

RFU SHORT JUDGMENT FORM



Match	Exeter Chiefs	Vs	Leicester Tigers
Club's Level	1	Competition	Gallagher Premiership
Date of Match	5 December 2020	Match Venue	Leicester

Particulars of Offence			
Player's Surname	Townsend	Date of Birth	11.10.1995
Forename(s)	Stuart	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Exeter Chiefs	RFU ID No.	
Type of Offence	Dangerous play in a ruck or maul		
Law 9 Offence	9.20(a)		
Sanction	5 week ban		

Hearing Details			
Hearing Date	8 December 2020	Hearing venue	Video link
Chairmen/SJO	Daniel White	Panel Member 1	Matthew Weaver
Panel Member 2	Mitch Read	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:
Chris Over Rob Baxter - DOR	David Barnes, RFU Head of Discipline Angus Hetherington, RFU Legal Counsel (Discipline) James Bailey (Observing) Scott Mackechnie (Observing)

List of documents/materials provided to player in advance of hearing:
Charge sheet Citing report Short medical report on Harry Simmons, injured player. Still images of the incident Emailed submissions from Chris Over Email correspondence Updated medical report from Simon Wallace dated 8.12.20

Exeter are in possession, after a breakaway into Leicester`s 22, and the ball is passed to E13 who is "tap tackled, and goes to ground, around the Leicester 5M line. Leicester 11 slides into contest for possession, and slides away from Exeter 13. The next player to arrive is Exeter 9 (Stu Townsend), he drops his shoulders, and as he arrives at the contact, he dives off his feet and to the right of the ball carrier, towards Leicester 11 who is still on the ground.

He continues forwards, and makes contact with his right shoulder to the head of Leicester 11. The right arm of Exeter 9 is behind his body, and is not attempting to bind. Exeter 9 is not in close proximity to the ball, and is never over the ball making a legitimate supporting action. Leicester 11 is in a very vulnerable position, and is not in any position to take evasive action. Leicester 11 remains on the ground, appearing to be dazed, he then moves away from the ruck, crawling on all fours. Play continues, and Leicester 11 can be seen on the wing, chasing a kick upfield.

This is an act of foul play, contravening Law 9;20;a. Which states: "A player must not charge into a ruck or maul. Charging includes any contact made without binding onto another player in the ruck or maul."

The point of contact is shoulder to head, with a high level of force, and a high level of danger, with nothing to mitigate it down from a red card. I therefore issue a Full Citing for this offence.

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

Harry Simmons sustained concussion as a result of these events, albeit that was not diagnosed until the days after the event following fresh symptoms at a training session. He will not play rugby "the following weekend".

The footage clearly shows the incident from a variety of angles.

Summary of Player's Evidence

Stuart Townsend ("the player") was chasing his team mate who had made a significant line break near to the Leicester try line. Harry Simmons ("the injured player") slides in to prevent the try and is left some distance beyond the E13 as he presents the ball back for his oncoming team mates.

The player said he hadn't thought anything had happened at the time the events occurred hence not reacting. As he ran towards the E13 he could hear Sam Simmonds telling him to get to the breakdown quickly. As the first there he wanted to "take the threat out", but was approaching at such a speed that he went off his feet and over his tackled team mate. He says he assumed that the injured player would have competed for the ball, but he didn't. He was not conscious that he was off his feet, but stressed that he intended to wrap with his arms as he "cleared out".

He was "terribly sorry" that he had caused injury to Harry Simmons, especially when he was made aware he had failed his HIA. He had not intended to hurt him and this was not a deliberate or intentional act. He said it had been a tough but good game and having been out for a long period with an injury, he had been excited and keen to perform well. This was only his second game back since injuring his elbow.

We went back through the footage asking about the positioning of his hands as he fell forward and why they didn't appear to stretch out to brace himself for the fall. Similarly he was asked why it was that at the last minute he checked his step and then moved with both feet off the ground and over the ball. The player explained that he had expected the injured player to "bounce up" and compete. He had come in too fast, couldn't control his speed and this had led to him executing the clear out poorly, following what he felt was an appropriate approach. When asked why he had chosen to clear out the Leicester 11 who was beyond the ball rather than the incoming defender (Harry Potter) he said he felt that the 11 was the most likely to compete for the ball as he approached.

Rob Baxter gave evidence as to how the team are coached in such a situation; stating that the player had approached correctly. In aiming to go square over the ball rather than focusing upon the position of the opposing players he was dealing with where the threat would come from. Mr Baxter noted his approach and entry were as they would wish, but that after the immediate approach the player had been out of control.

The player agreed that he could see clearly on his approach to the ruck and that nothing was obscuring his view. When challenged as to whether he had in fact wrapped with his right arm, he said he had attempted to do so and stressed that it was not a deliberate decision to come off his feet.

The player is 25 years old, signed for Exeter in 2012, through the academy program. He has only one previous disciplinary matter and that was for foul play in 2013 when he was 17 years old. Since then he has achieved 39 caps for Exeter and seven caps in EPCR games. In recent years he has sustained long term injuries to his ACL and elbow which have caused him to be out of the game for 13 months in total.

Had he known of the injury sustained he would have contacted Mr Simmons that day. He showed remorse for his actions.

Findings of Fact

The panel found that this was an intentional act of charging over a ruck, more so than charging into one. We found that the player chose to go off his feet and thereafter led with his right shoulder, at full pace, such that it came into direct and immediate contact with the head of the Leicester 11, who was unable to see the player approaching, less still to defend himself from the impact.

Decision

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

Empty box for notes or details.

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:

The panel reviewed the footage for a considerable time. We note that the player did not put his arms out to break his own fall as one would expect. His right shoulder led first and we did not find that he tried to wrap his right arm as he passed over the ruck area. This was an extremely dangerous event which could have easily resulted in worse injuries.

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

Any charging into a ruck is serious, but in this case the player chose to jump with both feet off the ground, leading with his shoulder into the head of a vulnerable opponent. We felt this was serious and we nearly deemed that it merited a higher entry point.

Nature of actions - Reg 19.11.8(d)

A direct blow with the shoulder to the head of an opponent at speed and with force.

Existence of provocation - Reg 19.11.8(e)

N/A

Whether player retaliated - Reg 19.11.8(f)

N/A

Self-defence - Reg 19.11.8(g)

N/A

Effect on victim - Reg 19.11.8(h)

The injured player has sustained a concussion and will not play the following week as a result.

Effect on match - Reg 19.11.8(i)

Leicester were winning the game at the time, but eventually went on to lose by a significant margin. The injured player remained on the pitch throughout as he passed the onfield HIA.

Vulnerability of victim - Reg 19.11.8(j)

The injured player was vulnerable.

Level of participation/premeditation - Reg 19.11.8(k)

N/A

Conduct completed/attempted - Reg 19.11.8(l)

Completed

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

Blank

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"/>	10

*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:

Direct impact to the head with the shoulder having leapt over a ruck with both feet off the ground. The resultant injury is serious and the actions were grave.

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)

Treated as of good character. He has one dissimilar disciplinary matter dating back to 2013.

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

N/A

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

None

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)
The player acknowledged his guilt in advance of the hearing.	Treated as of good character.
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
The player is experienced.	Exemplary.
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
The player showed remorse for his actions.	

Number of weeks deducted: 5

Summary of reason for number of weeks deducted:

The panel felt able to give the player full credit of 50% noting all the features above.

Games for meaningful sanctions:

The Player will miss the following matches

Sunday 13th December Glasgow Home Heineken Cup
Sunday 20th December Toulouse Away Heineken Cup
Saturday 26th December Gloucester Home Premiership
Saturday 2nd January Wasps Away Premiership
Saturday 9th January Bristol Home Premiership

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	5 weeks	Sending off sufficient	
Sanction commences	08 December 2020		
Sanctions concludes	11 January 2021		
Free to play	12 January 2021		
Final date to lodge appeal	10 December 2020		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Daniel White	Date	08 December 2020
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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