

RFU SHORT JUDGMENT FORM



Match	Lymm 3rd XV	Vs	Heaton Moor 2nd XV
Club's Level	Level 5	Competition	NOWIRUL Div 3 South
Date of Match	06/11/2021	Match Venue	Lymm RUFC

Particulars of Offence			
Player's Surname	Fisher	Date of Birth	26/10/1991
Forename(s)	Sam	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Lymm RUFC	RFU ID No.	456346
Type of Offence	Red card		
Law 9 Offence	9.28 - Physical abuse of match official		
Sanction	20 weeks		

Hearing Details			
Hearing Date	23/11/2021	Hearing venue	Zoom call
Chairmen/SJO	HHJ Sean Enright	Panel Member 1	Beccy Essex
Panel Member 2	Tony Wheat	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:
Sam Fisher (player) Trevor Fisher (witness and players father) Will Hind (Lymm RUFC) Andy Leach (Lymm RUFC) James Ferguson (Lymm RUFC) Rick Johnson (Lymm RUFC)	Mostyn Williams (Cheshire East RFU Disciplinary panel) John Downham (Cheshire East RFU Disciplinary panel) Darragh McGrath - Referee

List of documents/materials provided to player in advance of hearing:
Hearing bundle containing Referee's report of the incident Statement from Olly Brown, captain, Lymm 3rd XV

The ball was in the Lymm half to the side of the pitch (LHS) when the ball went down the blind side to the side line side as opposed to the open side. There was a forward pass in the move and I blew for the scrum. No 19 (Sam Fisher) expressed his opposition to the decision and I then went to walk the decision forward 10. At this point there was some foul language from No 19 and he began to retreat when he suddenly turned towards me and shoulder charged me. I immediately blew and stopped the game. I issued a straight Red Card to the No 19 where upon he attempted to run towards me whilst using foul and abusive language towards me. He had to be restrained by some of his team mates at this point. The captain did encourage the player to apologise to me at the time. Looking at the body language I asked for the player to do this after the game in the referee's room. He eventually left the field after 2 minutes. I then asked the Captain (Ollie) to have him removed to the clubhouse as I didn't want any further rise in temperature or potential instances leading from the sending off. The Lymm captain apologised to me and stated that he had seen the event and agreed further it was a deliberate act. The game from there continued without any further instance of note and all players enjoyed the game. Although the score line does not reflect this, the game was competitive despite the conditions.

After the game as I was in the Referees room I noticed my trousers were missing including my phone, car keys and wallet. After a search they were found in bin outside the shower area. Whilst I have no evidence of who may have done this, there was only one match in the club in the day. The player in question, Sam Fisher, made no approach to me after the game either in the referee's room or in the club house despite being asked to by the Lymm Captain. Again the Captain apologised on behalf of the Club for the earlier removal of my belongings, and a subsequent phone call was received from the club chairman later in the week.

The players father, Trevor Fisher said as an ex referee, he watches referees closely and on this occasion was surprised that Mr McGrath ran the extra 10 metres that he imposed for back chat and continued an extra few metres before turning around, and he felt that had he not done this and instead walked, the incident would not have taken place. He felt that the collision was shoulder to shoulder but was accidental as a result of Sam Fisher trying to get back into the defensive line and the referee moving the penalty an additional 10 metres.

After the game he does not recall Olly Brown approaching the player in the clubhouse to suggest he apologise to the referee, and said he would have expected someone to come over and bring him to the referee to apologise.

The Lymm 3rd XV Captain, Olly Brown wasn't sure what the initial penalty was awarded for as he was involved in the ruck, but did see the collision between Sam Fisher and the referee, Darragh McGrath. He felt that the player could have avoided the collision and that it did look deliberate as he 'dipped his shoulder into him'. He added that the collision appeared to be 'shoulder to shoulder' but wasn't overly aggressive or forceful. He brought the player to the referee to apologise but the referee asked for him to be removed from the playing area to the clubhouse. Following the game, in the clubhouse, he spoke to the player and suggested he apologise to the referee which he did not do.

Summary of Player's Evidence

The player (Sam Fisher) stated that the referee had awarded a penalty at a ruck that he had been involved in, but was not sure what the offense was. He then rolled his eyes at the decision to award a penalty, which the referee didn't like and moved the penalty 10 metres further down field.

At this point, he was himself retreating to get back into the defensive line and ran into the referee, making contact shoulder to shoulder. The player said that the referee was not in his eye line and he hadn't seen him, therefore the collision was accidental. He was surprised when the referee immediately showed him a red card and admitted that he then said "fuck off", but this was more in frustration rather than being directed at the referee himself.

The player said that he then offered his hand to the referee by way of an apology but this was declined by the referee, so he left the pitch and went back to the clubhouse. He has no knowledge of the incident with the removal of the referee's trousers from his changing room and denied it had anything to do with him.

The player did not apologise to the referee in the clubhouse afterwards as he was with his family watching the England game on the television and did not wish to inflame the situation any further.

Findings of Fact

The panel found the collision with the referee to be deliberate, although without significant force. The evidence of the referee, Darragh McGrath and the Lymm captain, Olly Brown was persuasive, and the panel was troubled that the player, Sam Fisher, could not appear to clearly explain or recollect the specific details of the incident.

The panel also felt that as Mr Trevor Fisher was over 50 metres away, he was not close enough to get a good view of the incident.

As a result, the charge was proven.

Decision

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

The charge was not admitted but the evidence of the referee and the Lymm captain compelled the panel to find 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:

The referee and the Lymm captain were both clear that they felt the collision was deliberate, and the panel agreed.

Nature of actions - Reg 19.11.8(c)

Making shoulder contact with the referee.

Existence of provocation - Reg 19.11.8(d)

No

Whether player retaliated - Reg 19.11.8(e)

No

Self-defence - Reg 19.11.8(f)

No

Effect on victim - Reg 19.11.8(g)

None

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

The referee was vulnerable in the sense that he would not have been expecting any physical contact.

Level of participation/premeditation - Reg 19.11.8(j)

Level of participation was complete and the action was premeditated.

Conduct completed/attempted - Reg 19.11.8(k)

Conduct was completed.

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

The player did not apologise to the referee after the game, or in the period since.

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"/>	24	<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 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 determined that the contact, although deliberate, was not forceful as the referee remained on his feet and was not knocked to the ground. The referee thankfully suffered no injury and was able to continue officiating the game.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
Not present	No previous disciplinary record
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
Not relevant	No apology prior to hearing. Conduct at hearing was exemplary

Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
None	None

Number of weeks deducted: 4

Summary of reason for number of weeks deducted:

The panel were only able to mitigate the sanction down by 4 weeks due to the lack of acknowledgment of guilt, and absence of an apology after the game or since. The player is 30 years old and has been playing since he was 10, so is an experienced player. He has no prior findings, therefore the panel felt able to reduce the sanction by 4 weeks.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13

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

No previous record.

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 - (including poor conduct prior to or at the hearing) Reg 19.11.10 (c)

None

Number of additional weeks: 0

Games for meaningful sanctions:

The player plays mainly for Lymm 3rd XV but does play for the 2nd XV when there is no 3rd XV fixture. The clubs fixture list shows that when there isn't a 3rd XV fixture, there is a 2nd XV fixture which when combined brings the total games remaining in the 21/22 season to 20. As a result, the player will miss the remainder of the 21/22 season but is eligible to play again at the beginning of the 2022/23 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	20 weeks	Sending off sufficient	
Sanction commences	09/11/21		
Sanctions concludes	09/05/2022		
Free to play	10/05/2022		
Final date to lodge appeal	09/12/2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£125		

Signature (JO or Chairman)	Sean Enright	Date	25/11/2021
----------------------------	--------------	------	------------

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