. That having been said the Panel was satisfied that injury was caused.
- e) There was no effect on the game.
- f) There was some vulnerability
- g) There was no premeditation.
- h) The conduct was complete.
- i) There were no other relevant factors constituting the Player's offending.
- j) There were no other relevant circumstances

14. In light of these findings the offending was assessed as being at the MID RANGE of the scale of seriousness. The mid range entry point for this offence is a suspension of 8 weeks.

15. None of the aggravating features prescribed by Regulation 19.11.11 were present.

16. Having regard to the Player's previous record, plea and clear remorse the Panel determined that the maximum permissible reduction of 4 weeks by way of credit for mitigation was appropriate.

17. The Player was accordingly suspended for a period of 4 weeks as detailed in paragraph 1 above. This will run from the date of the club's internal suspension, and the Panel would wish to commend Cobham for the responsible manner in which it dealt with this matter.

COSTS

18. The Player and/or his club are ordered to pay costs of £125. The citing fee is to be returned to OPRFC.

APPEAL

19. The Player is advised of his right of appeal.

Jeremy Summers

Chairman

21 February 2012