

RFU SHORT JUDGMENT FORM



Match (home)	Brunel University	Vs (away)	Newcastle University
Club's Level	BUCS	Competition	BUCS Trophy
Date of Match	22/03/2023	Match Venue	Brunel University

Particulars of Offence			
Player's Surname	Cannon	Date of Birth	26/11/2001
Forename(s)	Matthew	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Ealing RFC	RFU ID No.	680150
Type of Offence	Red Card		
Law 9 Offence	9.13 - Dangerous Tackle		
Sanction	3 weeks / matches		

Hearing Details			
Hearing Date	27/03/2023	Hearing venue	Virtual
Chairmen/SJO	Alastair Campbell	Panel Member 1	Andy Brooks
Panel Member 2	Anthony 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:	
Ben Cisneros, Morgan Sports Law Gareth Rise, Ealing Trailfinders		Tim Allatt (Referee) Ben Richards (Newcastle - ball carrier) Leftheri Zigkiriadis (Brunel)	
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 checked="" type="checkbox"/> Red Card report	<input checked="" type="checkbox"/> Player Statement	Video footage Yes
<input checked="" type="checkbox"/> Medical report	<input type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			
Written submissions on behalf of the player (including screenshots and edited video evidence) Witness Statement of Leftheri Zigkiriadis Email Statement of Ben Richards RFU Submissions			

The referee's report stated:

"The Newcastle University number 17 was in possession of the ball and a Brunel University player attempted a tackle. The Brunel University number 19, Matt Cannon, joined in the tackle. Matt Cannon came at pace from a distance with a clear line of sight. Matt Cannon made a dominant tackle with a high degree of force. Matt Cannon led with his head, with his arm following behind later. Matt Cannon's head made direct contact with the head of the ball carrier with a high amount of force. There was a loud noise on contact, and the ball carrier's head recoiled backwards, and the ball carrier was pushed back wards as a result of the dominant tackle.

The game was stopped immediately for the tackled player's safety and to get him treated by medics.

The facts as seen by the referee were as follows:

Direct head contact was made with a high degree of force, head to head. Matt Cannon committed foul play and had a clear line of sight, and also made a dominant tackle. No mitigation could be applied.

A red card was issued."

In live evidence, the referee stated that, from his angle, the collision appeared to be head on head contact, with a loud noise upon contact. However, under cross-examination and with the benefit of the video evidence, the referee accepted that there was unlikely to have been head on head contact and that it was possible for a ball carrier's head to "snap" backwards where there is no contact with the head.

There is absolutely no criticism of the referee for this. From the angle at which he saw the incident, it was perfectly reasonable for him to interpret the collision as involving head on head contact. He also saw the incident only in real time (all parties accepted that the incident happened quickly), and unlike the Panel did not have the benefit of watching the footage multiple times.

The Panel reviewed the video evidence carefully, on a frame by frame basis and from multiple angles. The Panel concluded that the video evidence supported the Player's contention that there was no head on head contact in the tackle. The Panel also found that the Player had sought to wrap his left arm when making the tackle (which the referee did not have sight of), but was prevented from doing so by the impact of the tackle.

The Panel's other findings of fact in relation to the video evidence are set out below.

The medical report stated (in extract) that:

"Ben displayed initial signs of tonic posturing which is a response associated with an acute traumatic brain injury. Within a few seconds his posturing improved and he was then able to get back to his feet with assistance. He reported some pain in his jaw associated with what he felt was direct contact in the collision.

Even though there is no HIA in amateur sport, Ben displayed signs initially which would have made this process redundant anyway, and he was permanently removed from play. He is currently following our return to play protocol but as he has a history of previous sports related concussions, he must have a consultation with our associated clinical consultant neuropsychologist before he can return to play."

Mr Richards' statement, provided via email, stated (in extract) that:

"After catching the ball from a ruck, I was hit by the tackling player. It all happened very quickly, so I am unsure of exactly where I was hit by the initial contact, however some of the resulting impact did hit me in the face (Jaw area). I can definitively say that was hit in the chin, and then immediately after being allowed to get up I felt a clicking sensation discomfort in my jaw. The hit happened with a lot of force and sent me to floor very quickly. I have since been informed by my team physio that I displayed tonic posturing indicating a concussive event, this has forced me to carry out a concussion return to play protocol."

In live evidence, Mr Richards confirmed that he had felt a hit to the left side of his jaw and shoulder/chest area, but under questioning was unsure as to whether the impact to his jaw was direct, or indirect following initial contact to his shoulder/chest.

Under cross-examination, Mr Richards gave further details of his previous concussions and accepted that it is possible that concussion can be caused by a "whiplash" effect, without head contact. Mr Richards also accepted that previous concussions make a player more susceptible to concussion in the future and that jaw pain can be caused by a whiplash injury. When asked by Mr Cisneros whether he had simply assumed that head contact had been made as a result of his symptoms, Mr Richards responded that he "knows when he's been hit".

The Panel also had the benefit of a witness statement and live evidence from Mr Zigkiriadis, a Brunel player in close proximity to the incident. Mr Zigkiriadis' statement, in relevant part, stated that:

"From where I was positioned, it appeared to me that Matt had made contact with N17's upper left arm and shoulder, with his right shoulder. I did not see Matt make any contact with N17's head".

In live evidence, Mr Zigkiriadis reiterated this view and added that he saw Mr Richards reach for his shoulder (as opposed to his jaw) in the moments immediately following the incident. When asked whether this might have been due to tonic posturing, Mr Zigkiriadis stated that he had interpreted it as Mr Richards holding his shoulder.

Summary of Player's Evidence

In relevant part, Mr Cannon's statement stated that:

"In preparing to make the tackle in question I lowered my height by bending at the knees and the hips, and aimed to make contact with N17 just below the ball (i.e. just below the sternum). I went into the tackle bent over with my arms out in front, in order to grasp N17 and bring him to ground.

Immediately before contact, N17 lowered his height slightly, as he braced for the tackle. I therefore tackled him slightly higher than I had intended do.

As I made contact with N17, I felt my right shoulder hit his upper left arm / shoulder. I know that I made contact with his upper arm / shoulder, as I could feel that the collision was bone-on-bone.

To the best of my knowledge, I did not make any contact with N17's head."

Mr Cannon reiterated this in live evidence, adding that he was unable to complete the wrap of his arms due to the "ricochet effect" of the tackle. He had aimed to make a dominant tackle at ball height (or just below) and the height of the tackle had risen slightly due to a slight dip by the ball-carrier as he braced for contact. When asked whether his momentum was in an upwards direction, Mr Cannon stated that he was tackling in a horizontal direction and the impact had forced his body upwards. He felt that the tackle had occurred with a medium degree of force.

On behalf of Mr Cannon, Mr Cisneros submitted that:

1. There was no head on head contact. The referee was therefore wrong for the purposes of Regulation 19.5.7 and the red card should be rescinded. That should be the end of the matter.
2. In the alternative, if the Panel considered that it could nevertheless consider the facts of the matter for the purposes of deciding whether a red card was correctly issued, it should do so afresh and any doubt should be resolved in favour of the Player. Mr Cisneros submitted that the video evidence was clear that there was no head contact, and that it was more likely than not that Mr Richards' injuries were the result of a "whiplash" effect, rather than any head contact. There was, therefore, no foul play.
3. In the further alternative, Mr Cisneros submitted that, if the Panel found that head contact had occurred, the correct sanction would have been a yellow card. Mr Cisneros submitted that if there were any head contact, it was indirect and, at most, with moderate force. The Player deliberately lowered his height and was in control at all times. Mr Cisneros further submitted that the ball-carrier was off balance and, when the tackle occurred, his legs went forward from under him, making the tackle appear more forceful than it was.

There was, in Mr Cisneros' submission, therefore a low degree of danger and the referee was wrong to issue a red card.

Findings of Fact

The Panel reviewed all of the evidence, in particular the video footage (both the RFU's version and the Player's edited version), carefully. The Panel decided that there was no head on head contact in the incident and, in that limited sense, that the referee's report was wrong.

However, the Panel did not accept the submission that this should be the end of the matter. Regulation 19.11.1 requires the Panel to "consider the circumstances of the case and determine its factual findings" and Regulation 19.5.1.1 provides that a Panel should only overturn the decision of the referee where it is satisfied that "the red card test has not been met". The Panel must therefore reach a decision on the facts of the matter and whether the red card test was met.

Having reviewed the footage, the Panel felt that there was no clear angle definitively demonstrating that head contact had or had not occurred. However, the Panel unanimously found that it was more likely than not that Mr Cannon had made contact with Mr Richards' head. This was supported by the backwards "snap" of Mr Richards' head on impact, which the Panel felt was more likely to have been caused by impact to the head than impact solely to the shoulder/chest, and by the evidence of Mr Richards himself. The Panel also found that Mr Cannon's momentum in effecting the tackle was in an upwards direction, making head contact more likely.

The Panel carefully considered Mr Cisneros' submission that Mr Richards' injury should not be considered as proof that head contact occurred. The Panel accepted the submission that it was possible for Mr Richards' injury to have been caused only by a "whiplash" effect (as opposed to impact), but rejected the submission that it was more likely than not that this was what had happened in this case. The Panel found that, in light of the video evidence, Mr Richards' injury was significantly more likely to have been caused by an impact to the jaw / head.

The Panel also considered the evidence of Mr Zigkiriadis, who stated that he did not see Mr Cannon make contact with Mr Richards' jaw / head. The Panel had no concerns over Mr Zigkiriadis' credibility but, bearing in mind the (undisputed) speed at which the incident occurred, the Panel preferred the evidence of Mr Richards that he felt an impact in his jaw area.

The Panel therefore rejected the submission that there had been no head contact and no foul play.

As regards the Player's third argument, the Panel felt that the footage was not of sufficient quality to make a finding on whether the impact to Mr Richards' jaw / head was direct or indirect.

However, taking into account each of the other factors on page 4 of the HCP, the Panel nevertheless found unanimously that there was a high degree of danger and that a red card was warranted. Although we were not able to ascertain whether impact was direct or indirect (and we were satisfied that the Player was in control and there was no leading hear or swinging arm), the Panel found that this was a dynamic, high speed collision. Although the Player contended that he had exercised a moderate level of force, the Panel found that this was inconsistent with his admitted desire to make a dominant tackle and, more importantly, inconsistent with the video evidence. This showed a significant impact, knocking the ball-carrier off his feet with sufficient force that the "ricochet effect" prevented him from wrapping his arms. For the avoidance of doubt, the Panel did not take into account Mr Richards' injury when assessing the degree of danger.

Decision

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

The Panel found that:

1. It was obligated to consider the circumstances of the case, make factual findings, and consider whether the red card test had been met.
2. It was more likely than not that head contact had occurred (albeit without any finding as to whether such head contact was direct or indirect).
3. There was a high degree of danger, as demonstrated by the force of the collision.

Accordingly, the Panel found the charge proven.

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:

Mr Cannon plainly did not intend to effect a high tackle. He bends his knees and hinges at the waist. However, by seeking to effect a dominant tackle and by extending his legs such that the direction of his momentum was upwards, he ran the risk that the ball-carrier might dip slightly as he braced for contact (as happened in this case).

Nature of actions - Reg 19.11.8(c)

The Player made an upright and forceful tackle, making contact with the victim's head.

Existence of provocation - Reg 19.11.8(d)

None

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)

Victim suffered a suspected traumatic brain injury and displayed tonic posturing in the aftermath of the incident. The panel was pleased to hear that, although he is going through return to play processes, the victim was recovering well.

Effect on match - Reg 19.11.8(h)

None save for the red card issued to Mr Cannon.

Vulnerability of victim - Reg 19.11.8(i)

N/A

Level of participation/premeditation - Reg 19.11.8(j)

No premeditation

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 checked="" type="checkbox"/>	6	<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 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 Panel was satisfied that head contact had occurred, meaning there was a mandatory mid-range entry point. Nothing about the incident makes a top-end entry point appropriate.

Although Mr Cisneros asked the Panel to consider that any sanction resulting from the selection of a mid-range entry point would be disproportionate, and therefore to select a low-end entry point, the Panel found that the assessment of proportionality is to take place after the selection of entry point.

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)
Player denied the charge.	Exemplary.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
Although Mr Cannon clearly plays a high standard of rugby, he is nevertheless a young and relatively inexperienced player.	Exemplary.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player was clearly upset and remorseful. Despite his immediate distress at receiving a red card, he apologised to the referee after the game and offered a fulsome apology to Mr Richards at the hearing.	Mr Cannon is clearly an integral part of rugby life at Brunel, and as Club Captain he is responsible for a plethora of off-field matters. He was given a glowing reference by Mr Rise.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

Although the Player denied the charge, this was a borderline case and it was reasonable for him to do so. There was no malice in his actions. The Panel were satisfied that Mr Cannon's exemplary record, clear remorse, good conduct at the hearing and extensive off-field involvement in his Club entitled him to the full 50% mitigation.

Having completed the steps mandated by Regulations 19.11.8 to 1.11.13 inclusive, the Panel considered whether the sanction would be wholly disproportionate to the offending player's fault and the consequences thereof.

Although the Panel had some sympathy with Mr Cannon for the effect of its decision and the consequences on his university playing career, the Panel did not consider that the sanction was wholly disproportionate and therefore made no further deduction to the sanction.

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)

None

Number of additional weeks: 0

Games for meaningful sanctions:

Newcastle University v. Brunel University (29 March 2023)
If Brunel wins that game, Brunel University v. TBD (5 April 2023)

If Brunel does not win the fixture against Newcastle, the Player shall inform the RFU of his upcoming meaningful fixtures for the purposes of sanction.

The Panel considered whether Ealing Trailfinders' first team game v. Bedford Blues on 1 April 2023 should be taken into account. However, given that Mr Cannon has played only once for the Ealing "A" side this season, the Panel found that it was unlikely that he would have been selected for that first team match and did not consider it a meaningful match for the purposes of sanction.

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	3 Matches	Sending off sufficient	-
Sanction commences	27.03.2023		
Sanctions concludes	TBD		
Free to play	TBD		
Final date to lodge appeal	12.04.2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£125		

Signature (JO or Chairman)	Alastair Campbell	Date	28/03/2023
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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

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