

RFU SHORT JUDGMENT FORM



Match (home)	Cardiff University	Vs (away)	Exeter University RFC
Club's Level	Super BUCS	Competition	Super BUCS
Date of Match	08/02/2023	Match Venue	Cardiff University

Particulars of Offence			
Player's Surname	Leatherbarrow	Date of Birth	08/04/2002
Forename(s)	Oliver Thomas	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Exeter University RFC	RFU ID No.	890888
Type of Offence	Conduct prejudicial to the interests of the Union and the Game		
Law 9 Offence	RFU Rule 5.12		
Sanction	8 week suspension from playing		

Hearing Details			
Hearing Date	16/02/2023	Hearing venue	By video
Chairmen/SJO	Matthew Weaver KC	Panel Member 1	Becky Essex
Panel Member 2	Tony Wheat	Panel Secretary	Oliver Norris
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):		Other attendees:	
Rob Baxter (Exeter Chiefs)		David Barnes (RFU) James Roberts (victim) Alan Flowers (Cardiff University)	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input type="checkbox"/> Red Card report	<input type="checkbox"/> Player Statement	Video footage Yes
<input type="checkbox"/> Medical report	<input checked="" type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			
Witness statements RFU Regulations Still photo of injury			

The citing report describes the incident as follows:

The final whistle blew to conclude the match. The offending player, an Exeter substitute ran from behind the opposition rugby posts, towards the home team, a distance of approximately 20m. He then proceeded to violently strike a player from the home team (Cardiff) to the face on two separate occasions which resulted in the assaulted player falling to the ground.

The offender then took hold of the person by the collar in an aggressive manner and subsequently dragged him across the floor. At this point, other players from both sides intervened and the incident was brought to a conclusion.

The injured player received reddening to the right side of his face and was obviously shaken by the incident.

The video footage did not show the full incident clearly given the angle of some of the footage and the quality of other elements of the footage. However, the footage did show the Player walking from behind his own posts towards the victim and 'bumping' into him. There is then a short period of grabbing before the two men fall to the ground, due to the actions of a different player. On the ground, the footage shows the Player pulling back his right arm and then driving it forward in an obvious punching motion, towards the victim's face. It does not show contact with the victim's face and only shows 1 apparent punch.

Essential Elements of Other Evidence (e.g. medical reports)

The still photo of the victim's face shows some bruising to the left side of his face below and around his left eye which would be consistent with a right-handed punch

Summary of Player's Evidence

The Player's account of the incident was that, having lost a close game with the last kick of the match, the Player observed the victim gesturing towards him '2-0' to reflect the fact that Cardiff University had won both of their matches against Exeter University RFC that season. In addition, the Player's evidence was that the victim had used the words "have that you c*nt" towards him. The Player's view was that these gestures and words were intended to provoke him and his evidence was that he walked towards the victim with the sole intention of asking him to repeat the words used and to seek an apology from the victim for his actions. As he approached the victim, there was some pushing and shoving and they both ended up on the floor as a result of the actions of a different player.

The Player stated that he could not remember what happened on the floor as between himself and the victim but described feeling threatened and in danger by the presence of other Cardiff University players and squad members.

The Player stated that he regretted the altercation and accepts that he should have ignored the victim's actions. He confirmed that he had had no previous issues with the victim in the previous fixture between the two sides.

Findings of Fact

The Player admitted the charge and, as such, the findings of fact necessary for the Panel were limited. The Panel reviewed the video footage in some detail and took time to consider the Player's evidence carefully.

The Panel's conclusions were that the Player's account of the incident was unsatisfactory for a number of reasons.

The Panel considered it unlikely, albeit not impossible, that the Player heard the victim using foul language towards him immediately after the final whilst given the distance between the men (at least 22 metres) and the fact that the Cardiff University players were celebrating loudly at the time.

The Panel also considered it unlikely, albeit not impossible, that the Player walked very deliberately towards the victim immediately after the final whilst simply to ask him to repeat his words and to ask him to apologise. The manner in which he approached the victim, who was a non-playing squad member on the day, was aggressive and the immediate physical contact between the men suggested that a discussion was not the primary aim of the Player's actions.

The Player's apparent inability to remember anything that took place once he and the victim came into physical contact is also something the Panel had difficulty accepting. The Player was able to recall the detail of matters prior to the physical contact but, it appears, nothing as soon as the men came into contact with each other. In particular, the Player appeared unable to recall punching, or even attempting to punch, the victim in circumstances where the video footage shows at least one punch thrown.

The Panel also noted that whilst the Player regretted the incident, he did not express clear regret for his actions nor did he seek to apologise for them, either directly to the victim or more generally. This gave the unfortunate impression that the Player struggled to understand the seriousness of his actions or to view his actions as plainly wrong, inappropriate and unacceptable.

Decision

Breach admitted Proven Not Proven Other Disposal (please state below)

The Panel concluded that this was an attack on a non-playing opposition squad member which, whilst it may have been prompted by the Player's annoyance at the celebrating of the victim (which may, taken at its highest, have crossed into goading), was utterly inappropriate and unacceptable. The Player appeared to walk some 22 metres or so towards the victim with the intention of threatening or physically harming the victim in response to the victim's actions.

The Player's actions clearly violate the core principles of respect and discipline and are disappointing from a player who captains his University side and has Premiership Cup experience with Exeter Chiefs.

The Player's evidence in the hearing suggest that he is unable or unwilling to accept complete responsibility for the incident and has shown little remorse or regret for his actions. Whilst the Player may have felt threatened whilst on the floor during the incident, that was an issue of his own making as he put himself in that position by taking the actions he did towards the victim. Whatever the victim did or did not do or say to him after the final whistle, the Player's actions were disproportionate and inappropriate, particularly in circumstances where the Player had been substituted at the time and, as such, cannot claim to have been in the heat of battle and his actions were towards a non-playing squad member who, in all practical senses, was a spectator not a participant in the match.

The Panel concluded that it was appropriate to have regard to sanctions for the offence of punch or strike to the head of a player (Law 9.12) when determining the appropriate sanction here.

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional



19.11.8(b) Reckless



Reasons for finding as to intent:

This was a deliberate attack on the victim by the Player

Nature of actions - Reg 19.11.8(c)

The Player grabbed the victim and punched him at least once in the head

Existence of provocation - Reg 19.11.8(d)

None. Whilst the Player referred to goading from the victim, the Panel dismissed this as amounting to genuine provocation.

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

The victim was left with bruising to the left side of his face, around the eye.

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

The victim was, in all practical senses, a spectator and, as such, vulnerable to this sort of action. Once on the floor, the victim was unable to protect himself

Level of participation/premeditation - Reg 19.11.8(j)

This was a premeditated attack in that the Player had decided to take the actions he did before walking the 22 metres or so towards the victim. It was not a case of the Player lashing out.

Conduct completed/attempted - Reg 19.11.8(k)

Completed

Other features of player's conduct - Reg 19.11.8(l)

None

Assessment of Seriousness Continued

Entry point

<u>Low-end</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Top-end*</u>	<u>Weeks</u>
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	12

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making the above assessment, the Panel should consider the RFU Practice Note as set out in Appendix 5 to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).

Reasons for selecting entry point:

The Player attacked the victim and punched him in the head. The Player's actions were after the final whistle and against a spectator who was vulnerable. The Panel concluded that a 12 week entry point was appropriate having regard to the sanction guidance for an offence under Law 9.12 of striking or punching to the head.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)	Player's disciplinary record - Reg 19.11.10(b)
The Player admitted the charge	The Player has a clean disciplinary record
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
The Player is 20 years old. He is the captain of his university side and has Premiership Cup experience with Exeter Chiefs.	The Player was polite and amenable

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player appeared to have little remorse for his actions. He regretted the incident rather than his role in it and did not appear to apologise to the victim at any stage	The Player coaches fresher teams at university and takes part in community activities for Exeter Chiefs

Number of weeks deducted: 4

Summary of reason for number of weeks deducted:
The Player admitted the charge and has a clean disciplinary record, together with some community activities which are to his credit. His lack of obvious remorse or of an apology meant that the Panel concluded that a reduction of 4 weeks was appropriate.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13
Player's status as an offender of the laws of the game - Reg 19.11.13 (a)
N/A
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
N/A
Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.13 (c)
N/A

Number of additional weeks: 0

Games for meaningful sanctions:

See attached sheet

Sanction

NOTE: PLAYER ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	8 weeks	Sending off sufficient	
Sanction commences	15.02.2023		
Sanctions concludes	20.04.2023		
Free to play	21.4.2023		
Final date to lodge appeal	07.03.2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£125		

Signature
(JO or Chairman)

Matthew Weaver KC

Date

20/02/2023

NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 19.12 OF THE DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 19.12.9

ANY PERSON SUSPENDED UNDER THESE REGULATIONS IS REMINDED THAT UNDER RFU REGULATION 19.11.16 THE SUSPENDED PERSON MAY NOT PLAY THE GAME (OR ANY FORM THEREOF) OR BE INVOLVED IN ANY ON-FIELD MATCH DAY ACTIVITIES ANYWHERE WHICH INCLUDES (BUT IS NOT LIMITED TO) ACTING AS WATER CARRIER/ RUNNING ON A TEE ETC

Games for Meaningful Sanction

The Player plays for Exeter University RFC in the Super BUCS and in National 2 West and has played for Exeter Chiefs in the Premiership Cup. His playing record shows that he has played in 13 Super BUCS fixtures this season and only 2 National 2 West fixtures, both in September 2022 before the start of the Super BUCS season. The Panel have been told that the Player would have played in two National 2 West fixtures (5.11.2022 & 12.11.2022) had he not been a travelling reserve for the Exeter Chiefs on those dates.

However, those fixtures would have been 3 days after and 4 days before a Super BUCS fixture respectively. The Player's playing record this season does not suggest that he has played two fixtures within 3 or 4 games previously this season and, as such, the Panel take the view that he would be unlikely to do so in the future. The Player was withdrawn from a Super BUCS fixture on 15.2.2023 due to this hearing and, as such, that fixture will be the first of the Player's meaningful fixtures for the purposes of his suspension.

The Player will also be suspended for the following 7 fixtures:

1.3.2023 vs Swansea University (Super BUCS)

8.3.2023 vs Durham University (Super BUCS)

15.3.2023 vs Bath University (Super BUCS)

19.3.2023 vs London Irish (Premiership Cup)

29.3.2023 vs TBC - quarter-final (Super BUCS) (if Exeter University qualify for the quarter-finals)

5.4.2023 vs TBC – semi-final (Super BUCS) (if Exeter University qualify for the semi-finals)

19.4.2023 vs TBC - final (Super BUCS) (if Exeter University qualify for the final)

If Exeter University do not play in either the quarter-finals, semi-finals or final of the Super BUCS, this matter should be brought back before the Panel in order to identify the remaining meaningful fixtures for the Player's suspension.

For the avoidance of doubt, the Player is not eligible to play for Exeter University RFC in National 2 West or for Exeter Chiefs during the above period.