

# RFU SHORT JUDGMENT FORM

Match	Amphill & District RFC	Vs	Jersey RFC
Club's Level	2	Competition	GK Championship
Date of Match	01/05/2021	Match Venue	Dillingham Park

Particulars of Offence			
Player's Surname	Ward	Date of Birth	21/05/1984
Forename(s)	David	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Amphill & District RFC	RFU ID No.	41259
Type of Offence	Citing		
Law 9 Offence	9.12 - Tripping		
Sanction	1 Week		

Hearing Details			
Hearing Date	05/05/2021	Hearing venue	Zoom video call
Chairmen/SJO	Matthew O'Grady	Panel Member 1	John Doubleday
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:
Alex Radley, Counsel & Chairman of Amphill & District RFC	Angus Hetherington, RFU Counsel

## List of documents/materials provided to player in advance of hearing:

Bundle comprising: charge sheet, citing report (dated 03/05/21), sanction entry points, letter signed by Darren Hickey (Head Physiotherapist at Jersey Reds, dated 05/05/21), email exchange between Mr Hetherington and Mr Hickey, official match card, email from Mr Radley to Miss Morgan (dated 5 May 2021), written representations prepared by Mr Radley (dated 05/05/21, and letter from Russell McCluskey (dated 05/05/21).

The citing report reads:

"Amphill take a quick drop out from their 22m line where both sets of players chase the kick which is received by a Jersey back who immediately starts a counter attack. Amphill 16 (David Ward) and Jersey 3 (Ciaran Parker) chase back and follow the ball. During the chase Ward is clearly on the left hand side of Parker, initially around 10m away. Parker chases straight up the field whereas Ward changes his angle to follow the play which is towards his right hand side. Ward then cuts behind Parker and as they cross paths Ward, in a deliberate action, kicks Parker's lower left leg (around the ankle and shin area) which forces Parker to the floor. The referee is completely unsighted as the incident take (sic) place behind her. There is enough force in the kick that Parker is twisted fully around on impact.

Parker immediately grabs his knee and is slow to rise although does re-join the next play to try and carry the ball. He drops the ball and again immediately grabs his knee and can be seen limping – at the next break in play he is replaced.

Following the match I received a referral from Jersey Reds and was notified that Ciaran Parker had been injured as a result of the incident. I contacted the player for a statement and received the following message;

"During today's game vs Amphill , there were was an incident with the player in question which in my opinion was an act not In line with the game of rugby. I had my knee strapped following treatment on the field 2-3 mins before the incident and as I ran back to chase a ball in open play, I was taken out with a leg kick from the player in question which I believe was a deliberate act of foul play. After another 2-3 mins passed I could not continue my participation in the game due to this. The next break in play I came off. I dropped a ball before that and ran to the width after to stay out the way."

Having reviewed the video there is no doubt that Ward (Amphill 16) deliberately tripped Parker (Jersey 3) which passes the threshold for a red card under law 9.12 A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm (including stiff-arm tackles), shoulder, head or knee(s), stamping, trampling, tripping or kicking."

The edited video footage:

The video footage was viewed by the Panel. It shows the Player tripping Mr Parker's left leg from behind in a sweeping motion. Mr Parker is seen to fall and roll to his right side. The footage does not show anything after this. It does not clearly show Mr Parker grabbing his knee. It does not show Mr Parker regain his feet. It does not show Mr Parker return to the play, carry the ball, drop it and subsequently grab his knee and limp. It does not show Mr Parker being replaced.

Letter from Darren Hickey (Head Physiotherapist at Jersey Reds), 01/05/21:

"In the incident, the ball is kicked in behind Jersey Reds. Ciaran turns to chase back when he collapses to ground. I did not see the incident directly, but he is observed going down by our head S&C and this is communicated over our radio. He got up and tried to continue, but I was immediately concerned as I could see he was moving very awkwardly and clearly in quite a lot of discomfort.

I did not assess him on-field as our hooker and winger both had minor head knocks in the same sequence and needed immediate assessment. However, my assistant physio manages the situation and assesses Ciaran, determining this has aggravated his knee and that it is not safe to continue. He is immediately replaced. Post-game I reassessed Ciaran to find he had suffered an aggravation of his MCL. We are continuing to monitor him this week but luckily there is no game this weekend giving an opportunity for the knee to settle."

Email from Darren Hickey, 05/05/21:

"Ciaran has felt a minor twinge in the inside of his knee in contact around the 53min mark. Myself and my assistant physio both assessed this on the field at 54mins. Ciaran has had knee issues previously so I know his knee very well. His knee felt strong and stable, and I was very confident in his ability to continue at that point, and strapped it as a precaution as we've done with him previously.

We continued to watch his movements as we do after any on-field assessment and so we know that immediately prior to the trip he was moving well, giving us confidence in our decision. Immediately after the trip he was in noticeable discomfort with a heavy limp.

The assessment at 54mins gave me a direct comparison to use after the game, wherein it had clearly deteriorated having developed laxity and pain on stress testing, the clear turning point being the trip.

So yes, in my opinion, the trip directly caused damage to his MCL requiring his removal."

The Official Match Card, which was signed by representatives of both clubs states that Mr Parker was replaced at 58 minutes. The reason stated for his replacement was not because of injury, but Tactical reasons.

### Summary of Player's Evidence

The Player was straightforward when he gave his evidence. He said that Jersey had the lead and he was frustrated. The Player said that "in a moment of madness" he was "stupid" and tripped Mr Parker. Initially, the Player said that he did not intend to trip Mr Parker. He said his intention was to be a nuisance. In tripping Mr Parker, the Player said he did not intend for Mr Parker to fall and he had no malice towards Mr Parker. The Player said that Mr Parker had not wronged him in the match. The Player said he did not see Mr Parker get treated earlier in the match.

With the assistance of his representative, the Player took the Panel through what he suggested was the chronology of events. He said the whole footage shows that Mr Parker was strapped and he was then later tripped by the Player. We were told the full footage shows Mr Parker return to the attacking line and he resumes his participation in the match. We were told that Mr Parker received a poor pass and moved around the field. We were told that he was seen in the 22m area walking normally. During this time after the trip we were told that Mr Parker was involved in a number of tackles/collisions.

The Player's case was that it was not proved that any aggravation to Mr Parker's existing injury was caused by the trip and was as likely caused by the tackles and other play (or combination of them) he was involved in afterwards. To support this point the Player relied on the Match Card. Namely, if Mr Parker was injured as suggested it would have been recorded there.

The Player was apologetic for his actions and lamented what he considered was an obviously immature action for someone of his experience in the game. The Player has a long professional career. We were told he was particularly disappointed with his actions because, as a Level 4 Coach, he has been trying to reiterate the importance of discipline to his team. He recognised that his actions undermined that message.

## Findings of Fact

The RFU brings this citing and the RFU must prove its allegations on the balance of probabilities. The Player does not need to prove anything.

The key issue was whether the trip caused the aggravation in Mr Parker's existing knee injury. The RFU relied on the evidence in the bundle. No evidence was called by the RFU. No footage other than that identified, above, was provided to us. The Player relied on four points as undermining the RFU's argument:

- 1) The RFU's version is not shown in the video evidence;
- 2) Mr Parker was involved in a number of collisions after the trip and they could not be discounted as the cause or a contributing factor to the aggravation of the injury;
- 3) Mr Parker was not removed from the field immediately after the trip. Had the trip been the cause of the aggravation then he would have been.
- 4) The Official Match Card, which is an important document, did not reflect that Mr Parker was removed because of an injury.
- 5) There are significant limitations in the use of the evidence of Darren Hickey, namely: he did not see the trip himself; he did not assess Mr Parker on the field; he is factually incorrect in stating that Mr Parker was immediately replaced; and he did not consider other possible causes (such as the tackles/contacts he was involved in after the trip).

The Panel considered the evidence (including Mr Parker's as recorded in the citing report) and arguments carefully. The Panel accepted that it could not be satisfied on the balance of probabilities that the aggravation of the injury was caused by the the trip for the reasons relied on by the Player. The only live witness the Panel heard from was the Player and we gave that evidence some more weight than the evidence that was limited to writing. In the Panel's judgment the trip may well have been the cause of the aggravation, but that conclusion falls short of the burden of proof.

Our findings were therefore as follows:

The Player ran from his 22m line up the pitch. Mr Parker was about 5m ahead of him and to his right. Mr Parker reached the Ampthill 10m line. The Player changed his running line as the play moved to his right. The Player moved behind Mr Parker. As he did so, the Player swung his leg backwards, then forwards and tripped Mr Parker, who was still moving forwards. The trip was a deliberate action.

The trip caused Mr Parker to fall forwards with a preference for his right side. Mr Parker rolled over his right shoulder and back.

Mr Parker returned to the play and he was replaced a few minutes after the trip.

### Decision

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

See findings, above.

## 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 sweep of the leg was a deliberate action. The Player changed his running stride to make sure the Player was tripped.

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

This type of foul play is at a lower level of gravity relative to other acts of foul play, such as foul play to the head.

Nature of actions - Reg 19.11.8(d)

They are described in the findings.

Existence of provocation - Reg 19.11.8(e)

There was no provocation.

Whether player retaliated - Reg 19.11.8(f)

This was not retaliation.

Self-defence - Reg 19.11.8(g)

The foul play was not in self-defence.

Effect on victim - Reg 19.11.8(h)

The trip caused Mr Parker to fall and roll.

Effect on match - Reg 19.11.8(i)

No obvious affect on the course of the match.

Vulnerability of victim - Reg 19.11.8(j)

Mr Parker had some vulnerability. The foul play came from behind him. He could not have prepared himself for it and will not have known it was to occur.

Level of participation/premeditation - Reg 19.11.8(k)

The foul play was not instinctive. In running as he did and then deliberately tripping there was some momentary consideration by the Player of what he was going to do before he did it.

Conduct completed/attempted - Reg 19.11.8(l)

Completed.

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

No other features.

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"/>	2	<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:

The Panel could not identify any feature that could justify a Mid-Range entry. Of note, the Panel was unable accept that the trip aggravated an existing injury.

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)

Prior disciplinary of offences in 2012 and 2017.

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

Not relevant.



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

Not relevant.

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)
A prompt acceptance of responsibility.	Not a clean record, but some 4 years since his last offence.
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
An experienced professional player.	Befitting a player of his experience and seniority.
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Judged by the Panel to be sincerely remorseful and embarrassed by his "petulant" actions.	A senior player, who is respected by those around him.

Number of weeks deducted: 1

**Summary of reason for number of weeks deducted:**

The Player was genuinely remorseful and promptly accepted responsibility for his actions.

The Player sought no more than 50% discount in mitigation. The Panel was not invited to apply Reg 19.11.13.

Games for meaningful sanctions:

17.05.2021 v Saracens

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	1 week	Sending off sufficient	
Sanction commences	04/05/2021		
Sanctions concludes	17/05/2021		
Free to play	18/05/2021		
Final date to lodge appeal	08/05/2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Matthew O'Grady	Date	07/05/2021
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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