THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf of Amateur Football Alliance

CONSOLIDATED NON-PERSONAL HEARING

Of

ANTHONY CLARK
NORWOOD ATHLETIC FC

And

WESLEY HUGGINS ('JORDAN' HUGGINS)
NORWOOD ATHLETIC FC

THE DECISION AND THE REASONS OF THE COMMISSION

Introduction

1. These are the written reasons of Ruth Mann ("Chair" or the "Commission"), having considered the matter on the papers as Chair alone on a Non-Personal Hearing basis.

2. These written reasons obtain a summary of the principal evidence before the Chair and does not purport to contain reference to all points made. The absence in these reasons of any particular point, piece of evidence or submission should not imply that the Chair did not take such point, piece of evidence or submission into consideration when determining the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials provided in this matter.

The Charges

3. By a Misconduct Charge Notification dated 10th October 2023 (the "Charge Notification") issued by the Amateur Football Alliance against Anthony Clark ('AC'), AC was charged as follows:

   i) FA Rule E3 – Improper Conduct – Assault or Attempted Assault on a Match Official. It is alleged that AC used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Assault or attempted Assault against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Clarke pushed the Match Official on his neck and chest and then tripped him over and put him on the ground or similar.

   ii) FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and / or abusive language / behaviour). This is an alternative charge.

4. A reply was required by 17th November 2023. No reply was received by AC. As such the Commission will consider the above as a denied breach and proceed to a Non-Personal Hearing.

5. By a Misconduct Charge Notification dated 10th October 2023 (the "Charge Notification") issued by the Amateur Football Alliance against Wesley Huggins ('WH') was charged as follows:

   i) FA Rule E10 - (Participant) Failed to comply with a decision of the Association. The details being that WH of London Football League Norwood Athletic is hereby charged with a breach of FA Rule E10 Failure to comply with a decision of the Association. It is alleged that Mr Huggins played in the fixture on 24th September 2023 whilst serving a permanent suspension from all football and football related activity. Mr Huggins registered himself with the league as 'Jordan' Huggins.

6. WH was required to submit a response to the charge by 17th October 2023. No response was received. The Commission will consider the evidence submitted by the Amateur Football Alliance and determine whether the charge is proven or not proven.

7. As the offences were alleged to have been committed during the same match (Trumpington Rovers v Norwood Athletic, "the match") and there was related or common Association evidence, the proceedings against each of the parties were consolidated, as per Regulation 13 of FA Disciplinary Regulations, and were therefore considered at a joint hearing.

Evidence

8. As aforementioned, the following is a summary of the principal evidence only. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been recorded as drafted, without correction, to provide a true and accurate reflection of the evidence which has been submitted.

9. Following "the match" the Match Referee, Selahattin Karaman ("SK") submitted an Extraordinary Incident Report Form on 24th September 2023, which stated, *"At 39th minute I have booked away team player's number 9 Anthony Clarke. He continued dissents. And I asked him to take sin bin break for 10 minutes. He walked over to me and tripped me down with pushing my neck. When I was on the floor home team players trying to stop him and at that moment whole away team attacked to home team players and punched some of them in the faces. I moved off the pitch and reported the incident to league secretary."*

10. When asked to clarify certain points of the report SK explains when AC walked towards him, he was shouting "*ref you are crazy, how can you not see that, yore you fucking blind".* SK goes on to say *"He was right in front of me as he put one of his elbow in the front of my neck and other one on my chest and pushed me hardly. At the same time he tripped me down putting his foot back of my feet".* SK states the player was still trying to attack him but *"luckily home players stopped him".* SK states he was not physically injured and did not require medical attention.

11. SK recalls *"whenever home players asked him to calm down whole away team players attacked to home players and punched some of them in the faces."*

12. The Commission have considered the email from Hany Ishak (HI), Office Manager dated 28th September 2023.[1] This states that a few minutes after the match AC changed his profile picture and home address. He goes on to say that, "*interestingly, one of their managers, Daniel Sang, also changed his profile picture and home address".* HI advises in his email on ways to obtain further evidence / information that would be useful to the County FA when determining whether others were responsible for misconduct.

13. Also included in the evidence is a response from Henry Blunt (HB), from Trumpington Rovers dated 27th September 2023.[2] HB was at the match and details that player number 9 was visibly frustrated by a decision of the referee. HB states, inter alia, "*In an attempt to demonstrate the violent nature of the tackle this player (no. 9) imitated a two footed slide tackle. This caused the referee to book their player (no.9) for imitating the slide tackle. This further increased the frustration of the player (no.9) and he pushed the referee to the ground. After this we were appalled and suggested to the opposition that this was completely unacceptable behaviour. After the referee got back to his feet he left the pitch immediately. The Norwood players followed the referee still continuing to complain about the decision."*

14. The Commission notes that HB refers to the behaviour of other players and spectators of Norwood Athletic. There is reference to Norwood Athletic player being assaulted by one of his own teammates. In addition, HB states *"as we tried to pack our bags and leave a few of their supported came over aggressively and threatened us with knives asking for the phone that the footage had been filmed on".* HB later clarified in an email to the County FA , *"Just to be clear as I am unsure this came across with clarity in my statement, we did not see a single knife it was purely verbal threats. Anthony Clarke used this as a verbal threat"*[3]

[1] Page 13 of case bundle.
[2] Page 15 of the case bundle.
[3] Page 17 of the case bundle.

15. The Commission notes there is no separate charge in relation to alleged threats made by AC to HB or others immediately after the match.

16. In addition, HB comments on footage that has been supplied to the Commission. Incidentally the footage, which had been recorded on a mobile phone device did not capture the alleged assault on SK.

17. The Commission viewed the following clips:

    i) "The initial side tackle that the number 9 was frustrated about" – ('Clip 1")

    ii) "Their number 9 getting his yellow card earlier in the game"- ("Clip 2")

    iii) "This was their aftermath you can see their manager holding their number 9 back" ("Clip 3")

18. In respect of WH, the Commission considered the confirmation that WH was in fact suspended from all football related activity from 22.7.2019.[4] The Commission has viewed the photograph of "Wesley Huggins" which is on the club portal.[5]

19. An email from HI dated 3rd October 2023[6] states that "*Jordan/Wesley definitely played in that game because he registered minutes before kick-off, and as you can see from the selfie background, he was at the pitch. The entire team is already on our banned list. I spoke to the referee earlier today, and he should send you the team sheet".*

20. The Commission had sight of the photo alleged to have been submitted by WH.[7]

21. WH was asked for a response regarding the above. A reply via email was received on 3rd October 2023 which stated, inter alia *"I can confirm I'm not the manager or player for the team. You'll have to go back to the club for those details, Kind regards".*

[4] Page 6 of case bundle relating to WH.
[5] Page 6 of case bundle relating to WH.
[6] Page 8 of case bundle relating to WH
[7] Page 10 of case bundle relating to WH.

22. HB notes in his evidence that clip 3 shows *"their manager holding their number 9 back"*.

23. As stated previously there was no formal response to the charges from either AC or WH. Therefore, the Commission considered each case / charge as if the matters were denied.

Liability

24. The Commission reminded itself that the burden of proving a charge falls upon the County FA.

25. The applicable standard of proof required for this case is the civil standard of proof, namely, the balance of probability. This standard means the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

26. In assessing liability, the Commission was mindful of the issues to be determined.

27. In respect of the case again AC the Commission made the following observations:

a) SKs contemporaneous report was made on the same day as the alleged incidents. The clarification information provided by SK was useful. SK had no reason to lie. He was impartial. SK is clear that he was pushed to the floor by AC.

b) No issue has been taken in relation to the identification of AC. The Commission notes the FA registration photograph and the Clips 1-3 which the Commission are satisfied shows player number 9.

c) The Commission notes AC has two charges, one being in the alternative. The Commission considered firstly whether the assault / attempted assault charge was proven. In respect of this, Regulation 96.3 states as follows:

- Assault or attempted assault: acting in a manner which causes or attempts to cause injury to the Match Official (whether or not it does not in fact cause injury), examples include, but are not limited to, causing and / or attempting

to cause injury by spitting (whether or not it connects or not), causing and / or attempting to cause injury by striking, or attempting to strike, kicking or attempting to kick, butting or attempting to butt, barging or attempting to barge, kicking or throwing any item directly at the Match Official.

d) AC made enough physical contact to cause SK to end up on the floor. It is not suggested anyone else was involved in this attack on SK. SK stated that AC was pushing his neck with his elbow and also using his other hand on his chest to push him. It is clear to the Commission AC wanted SK to be on the floor as he then intentionally tripped SK by putting his foot at the back of SK's feet. SK describes that AC was still trying to assault him. The Commission notes that SK had to be restrained.

e) Whilst HB only mentions that he sees a push the Commission concludes that there was other aggressive behaviour going on around the same time.

f) Clip 1 clearly shows that in the lead up to the assault AC was frustrated with SK. Clip 3 shows that AC is being held back by who HB describes as the 'Manager'. AC makes several attempts to break free from the 'Manager' (who the Commission is satisfied is WH- as referenced later in these reasons).

g) Whilst no injury was caused to SK the Commission is satisfied the charge of assault / attempted assault is PROVEN. Whilst 'pushing' is referred to in the definition of physical contact and attempted physical contact the Commission concludes the actions of AC were more than a mere 'push and shove'. The use of the elbow to the neck and the deliberate tripping and push were with such force to cause SK to fall to the floor. Had it not been for AC being restrained it is quite possible he would have continued to assault or attempt to assault SK.

h) The Commission notes there was an attempt by AC to change his FA registration details immediately after the match. There has been no engagement by AC with regards to these proceedings and or the investigation.

28. In respect of WH the commission made the following observations:

a) WH is in fact suspended from all football activity as per the evidence referred to above.

b) The Commission had to be satisfied that WH did in fact play in the match or was involved in some football related activity. To assist with this a team sheet supplied by SK would have been beneficial. In fact, this was suggested by HB in an email. This would have assisted the Commission.

c) The Commission viewed the Clips 1, 2 and 3 as noted above (provided in the evidence of AC). Clip 3 clearly showed AC being restrained by a male in the same football kit as AC. In terms of identification the Commission were satisfied to the requisite standard that the male who was restraining AC was in fact WH. WH was wearing the same football kit as the rest of the Norwood Athletic players.

d) As noted above in the reasons regarding AC, HB who was present at the match refers to the male who was holding AC back during the mele as 'their manager'. The Commission is therefore satisfied that even if there is no footage available of WH actually 'playing' football there is sufficient evidence of WH taking part in football related activity.

e) Whilst the Commission notes the reply via email from WH, denying being at the match or indeed being the Manager there is footage of a male who can be identified from the FA registration photo.[8] When investigating the assault matter re AC the County FA contacted WH via email to ask for his observations regarding the match. The Commission considers the reply which was received from WH's email address was evasive.

f) No reply to the charge notification was received and therefore no account submitted for the Commission to consider.

g) The Commission find the charge re WH PROVEN.

[8] Page 5 of the case bundle re WH

29. The Commission are somewhat surprised that further charges were not advanced in view of the evidence contained in video Clip 3. It is clear names were provided and there was the potential for identification to be made using the suggested methods of HI in his email. However, the Commission respects that further investigations may have in fact taken place but resulted in unknown evidential difficulties.

Sanction Re AC

30. The Commission went on to consider sanction/s. When considering the sanction the Commission had regard to the relevant provisions within the FA Rules, namely the Standard Sanctions 2023/24. 101.71 states that "immediate suspension from all football activity for a period of between 5 years and 10 years". The Commission notes this is not a case whereby serious injury was caused.

31. The Commission was made aware of AC's previous disciplinary record on the last 5 seasons. AC received a 3-match suspension and £55 fine for violent conduct. This relates to the match as referred to in these written reasons. There are no misconduct findings.

32. As to aggravating factors the Commission notes there has been a failure to cooperate with the Affiliated Association. There has also been an attempt to conceal the breach as the Commission notes that immediately after the match AC changed his address and other personal details. This Commission consider this to have been an attempt to frustrate the investigation process.

33. In terms of mitigating factors, the Commission notes that AC has no previous misconduct history. There are no other mitigating factors.

34. AC has not personally responded to the Charges. He is taken, therefore, to have denied them. He cannot seek any credit, therefore, for an admission.

35. Taking all the above into consideration, the Commission concluded that the appropriate sanction was suspension from all football activity for 5 years.

36. AC shall complete an online education programme, to be completed before the suspension is served, failing which he will be suspended from all football activity until such time as he has completed the course.

37. Norwood Athletic shall receive 7 penalty points.

Sanction re WH

38. The Commission were provided with the disciplinary record of WH for the last 5 years. There are no misconduct offences on the record. This is a mitigating factor.

39. There Commission considers it an aggravating feature that there has been no reasonable attempt to cooperate with the Affiliated Association.

40. The Commission considers a fine of £20 appropriate and a 2-match suspension. The Commission notes that WH is actually suspended from all football in any event.

Outcome re AC

41. For the reasons set out above:

i) The charge is found proven.

ii) AC shall be warned about his future conduct.

iii) AC shall receive a suspension from all football activities for 5 years.

iv) AC shall attend a compulsory face to face FA Education Course, to be completed before the suspension is served, failing which he will be suspended from all football activity until such time as he has completed the course.

v) Norwood Athletic shall receive 7 penalty points.

42. Whereby the participant fails to comply with the order, a Sine-Die (indefinite) suspension shall be imposed until such time as the participant becomes compliant with the order of the Disciplinary Commission.

Outcome re WH

h) Fine of £20 and 2 match suspension.

43. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Ruth Mann

3rd November 2023

Independent legal Panel Member, Disciplinary Commission Chair