

RFU SHORT JUDGMENT FORM



Match	Jersey RFC	Vs	Hartpury University RFC
Club's Level	2	Competition	Greene King IPA Championship Cup
Date of Match	06/05/2022	Match Venue	Jersey RFC

Particulars of Offence			
Player's Surname	O'Connor	Date of Birth	22/08/1996
Forename(s)	Sean	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Jersey RFC	RFU ID No.	2584420
Type of Offence	Red Card		
Law 9 Offence	Law 9.18 - Tip Tackle		
Sanction	4 weeks		

Hearing Details			
Hearing Date	10/05/2022	Hearing venue	Remote via Zoom
Chairmen/SJO	Ian Unsworth QC	Panel Member 1	Gareth Graham
Panel Member 2	Miles Benjamin	Panel Secretary	Rebecca Morgan
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:
Huw Thomas, Counsel	David Barnes, Head of Discipline RFU Josh Pieterse, RFU Discipline (Observing) Wesley White (Witness - Jersey)

List of documents/materials provided to player in advance of hearing:
17 page bundle, comprising: 1. Charge Sheet 2. Referee's Report, dated 8th May 2022 3. Extract RFU Reg 19 (Appendix 2) 4. Medical Report, dated 6th May 2022 5. Submissions on behalf of the Player, dated 10th May 2022 6. Statement from the Player 7. Statement from Wesley White 8. Statement from Harvey Biljon 9. Character Reference from Mark Morgan Video recordings of the event seen from various angles

The referee's report indicated that the incident occurred in the 2nd half, when the score was 12-7. It was an evening game under lights, played on a very hard pitch under a good grass pitch.

The report stated:

"A lineout occurred just inside the Hartpury 22 with jersey throwing in. At the lineout I played a penalty advantage to jersey for contact in the air. The ball was recycled twice before the event with a second advantage being played to Jersey for an offside against Hartpury. As the Jersey player carried the ball into contact he was tackled by Hartpury 10. To assist his own player in contact Jersey 4 then comes into the tackle. He then lifts Hartpury 10 around the middle and legs. As he lifts the Hartpury 10, the Hartpury 10 goes beyond the horizontal and falls towards the ground. Jersey 4 continues to drive the player towards the ground with the Hartpury 10 initially putting out his arms to protect himself but still lands with head first into the ground.

I immediately blew the whistle and cleared the two teams where players had attempted to come in to react to the incident. To give time for the players to calm down I went over to the AR to explain what I had seen and my decision. As a team of officials we agreed the actions met the sanction of a red card and this was issued to the player. The player left the field immediately."

The video footage reflected the referee's description. Of note was:

(1) H10 changed his position (as contended for by the Player) ; but

(2) The Player can clearly be seen placing his left hand and arm between the legs of H10 with his other arm across the shoulder and chest of H10 creating a lifting situation.

Richard Mack Lead Physiotherapist Hartpury University RFC, stated:

"In the second half of the game against Jersey RFC on Friday 6th May I attended to James Williams, the Hartpury RFC fly-half. James did not return to his feet after being tackled and I approached to assess. He denied any neck pain or neurological symptoms and he was alert. After clearing any significant neck injury he reported feeling 'winded'. He was able to roll onto his side and move into a seated position. He had no central spinal pain but did complain of some para-spinal stiffness. He describes being forced into extension through his mid-back. On returning to his feet he felt ready to play and following the game did not present with any issues."

The referee's report indicated that Mr Williams continued to play.

There was no further medical evidence.

Summary of Player's Evidence

The Player gave evidence before us which complemented his helpful written statement:

I, Sean O'Connor, was playing in the Championship Cup second leg quarter final between Jersey and Hartpury. I started at lock (number 4).

During the game, my teammate Wes White ran a set play in which I was due to support him and seek to latch onto to him as he moved into contact.

We are coached to clear out towards the opposition try line and to stay as square to the try line as possible.

As I approached the contact area, Hartpury's number 10 has attempted to tackle and hold up our player.

As this happens, the Hartpury players back ends up facing me.

I proceed to join the tackle and attempt to remove the opposition player.

As I drive the player in the direction of his own try line, my teammate regains his feet underneath us and continues his ball carry. In doing so he turned to the left and went underneath the Hartpury player. This causes the Hartpury's players legs to go above the horizontal and forces me to drive him down, rather than in the direction of his own goal line. Hence, leading to the incident in question.

Immediately after the game, I found the player, expressed my remorse, and apologised. There was absolutely no malice in the incident, which I felt was an accident caused by Wes driving in an unpredictable direction which took him underneath the Hartpury player.

I take my contact skills very seriously and spend considerable time developing and practising them. I have committed to reviewing my techniques and conduct in the contact area with Harvey Biljon and other coaches in the light of this incident.

The Player's evidence to us reflected this. He was clearly genuinely remorseful as to what had happened. In answer to the Panel as to why he had put left arm between legs, the Player candidly and honestly stated that this was not ideal. He said that this was the 46th minute his lungs were probably burning after a rest and he was probably not thinking clearly enough to notice where his left arm was going. He further acknowledged that with hindsight, he would probably like to have been a bit lower instead of using his hands. He perhaps would have used his shoulder a bit more and maybe gone in lower.

Wesley White gave evidence in line with his written statement.

Both players were assisted by talking us through the videos.

Findings of Fact

The Panel made the following findings on the balance of probabilities:

1. J22 carried the ball into contact. Initially he was tackled by H10, who was then supported in the tackle by H8. All three players remained on their feet, with H10 attempting to hold/rip the ball from J22.
2. The Player, in supporting his teammate, J22, bound onto H10. H10 had shifted his body position as the Player bound onto him; he was sideways on to the Player.
3. The Player was in too high a position and was not in a position to be able to drive H10 clear of J22 using his shoulder.
4. Initially, the Player's right arm was over H10's shoulder/chest area and his left arm was on H10's back.
5. J22 continued to drive forward.
6. The Player then shifted his bind and placed his left arm between the legs of H10. His right arm continued to be placed over H10's shoulder/chest area.
7. As J22 moved forwards, the Player, whilst attempting to clear H10 out, lifted H10's legs off the ground using his left arm.
8. H10's legs were lifted above the horizontal line and he was dropped/driven into the ground. H10 landed on his head in very dangerous position.
9. We wholly agreed with the submissions of Mr Barnes for the RFU that this was a reckless act. It was not deliberate. There was no element of malice at all.
10. We had some sympathy for the Player and accepted the submission from Mr Thomas that this was a complex dynamic situation.
11. However, all the elements of the offence were made out.
12. This clearly merited a Red Card.
13. Having reminded ourselves of the burden and standard of proof, we found the case proved.

Decision

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

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional/deliberate

19.11.8(b) Reckless

Reasons for finding as to intent:

See above

Gravity of player's actions - Reg 19.11.8(c)

See above

Nature of actions - Reg 19.11.8(d)

As above

Existence of provocation - Reg 19.11.8(e)

None

Whether player retaliated - Reg 19.11.8(f)

No

Self-defence - Reg 19.11.8(g)

No

Effect on victim - Reg 19.11.8(h)

Medical assistance on pitch. Continued to play. No ongoing medical issues that we have been made aware of.

Effect on match - Reg 19.11.8(i)

Stoppage only

Vulnerability of victim - Reg 19.11.8(j)

Yes - clearly vulnerable

Level of participation/premeditation - Reg 19.11.8(k)

As above

Conduct completed/attempted - Reg 19.11.8(l)

Yes

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

None relevant

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 checked="" type="checkbox"/>	6	<input type="checkbox"/>		<input type="checkbox"/>	

*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 this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

Applying the regulations and authority, the very nature of this offence means that there is head/neck contact. We took the view that the low end entry point was therefore available to us. Given our findings above, this case clearly falls into the lower end of such cases (serious as it is).

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10

Player's status as an offender of the laws of the game - Reg 19.11.10 (a)

Clean Record

Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)

No

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)

No

Number of additional weeks: 0

Relevant Off-Field Mitgating Factors

Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
Immediate	Excellent record. Never been before a disciplinary panel before.
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
Experienced	Exemplary
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Immediate and genuine	The statements from Mr Biljon and Mr Morgan spoke glowingly of his character.

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:

For all the reasons stated above we felt he was entitled to significant credit but could not mark this as 50% credit because the matter was contested.

Games for meaningful sanctions:

13.05 v Coventry RFC (S/F)

21.05 v TBC Championship Cup Final (Subject to outcome of the Semi-Final on the 13 May 2022)

2 or 3 Pre-Season or league fixture(s) to be confirmed once fixtures known.

Our intention is that the Player is suspended for 4 meaningful matches. As usual, the Club should liaise with the RFU as to this and, in particular, once the outcome of the semi - final is known.

Updated 08/09/2022

The Club did not progress in the Championship Cup and therefore the 3 additional fixtures missed were pre-season games as follows:

19/08/22 - Leicester Tigers - (Pre season)

27/08/22 - London Irish - (Pre season)

02/09/22 - Bath rugby - (Pre season)

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	4 weeks	Sending off sufficient	
Sanction commences	10/05/2022		
Sanctions concludes	05/09/2022		
Free to play	06/09/2022		
Final date to lodge appeal	12/05/2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Ian Unsworth QC	Date	11/05/2022
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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