

NATIONAL COUNTY FOOTBALL ASSOCIATION

SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

On behalf of Amateur Football Alliance

Non-Personal Hearing

of

Shamar HIGGINS [56687774]

Case ID: 10090987M

THE DECISION AND REASONS OF THE COMMISSION

Introduction/Background

1. On 4 January 2020, Old Parmiterians Fifths (“Old Parmiterians”) played Parkfield First (“Parkfield”) in the Amateur Football Combination Division 3 North (collectively the “match”).
2. On 6 January 2020, an extraordinary incident report form was submitted to the Amateur Football Alliance (“AFA”) by the match official alleging misconduct by Shamar Higgins (“the participant”), a player with Old Parmiterians. The AFA investigated the allegation.

The Charge

3. On 23 January 2020, the AFA charged the participant with Misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official, including physical contact and threatening and/or abusive language/behaviour.
4. The FA Rules of the Association, contained in The FA Handbook Season 2019-2020 p115, Rule E3 states:
(1) A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of , violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.
5. The FA Rules of the Association, contained in The FA Handbook Season 2019-2020 at p182 define physical contact or attempted physical contact as (but not limited to):
Pushing or pulling the Match official (or their clothing or equipment), barging or kicking the ball at the Match Official (causing no injury) and/or attempting to make physical contact with the Match Official (for example attempting to strike, kick, butt, barge or kick the ball at the Match Official).

The Allegation

6. It was alleged that the participant made physical contact against the Match Official, in addition to using threatening and/or abusive language/behaviour and that the participant's actions constituted a breach of FA Rule E3.

The Reply

7. On 29 January 2020, the participant responded via the Whole Game System to the AFA Discipline Team, indicating that he denied the charge and requested the matter to be dealt with at a non-personal correspondence hearing.

The Commission

8. This case was determined by the Football Association ("The FA") as suitable to be dealt with by a Chair from the National CFA Serious Case Panel, sitting in alone, acting in accordance with the guidance issued. Accordingly, the FA appointed the following National Panel Member: Loraine Ladlow (Chair).
9. The Role of the Chair is to determine the participants liability and decide sanction. In this case the Chair, having considered all the documents provided, determined that this case was not unduly complex and agreed that the matter could be dealt with by her sitting alone as the Commission.

Documents Received

10. The Commission had received and read the bundle of documents prior to the hearing, which included:

County FA Evidence

- (i) Misconduct Charge Notification dated 23 January 2020;
- (ii) Extraordinary Incident Report Form from Mark Poulter, the referee, undated, and email evidence dated 4 and 6 Jan 2020;
- (iii) Email statement from John Long, Old Parmiterians match/referee secretary, received 7 Jan 2020;
- (iv) Email from Christophe-Michel Kane, received 6 Jan 2020;
- (v) Email from Paul Ripley, Parkfield FC Manager, received 20 Jan 2020;

Participant charged Evidence

- (vi) Email statements of Shamar Higgins, the participant, received 7 and 28 Jan 2020;
- (vii) Email statement from Daniel Matthew, received 29 Jan 2020;
- (viii) Email statement from Tunde Salpetrier dated 29 Jan 2020;
- (ix) Screenshot of Whole Game System, dated 29 Jan 2020, confirming the charge was denied.

The Hearing.

11. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, or to all the statements and information provided, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when it determined the matter. For avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished in this case.

12. The Commission having considered all the evidence, had regard to the following:

- (a) The Referee stated that in the 89th minute of the match Parkfield scored. Number 5 for Parmiterians (the participant) claimed an offside. The referee stated he returned to the centre circle ready for kick off when the same player was standing just outside of the penalty area and shouted, "who played him onside?". The referee indicated that it was he himself who had, to which the player shouted, "fuck off". The referee walked over to him and asked his name which he gave a Shamar Higgins, the participant. The referee told him that this was foul and abusive language, showed him the red card and sent him from the field of play. After the referee blew the final whilst the participant ran onto the pitch shouting and pushed the referee backwards, fairly forcefully, two or three times in

the chest, whilst continuing to jostle and shout at him. He also poked the referee in the chest with his finger. The referee stated that the participant was clearly angry and other players ushered him away.

- (b) John Long stated that he was at the match but did not see the incident. He confirmed that he saw the referee after the match and that he was distressed and explained what had happened.
- (c) Christophe-Michel Kane stated that their team had just conceded a goal that his team felt was offside. The participant who was playing along side him was frustrated and told the referee to “fuck off” which he heard and saw directly. He stated that the referee delayed the kick-off to deal with the matter and presented the participant with a red card for foul and abusive language. The participant, along with other players, pointed out that the referee had sin-binned a player earlier for dissent and that there was a lack of consistency. However, he stated, that they accepted the referee’s decision. Shortly after the final whistle, he stated that he was shaking hands with opponents when he saw the participant run back onto the pitch and confront the referee in an aggressive manner and that the rest of the players restrained him. He stated that another person also confronted the referee who he assumed to be the participant’s friend. He stated that there were enough players in between to prevent things escalating further.
- (d) Paul Ripley stated that he witnessed a very aggressive response by a number of Parmiterians players in response to a goal given in the last minute of the game. He stated it was a totally over the top reaction and as a result the referee sent off a very animated and agitated Parmiterians defender. When the game finished players and supporters from Parmiterians ran onto the pitch and began abusing and behaving in a very aggressive manner toward the referee. At least one Parmiterians supporter, believed to be the brother of the player sent off, had to be restrained whilst hurling abuse at the referee. He further stated that one of his players, Mr O’Reilly, informed him that Parmiterians number 5 had his finger in

the referee's face and subsequently pushed the referee backwards with his hands.

- (e) Shamar Higgins, the participant, stated that, out of frustration, he shouted out loud, "for fucks sake ref" at the referee and that the referee had thought he had said "fuck off" which he denied. As a consequence, the referee gave him a red card. He stated that after the game he went over to the referee to explain that it was not directed at him but that the referee thought he was coming over to have another go and that the referee told him to "fuck off". He stated that he responded by pointing at the referee to express that he was out of order and that whilst trying to do so, several players tried to move him away. As he tried to explain this to the players in a high-pitched voice that he wanted to speak to the referee, the referee was pushed into his finger. He stated that there were verbal exchanges between him and the referee but denied deliberately touching the referee in an aggressive manner. In an earlier email statement, the participant stated that at no time was the referee poked or pushed in the chest and that not a finger was laid on the referee. He stated that there was a verbal exchange between them both.
- (f) Daniel Matthew stated that he was present when an incident happened and that words were exchanged between the participant and the referee after a goal was conceded. He confirmed that the participant was given a red card by the referee in respect of this. He further stated that after the game the participant went to speak to the referee and that the exchange looked heated, so he made his way over, along with other players from both teams. He stated that the participant was pointing at the referee explaining something, and that they were at close range. He confirmed that it was crowded where they were and believed the referee may have felt intimidated by that and may have believed someone, either the participant or someone else had poked him. As the crowd was quite big and so close together, he believed that the participant may have been nudged into the referee as he was being told to move

away, however he stated that at no point was the referee poked or struck.

- (g) Tunde Salpetier stated that he was present at the game and that the participant had simply questioned a few of the referee's decisions, however the referee appeared to be rather agitated by this. He stated that he believed the referee took out his frustrations on the participant and treated him unfairly which led to the 'unsavoury scenes at the end' and that the participant was simply expressing his frustration by swearing to himself but the referee incorrectly thought it was directly at him.

Burden and Standard of Proof

13. The burden of proof rests with the County FA. The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. In simple terms, this means that the Commission has to be satisfied, on the evidence, that it was more likely than not that an event occurred.

Findings of Fact

14. The Commission having found the following:
- (a) The referee was clear in his evidence that the participant had sworn at him on the pitch, which led to him giving the participant a red card. This was corroborated by Christophe-Michel Kane. The participant accepted he swore at the referee. Although the participants version differed slightly, the Commission accept the evidence and find that the participant did use foul and abusive language towards the referee, namely telling the referee to "fuck off" and that this resulted in him being sent off.
- (b) At the final whistle the participant's team-mate, Christophe-Michel Kane stated that he saw the participant run back onto the pitch to 'confront' the referee in an aggressive manner. This corroborates the referee's evidence that from where he was standing in the middle of the pitch, he could see the participant run onto the pitch and that he was shouting. The participant accepts that he went over to speak to the referee to explain to him but that the referee thought

he was 'coming to have a go'. It is unclear how he or why he thought this. The Commission find it more likely than not the participant was intending to have matters out with the referee and that his manner was threatening.

- (c) Daniel Matthew stated he saw that the participant had gone over to speak to the referee and that it 'looked a bit heated'. The participant stated that he was trying to speak to the referee to explain things and that he did so in a high-pitched voice. Based on the evidence of these witnesses, the Commission find that the participant deliberately went over to the referee, at some speed, that he was shouting and that he was in an agitated state, which was directed at the referee.
- (d) The referee stated he was pushed forcefully several times and that he was also poked in the chest by the participant, who continued shouting at him before being ushered away by other players. Christophe-Michel Kane confirmed that the participant had to be restrained and the participant himself confirmed that other players were trying to move him away from the referee. The Commission find that the evidence provided corroborates the referee's version of events and find that the referee was pushed forcefully several times by the participant .
- (e) Mr O'Reilly informed Paul Ripley that he had seen the participant 'nose to nose' with the referee and with his finger in the referee's face. He subsequently saw the participant push the referee backwards with his hands. This is consistent with the evidence of the referee and corroborates his recollection of events. The participant gave two different versions of the event. In an initial email statement, he denied any physical contact with the referee however, in a subsequent email statement he said he was pointing his finger and that the referee was pushed by the crowd of people around them, onto his pointing finger. The Commission find the participants evidence to be inconsistent, contradictory and unreliable.

- (f) Daniel Matthew suggested that the referee may have been intimidated by the crowd around them and that had led to him believing he may have nudged by the participant but denied that any poking or pushing occurred. The Commission find his evidence unreliable and inconsistent with that of other witnesses.
- (g) The Commission find the referee's evidence consistent and corroborated by other witnesses, making it more likely than not the participant deliberately physically pushed and poked the referee.

Decision

15. The Commission found the participant did use physical contact against the Match Official which included threatening and/or abusive language/behaviour and that therefore the charge was PROVEN.

Previous Disciplinary Record

16. The Commission, having found the charge proved, sought the participant's previous disciplinary record and noted that he had one previous misconduct charge in November 2018 for an E3 Improper Conduct charge (not including threatening and/or abusive language/behaviour) for which the participant received a 1 match suspension and a fine of £30.00.

The Sanction

17. The Commission considered the Football Association Sanction Guidelines and noted that for an offence of physical contact or attempted physical contact the recommended sanction is 182 days suspension from all football activities, plus up to £150 fine, with a mandatory minimum suspension of 112 days and a fine of £100. The sanction was dependent on the Commission's assessment of the case, including the aggravating and mitigating features present, as to whether the Commission considered the case to be low, medium or high.
18. Having regard to the aggravating features, the Commission found that the physical contact with the referee was deliberate, that the participant intentionally went over to the referee who was some distance away, and that he was in an agitated state, triggered by his receiving a red

card shortly before. The Commission also noted that the participant pushed the referee several times with some force with both hands, poked him with his finger and had to be restrained by other players. It also found that whilst there was no evidence to suggest that injury was sustained, the referee was upset and unsettled by the incident, and the physical contact was serious in nature and unacceptable behaviour.

19. The Commission noted that as the participant had denied the charge there was no mitigation however, it was noted that the participant took no responsibility or acknowledge his unacceptable behaviour on that day.

20. After taking all the aggravating and mitigating factors present, the Commission assessed the charges and imposed the following sanctions:

- (1) A fine of £150.00;
- (2) A 182-day suspension from all football activities;
- (3) 10 Club Disciplinary Points to be recorded

21. The decision of the Commission is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed

Lorraine Ladlow

7 February 2020