

**RUGBY FOOTBALL UNION
DISCIPLINARY HEARING**

Constituent Body Nottinghamshire/Lincolnshire & Derbyshire

Venue: Papers

Date: 19th November 2023

JUDGMENT

Player: Ashley DAVIS
Club: Meden Vale RFC.

Match: Chesterfield Panthers vs Meden Vale
Match Date: 14th October 2023
Match Venue: Chesterfield

Panel: Ian Roe, Vice Chair.
Secretary: Andrew Statham

Attending: Arlene Moxon & Craig Lord
Observing: N/A

Decision

1. The Panel found that due to a guilty plea to the citing by Chesterfield Panthers the case was proven
2. The Player pleaded guilty to the offence of 9.12 – Striking with the knee Contrary to Law 9.12.
3. The Panel determined that the Player should be suspended for a period of eight weeks/games from receipt of this judgement. The club should contact the NLD Discipline Secretary with a list of significant games to be missed by Ashley Davis.

Preliminary Matters

4. The panel consisted of three members of the NLD Discipline Panel. The matter was dealt with by email after a guilty plea by Ashley Davis to a citing by Chesterfield Panthers. They had made the citing within the prescribed time limit. Details of this citing along with a video of the incident had been circulated to Meden Vale and the player. Once having seen the

information Ashley Davis pleaded guilty and was satisfied that the case would be dealt with by papers.

Charge and Plea

5. That during a ruck and after the referee had blown his whistle to stop play, Ashley Davis wearing number 14 had struck the Chesterfield Panthers number 9 at the side of his head with his knee. Ashley Davis pleaded guilty.

The Citing Complaint

6. Chesterfield Panthers provided a video which all parties and panel members have seen and have had the opportunity to view numerous times.

The video conclusively shows that the referee had stopped play at a ruck. Ashley Davis wearing number 14 who was stood up in a ruck looks down at the Chesterfield Panthers number 9 who was kneeling at the ruck, Davis then strikes the player at the side of his head with his knee and then walks away.

The Player's Case

7. Meden Vale have carried out a discipline hearing on 4th November 2023 where the player Ashley Davis was able to give his account. The video was shown to Ashley Davis and he agreed that it looked as if he had made contact to the head and so he pleaded guilty to the offence. He said that it was reckless rather than malicious as he was trying to get out of the ruck which the scrum half had entered from the side. He is still not certain that he contacted his head, but he accepts that it does look like it was very close. Ashley Davis also pointed out that, the Chesterfield number 9 received did not treatment and carried on playing. He said that he would never deliberately endanger any player and it is totally out of character.

Sanction

8. We undertook an assessment of the Player's conduct under Regulation 19.11.8 as follows: -

- a) The view of the panel was that the action was intentional.
- b) The action was a deliberate action to strike the victim with his knee. By his action he would have known that it was act of foul play and Ashley Davis would have known this.

- c) From viewing the video, Ashley Davis looks down at the Chesterfield number 9 before striking him at the side of the head with his knee.
- d) No provocation from the victim or any other player against Ashley Davis.
- e) Did not act in retaliation.
- f) Did not act in self-defence.
- g) The victim was struck at the side of his head near to the temple area. He received only bruising to the area and did continue playing the remainder of the game.
- h) The offence was not seen or acted on by the referee and so both teams continued without a player leaving the game.
- i) The victim was kneeling on the ground at the ruck and the referee had just blown his whistle for an offence. The victim was vulnerable as he would not have been aware of the act of foul play about to be committed by Ashley Davis. The victim was struck with force on the side of his head and was unable to defend himself. Although not seriously injured the victim was stuck on the head.
- j) Ashley Davis was the only offender in this incident.
- k) The offence was completed by Ashley Davis.
- l) Ashley Davis pleaded guilty.

Mitigating Factors

10. We have considered the mitigating factors under regulation 19.11.10.

Ashley Davis has pleaded guilty at his clubs disciplinary hearing and to the citing complaint, his still states that he is not certain he contacted the head of the victim. There has been no remorse shown or apology which the panel are aware of.

He does not have any previous red cards to NLDs knowledge.

Aggravating Features

9. We considered the aggravating factors under regulation 19.11.13.

Ashley Davis has not had any previous red cards or citing complaints.

World rugby and the RFU stipulate a Mid-Range entry point for any act of foul play that results in contact with victim's head, serious consideration was given to raise this offence to Top-End as when the panel viewed the video they saw that once the referee blows his whistle the offender looks at the referee and then immediately down to the victim as he then uses his knee to make contact with his head. This was a cynical action as he then walks away.

(In assessing the entry point within the range Disciplinary Panels are likely to give significant weight to RFU Regulations 19.11.8(a), 19.11.8(g) and 19.11.8(h))

There was certainly intent, the player did not need any treatment and no significant injury caused, there was no reaction by the players, but it can be heard on the video that there was a significant 'groan' from the spectators when they saw the foul play.

As the panel previously said the video conclusively shows that the referee had stopped play at a ruck. Ashley Davis wearing number 14 who was stood up in a ruck looks down at the Chesterfield Panthers number 9 who was kneeling at the ruck, Davis then strikes the player at the side of his head with his knee and then walks away as if he had done nothing. The panel considered this to be a cowardly act as he also looks over his shoulder questioning if he had been seen or got away with it.

Decision

11. We have given serious consideration to this citing but have decided that it should remain a Mid-Range entry point of eight weeks/games. We have decided to reduce this by two weeks/games for the guilty plea. We have aggravated the sanction by two weeks due to the above aggravating factors mentioned.

Costs

12. The citing cost will be returned to Chesterfield as the case has been proven

Right of Appeal

13. There is a right of appeal against this decision. Any such appeal must be lodged with the RFU Head of Discipline within 14 days of receipt of this decision.