

# CONSTITUENT BODY SHORT JUDGMENT FORM

Constituent Body	Nottinghamshire, Lincolnshire & Derbyshire	
Case number	Click here to enter text.	Select: <input checked="" type="checkbox"/> Red Card <input type="checkbox"/> Citing <input type="checkbox"/> Other

**PAGE 1**

**PARTICULARS OF OFFENCE**

Player's surname	Payne	Date of birth	22 <sup>nd</sup> December 1993
Forename(s)	Josh	RFU ID #	2156421
Club name	Ashfield RFC	Date of match	5 <sup>th</sup> January 2019
Offence & Law charged <small>(e.g. 9.12 - strike with head)</small>	9.28 - A player must not physically abuse Match Officials.	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not Admitted
Home team	Ashfield	Away team	Mosborough
Home team level*	3 <sup>rd</sup> XV	Away team level*	2 <sup>nd</sup> XV

**\*TEAM LEVEL REFERS TO 1ST XV, 2ND XV, COLTS, VETS, etc NOT WHOLE CLUB LEVEL**

**HEARING DETAILS**

Hearing date	Thursday 30 <sup>th</sup> January, 2019	Hearing venue	Derby Conference Centre
Chairman	Matthew O'Grady	Secretary	John Downham
Panel member 1	Andrew Stout	Panel member 2	Malcolm Yates
Decision	<input checked="" type="checkbox"/> Proven <input type="checkbox"/> Not Proven		

**CASE SUMMARY & SANCTION**

**NOTE: UNDER RFU REGULATION 19.5.2, PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING**

Total sanction	12 weeks	Entry Point	Low End
Banned from	Saturday 5 <sup>th</sup> January, 2019	Banned to	Saturday 30 <sup>th</sup> March, 2019
Ban split from	N/A	Ban split to	N/A
Free to play	Sunday 31 <sup>st</sup> March, 2019	Costs	£30

**NOTE: SANCTION IN MATCHES FOR AGE GRADE ONLY**

**NOTE: FOR SENDING OFF SUFFICIENT STATE UNDER TOTAL SANCTION**

Signature (Chairman)	Matthew O'Grady	Date	Friday 1 <sup>st</sup> February, 2019
Signature (Secretary)	John Downham	Date entered to GMS	Click here to enter text.

PLEASE TICK APPROPRIATE BOX:  Intentional/deliberate 19.11.8(a)  Reckless 19.11.8(b)

Gravity of player's actions 19.11.8(c)		Nature of actions 19.11.8(d)	
We were not satisfied that this conduct could stand as a "contact" charge and after hearing submissions proceeded on the basis of a "physical abuse" charge. Offences against Match Officials are serious. The Player deliberately threw the ball to hit the Referee. This was a 'cheap shot' to a Referee with his back turned to the Player. The Referee had no way of anticipating what happened. The ball was thrown at a vulnerable part of the Referee's body, his head. There was limited force used. It was an underarm throw from distance.		The Referee's report: "Whilst discussing an incident with the Ashfield captain, player 2 threw the ball at me which struck me on the back on the head. There was no one trying expecting (sic) the ball and so I was confident that the players intention was to hit me on the head. This was witnessed by the referee from the other match of the day, Rob Brown, who confirmed that whilst the ball wasn't thrown with particularly menacing force, it was thrown with the intention of hitting me."	
Existence of provocation 19.11.8(e)		Whether player retaliated 19.11.8(f)	
There was some form of altercation preceding the threatening behaviour, but nothing that could excuse or justify the Player's actions.		N/A	
Self-defence 19.11.8(g)		Effect on victim 19.11.8(h)	
N/A		This was an intimidating act. There were no physical injuries sustained. It was a throw with limited force.	
Effect on match 19.11.8(i)		Vulnerability of victim 19.11.8(j)	
The incident occurred in the 78 <sup>th</sup> minute and it was paused whilst this incident took place.		The Referee had his back turned to the Player. He had no way of anticipating what happened. This was a threatening event. The Referee was alone with no team mate or colleagues to assist him or provide moral support. Referees are inherently more vulnerable than other game participants.	
Level of participation/premeditation 19.11.8(k)		Conduct completed/attempted 19.11.8(L)	
The Player made a conscious decision to take the ball, draws his arms back and throw it at the Referee. Up until the moment the ball left his hands he had every opportunity to take a step back.		The physical abuse was completed.	
Other features of player's conduct 19.11.8(m)			
The Player was of one three players from the same club directing abuse at the Referee. The group element of the offending made it more serious in the Panel's view given the cumulative intimidating effect there will have been upon the Referee compared to a single act by a single individual. This Player's actions were probably the most egregious of the three charged.			
Entry point number	Top end*	Mid-Range	Low End 24 weeks

**NOTE: STATE NUMBER OF WEEKS OR MATCHES ENTRY POINT FOR OFFENCE – ENTRY POINT IN MATCHES FOR AGE GRADE ONLY**

\*If top end, the Panel should identify an entry point between the top end and the maximum sanction (19.11.9) as set out in Appendix 2

In making the above assessment, the Panel should consider the RFU guidance (Note 2) set out in Appendix 5 (page 366) to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).



Click here to enter text.

The Panel found:

- 1) This was not a careless or reckless act. The Player deliberately took control of the ball, drew his arms back and threw it at the back of the Referee's head.
- 2) It was a single act, rather than a sustained course of conduct.
- 3) The Player used an implement (the ball) to make connect with the Referee.
- 4) The Player's target was an inherently vulnerable part of the Referee, namely his head, rather than his torso or back.
- 5) This was a cheap shot with the Referee's back turned.
- 6) The Player was part of a group of players of the same team directing abusive and/or threatening behaviour at the Referee.
- 7) The episode was intimidating and threatening.
- 8) This conduct could not stand as a "contact" charge given the deliberately abusive nature of the Player's actions.

### AGGRAVATING FACTORS (REGULATION 19.11.10)

Player's status as an offender of the Laws of the game 19.11.10(a)

Need for deterrent 19.11.10(b)

N/A

Any other off-field aggravating factors 19.11.10(c)

N/A

Number added on:

0

**NOTE: AGGRAVATING IN MATCHES FOR AGE GRADE ONLY**

Acknowledgement of guilt 19.11.11(a)	Player's disciplinary record/good character 19.11.11(b)
The Player fully admitted his actions and took responsibility for them	Excellent. First red card.
Youth & inexperience of player 19.11.11(c)	Conduct prior to and at hearing 19.11.11(d)
The Player is 20 years old and has been playing the Game for 5 years	Excellent throughout.
Remorse & timing of remorse 19.11.11(e)	Other off-field mitigation 19.11.11(f)
The Player fully accepted responsibility for his actions. He apologised for them	N/A

Number deducted:

12

**NOTE: SUBJECT TO REGULATION 19.11.13, A DISCIPLINARY PANEL CANNOT APPLY A GREATER REDUCTION THAN 50% OF THE RELEVANT ENTRY POINT SUSPENSION**

**NOTE: MITIGATING IN MATCHES FOR AGE GRADE ONLY**

### ANY OTHER INFORMATION

Click here to enter text.