

FA NATIONAL SERIOUS CASES DISCIPLINE PANEL
DISCIPLINARY COMMISSION
The Football Association on behalf of the
LONDON FA and AMATEUR FA

v

TERENCE POLSON (59635569)	Case ID: 11499322M
MATHIAS GUERRA (57704575)	Case ID: 11499314M
MICHAEL CARR (75730807)	Case ID: 11499331M
NICHOLAS FALZARANO (74447078)	Case ID: 11499316M
HILLSIDE ELITE FC	Case ID: 11499315M
CLAPHAM WANDERERS F	Case ID: 11509862M
JIMMY JAMES (61795554)	Case ID: 11509865M

WRITTEN REASONS

Factual Background and Chronology

1. The following is a record of the main points which the Discipline Commission considered. These are the Reasons for the decision of the Disciplinary Commission which was heard on Tuesday 9th and Wednesday 10th January 2024
2. The Commission consisted of Keith Allen (CFA National Chairs Panel), George Batty (CFA National Panel) and Feryal Ertan (CFA National Panel).
3. The Secretary to the Commission was Robert King (CFA National Secretaries Panel).
4. The following is a record of the main points which the Discipline Commission considered.
5. The charges in question arose following a game between Clapham Wanderers FC and Hillside Elite FC, played on 26th November 2023.
6. **CHARGE 1** By letter dated 7th December 2023 **TERENCE POLSON** a player for Hillside Elite FC was charged as follows: FA Rule E3 Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour.
7. Details of the charge: "This refers to the allegation that Terence Polson shouted in an abusive manner at the Match Referee and/or had to be restrained from getting to the Match Referee or similar causing the Match Referee to feel anxious".
8. By the WGS dated 12th December 2023 **TERENCE POLSON pleaded not guilty to the charge and requested a personal hearing.**

9. **CHARGE 2** By letter dated 7th December 2023 **MATHIAS GUERRA** a player for Hillside Elite FC was charged as follows: FA E3 Improper Conduct against a Match Official (including Physical Contact or attempted Physical and threatening and/or abusive language/behaviour. An alternate charge was levied of Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

10. Details of the charge: "This refers to the allegation that Mr Guerra said to the Match Referee "Pussy" or similar, and/or "Go suck your mother" or similar, and/or it is alleged that Mr Guerra made physical contact with the Match Referee by pushing him.

11. By WGS dated 12th December 2023 **MATHIAS GUERRA pleaded not guilty to the charge and requested a personal hearing.**

12, **CHARGE 3** By letter dated 7th December 2023 **MICHAEL CARR** a non-playing participant for Hillside Elite FC was charged as follows: FA Rule E3 Improper Conduct against a Match Official (including abusive language/behaviour)

13. Details of the charge: "It is alleged that after the game was abandoned Mr Carr was shown a red card for being verbally abusive to the Match Referee, getting close to the referee and shouting in his face "fucking joke" or similar and/or lost control or similar which is improper conduct."

14. By WGS dated 12th December 2023 **MICHAEL CARR pleaded guilty and requesting the charge be heard by correspondence in his absence.**

15. **CHARGE 4** By letter dated 7th December 2023 **NICHOLAS FALZARANO** a non-playing participant for Hillside Elite FC was charged as follows: FA Rule E3 Improper Conduct against a Match Official (including abusive language/behaviour).

16. Details of the charge: "it is alleged that after the game was abandoned, Mr Falzarano verbally abused the Match Referee or similar and/or criticised and/or insulted the Match Referee's performance to him or similar."

17. By WGS dated 12th December 2023 **NICHOLAS FALZARANO pleaded guilty and requesting the charge be heard by correspondence in his absence.**

18. **CHARGE 5** By letter dated 7th December 2023 Hillside Elite FC were charged as follows: FA Rule E20 Failed to ensure players, Officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.

19. Details of the charge: "This refers to the allegation that they became involved in a mass confrontation with the opposition, for which both clubs have been charged, which contributed to the match being abandoned, or similar,"

20. By WGS dated 12th December 2023 **HILLSIDE ELITE FC pleaded guilty and requested the charge be heard by correspondence in their absence.**

21. **CHARGE 6** By letter dated 7th December 2023 Clapham Wanderers FC were charged as follows: FA Rule E20 Failed to ensure players. Officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.

22. Details of the charge: : “This refers to the allegation that they became involved in a mass confrontation with the opposition, for which both clubs have been charged, which contributed to the match being abandoned, or similar,”

23. **Clapham Wanderers** failed to respond to the charge by the due date of 14th December 2023 or enter a plea, the Commission **accepted the plea as not guilty and considered the charge by correspondence in their absence.**

24. **CHARGE 7** By letter dated 7th December 2023 **JIMMY JAMES** a player for Clapham Wanderers FC was charged as follows: FA Rule E3 Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).

25. Details of the charge: “Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3.1, moreover, in an act of violent conduct and/or threatening and/or abusive language/behaviour that they have kicked and/or attempted to kick a player of the opposition, which contributed to the match being abandoned, or similar”.

26. **Jimmy James** failed to respond to the charge by the due date of 14th December 2023 or enter a plea, the Commission **accepted the plea as not guilty and considered the charge by correspondence in his absence.**

27. With all seven charges arising from the same game and with the same evidence they were considered as consolidated.

28. FA Disciplinary Processes/General Provisions Section 1 Rule E3.1 provides for:

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 dispute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

EVIDENCE

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

29. The Commission had before it the following items to consider:

a) A statement from Match Referee TF;

“On the 58th minute, at score 1-0 to Clapham Wanderers, I halted play as I had seen Terence Polson (Hillside number 14) strike a player from Clapham. An altercation between the two started which caused the bench of Hillside, and eventually Clapham, to empty onto the pitch into one mass-brawl. I abandoned the game at this point.

I red-carded Polson when he had been separated from the crowd, who reacted excessively and poorly whilst being restrained by his captain, Phil Young, from coming at me. Polson claimed that there was a kick-out prior to the hit, which I had not seen and thus could not penalise. Attempting to explain this resulted in me being baselessly accused of racism.

The Hillside coach, named as Michael C. on the team-sheet (surname illegible), came right into my face, shouting abusive language, I red-carded him too. At this point I am surrounded by Hillside players, either fighting with opposition players, or berating me.

A few comments I picked up on but could not identify the offenders: “Ref this incident is all your fault”, “If you can’t hold your nerve then you shouldn’t be refereeing”, “Cancelled the game because he’s too scared”, “You are a fucking joke”.

I took a step back just to try and decipher anything further from the fight, which by this point was now a pileup of about eight to ten men on the ground, including the Hillside manager who had run in and become involved in the brawl too.

I was approached by a Hillside player who began to ask for my name, and saying that “he would give it to me” in the report he would write. Giving it to him, he continued to insult my performance.

Upon asking for his name and number, he refused, taking off his shirt to conceal his number, all whilst calling me expletives: “Pussy”, “Go suck your mother” amongst others.

Following reviewing player cards post-match, I believe this player was Mathias Guerra.

He then physically assaulted by pushing me backwards. Shaken up by this whilst he continued to verbally abuse me, I turned around to head towards my belongings to leave the venue. During this, his captain too came to take him away, holding him back as he appeared to be willing to do it again.

The team chairman, Nicolas Falzarano, joined the situation, supporting his player who had fought out at me, also calling me expletives whilst proudly remarking “I’m the chairman of this whole thing”.

I had to search the pitch for my flags, and found one broken with the flag ripped off the pole and missing the cap which holds it in place, effectively rendering them useless. Whilst I did not see which linesman had done this, the Hillside linesman for the second half (no name taken) had conducted himself pretty poorly in the short time he was linesman; shouting across the pitch at me to remark at my 'poor' decisions, as opposed to actually doing the job.

Once I had fully separated myself from play and was ready to leave, a few players from the home team came to speak to me about what would happen next, and to apologise for what had happened. I must plaud the behaviour of both captains; Phil Young, and Gift Odubanjo, who conducted themselves brilliantly during the mass-confrontation, and post-match.

Being 18 years old, and nearly a head below most of the adults playing, I can't say I didn't feel threatened at times, including during the way in which I was approached, spoken to, and in one instance, physically pushed by a player. As such, I filed a non emergency police report through 101.

b) A statement from Terence Polson of Hillside Elite FC and a player charged:

"I've tracked back my player made a fair clean challenge on him that the ref saw no issue with, he continued with the play of the game, as I was trying to get up the player made it hard for me and kicked out at me twice as I was getting up.

I went back to him and asked why was he kicking out at me, he put his hands up to me and told me to fuck off, with no acknowledgment of his foul play which did infuriate me as I'm not a dirty player and have never received a red card in all my history of playing football, if I'm honest I can't even recall receiving a yellow and I know these records can be explored if necessary. Once he put his hands on and told me to fuck off I pushed him out my face and walked off. He then kicked out at me AGAIN, I received a red card for the push, he received no punishment for the kick out/studs up kick while on the floor or the extra kick out as I'm walking off. The ref had let us down by not managing that incident properly. As this took place in front of our spectators and everyone could see the foul play.

He also had let me down previously in the game when I was dragged back by my shirt for at least 3 whole seconds by their number 5 on the halfway line and did not card the player for a technical foul even though the player himself knew it was a card worthy foul and I was through on their last man. The ref showed no experience of game management he showed a lack of understanding of the game and he also seemed to exhibit poor social and people management skills as he could have resolved this situation in a better way.

People were already on the pitch once they saw the player kick out at me and once he tried to kick out at me again everyone started running on the pitch as it is clear an action like that can start a commotion on the pitch especially since everyone had already witnessed him try to kick me prior.

The two teams tried to control the situation on the pitch as I was furious. Some players from their team saw what happened and agreed a red for a red would have

been fair but the ref wasn't interested in the truth and abandoned the game within 20 seconds of giving me a red as he gave a immediate red to my manager for simply walking towards him and asking why I received a straight red when it was obvious he didn't know what was going on. This resulted in more chaos as it had seem that he had chosen a side and then he immediately abandoned the game as he didn't feel the need to deal with the situation that he was partially at fault for. As for the other things going on at the time, because this issue did all have me at the heart of it I wasn't extremely focused on what was going on around me I had a lot of players around me but no one was acting violently a lot of pushing and arguing and people trying to pull their team mates away to dissolve the situation if I'm honest the most violent action I witnessed was the initial studs out kick that I received twice on getting up any higher and he would of kicked me in my head."

c) A statement for Mathias Guerra of Hillside FC and a player charged:

"Before the start of the game the referee didn't have a word with the teams to implement what he expected from both teams in the game. The game started off fairly normal but as the game went on the referee's decisions started to become very one sided awarding free kicks for minor/very questionable fouls. The left back of Clapham was challenged fairly and correctly by Terence but Clapham was awarded another questionable free kick at which the left back for Clapham kicked out at our player for no reason and a coming together occurred. The referee then decided to send off Terence without any viable reason, the manager (Hillside) wanted to know why his player was being sent off. At which the referee also decided to send off the manager also with no probable cause and didn't want to explain as to why he decided to do. Both the players involved in the challenge were still at each other at which both sets of teams got involved to break them up. I walked away waiting for the referee to get a handle of the game which he didn't at no point did I approach the referee to even have a word. At that point I went to my mrs to see if she was okay. By then the referee decided to abandon the game."

d) Statements received from Hillside Elite FC, ***For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case, including all witness statements received:***

- i) Nicholas Falzarano, club Chairman and a participant charged.
- ii) Philip Young, club captain.
- iii) Michael Carr, manager and a participant charged.
- iv) Kieran Smith-Usher, player.
- v) Ozzy Demir, spectator.
- vi) Connor Hollowell, player/treasurer.
- vii) Joe Jeffers, supporter.

- viii) A further statement from Nicholas Falzarano, club chairman.
- e) A statement submitted by Gift Odubanjo club captain of Clapham FC.
- f) A further report from Match Referee, TF, responding to questions from the Association.
- g) Miscellaneous correspondence between the Association, the referee and clubs charged.
- h) A short video of the alleged kicking of Terence Polson and the commencement of the alleged mass confrontation.

HEARING

30. CHARGE 1 TERENCE POLSON FA Rule E3 Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour.

31. Match Official TF was called as an Association witness and in response to questions on his report, first from the Commission and then TP, replied:

- a) He had been refereeing four years and had not refereed Clapham Wanderers or Hillside Elite prior to this game.
- b) He showed a red card to TP for striking an opponent, the player tried to tell him that he had been kicked to provoke the response, but as he had not seen that he could not take action.
- c) TP was then shouting in his direction, being angry and held back by his captain, his demeanour was “heated”.
- d) After being shown the red card, TP reacted in a “heated” manner, but there was no further contact and he did not see the player go, as he was involved in trying to sort out the confrontation and was in the middle of a “small fight”.
- e) He did not recall how long between the red card and the second incident with TP, who was in the middle of the confrontation and shouting at him.
- f) TP was behaving excessively, poorly and dramatic, needing to be restrained, there were brawls all over the pitch and Phil Young was holding him back.
- g) He was “two to three people away” from TP and would have felt threatening if the player had not been held back, he did feel “uneasy”.
- h) The player was acting in an angry manner, which was directed at him and others, someone was trying to tell him about the kick that resulted in the push on the other player and the red card.
- i) Someone then accused him of racism at this point, but that was not TP.

j) He did not remember TP receiving a bad challenge earlier in the game.

32. Terence Polson (TP) a player for Hillside Elite and the participant charged, then gave evidence in his own behalf:

a) He had made a fair challenge and his opponent who was on the ground kicked out twice, they stood face to face and he pushed the player in the face and received a red card.

b) The referee then made it all about himself, he should have just left the pitch and let them get on with it after he had abandoned the game, he (TP) did not have to be held back by anyone.

c) He is not “entertaining” the referee’s claim, his anger was directed at the player who had kicked him three times and not the match official.

d) He did not swear or say anything to the referee and in his evidence the match official could not recall any words he had said, he was not speaking to or shouting at the referee, only the player.

33. In response to questions from the Commission, TP replied:

a) He was very angry as he had been kicked, studs showing and was in the middle of a “huddle” trying to get people away.

b) He was not being held back, but he was being pulled away from the confrontation by his captain who was trying to direct him and move him away, he said “get off me” to Phil Young, who was trying to calm him down.

c) After the red card, he was not trying to get at the referee, he was angry at the player and just wanted the match official to “get the truth”.

d) He did not think anyone should feel threatened, he was not that “scary”, he was angry though.

e) The video shows it was around 15 secs from the red card/challenge to the mass confrontation , the referee thought his anger was directed at him, it was not.

f) There had been no difficulties with the referee during the game, no real issues.

g) Everyone was coming onto the pitch and he was still furious with the player, the referee should have dealt with him being kicked.

h) He was 6/10 on a scale of anger, but did not recall using foul language, but the referee had a “self-syndrome”, his anger was not directed at him, he had “got the wrong end of the stick”.

i) He was angry at being kicked , the player knew he was in the wrong, he was annoyed more than angry and his annoyance was only at one man and not the referee.

34. TP then called Joe Jeffers, who had been a spectator at the game, as a witness and in response to questions, first from TP and then the Commission, he replied:

a) He was on the touchline with the incident happening near the centre circle, he had a good clear view of events.

b) It followed a fair, great challenge, to which the referee saw no issue, what angered TP was the player kicking out, he saw anger from TP towards the player but no aggression towards the referee.

c) The player tried to kick TP three or four times, other players were trying to tell the referee about the players kicks, he could understand the reaction of TP at being kicked.

d) He saw the red card shown and TP was angry and “fixated” just on the player, who had caused the reaction.

e) There was a lot of shouting and pushing, he did not see where the referee was, he may have been in the middle of it, but he was not sure.

f) TP tried to approach the referee to talk with him, but there was a lot of pushing and shoving, TP was trying to stop anything worse happening, he saw no anger from TP towards the referee.

g) TP received the red card when he pushed the player which was wrong and the red card was the right decision.

h) He saw TP being restrained and was worried how he might react, because he knew how he would react to being kicked in that manner, TP was not threatening anyone.

i) He did not know who filmed the incident, but whoever it was did not come onto the pitch, it was just a clip from a snapchat posting.

35. TP then called Phil Young, who had been a player for Hillside Elite in the game, as a witness and in response to questions, first from TP and then the Commission, he replied:

a) He was one of the first to the incident as he plays just behind TP and was close by, it was a great challenge with no malice.

b) He saw the player kick out from the floor, then again and then a third, TP reacted and was in the wrong with the red card the correct decision.

c) The chronology was challenge, kicks, push and then red card.

d) He was not holding back TP, he was more guiding him to get him off the pitch and away from the confrontation, it took 10/15 secs to move him away, there were a lot of

other players and officials shouting towards the referee, he was also trying to get others away.

e) TP was trying to say something to the referee, he needed to know why he had received a red card and the player who kicked him did not, he could not recall what was said.

f) TP was angry with himself and his own actions, his demeanour was one of disappointment that he had caused this confrontation, TP said nothing to the referee and was in no way threatening.

g) When he was guiding TP away he was not resisting, he was more like “a child stamping his feet”.

h) They play in gold shirts and have no club tracksuits, players wear their own.

36. TP then called Nick Falzarano, who had been a spectator at the game, as a witness and in response to questions, first from TP and then the Commission, he replied:

a) The team were in a good mood, they were playing well against a team from a higher league.

b) TP made a fair challenge, the opposition player kicked out, TP pushed him away and the player kicked out again.

c) TP was shown a red card for the push, which was the correct decision, he did not go for the referee, his anger was towards the player and the match official.

d) People came onto the pitch and it took 2/5 minutes for things to simmer down, the referee abandoned the game, there was a lot of “argy bargy”, Phil was not holding him (NF) back he was speaking to the referee.

e) No one was holding TP back from the referee, he was frustrated at the player, but he did not hear him shout or say anything to the referee, but there was a lot of shouting.

f) He is the Chairman of the club and most of the players live locally, South London, he collated the witness statements and the video, which had been taken from social media, with no audio.

37. With no further witnesses called, the Chairman asked TP to confirm he had received a fair hearing and been able to present all his evidence as this was his last chance to do so, TP replied yes and yes.

38. TP then summed up his case:

a) There is no backing for the referee’s claims, it is three against one.

b) The referee was not sure about a lot and could not remember anything that had been said.

c) He (TP) had been the victim at first and reacted.

d) The referee was “self-important” and could have handled the situation better, he was not targeting the referee just trying to get to the truth.

e) He does not feel sorry for his reaction to the opponent who kicked him.

39. At this point the case against Terence Polson was adjourned until Wednesday 10th January, when it would be deliberated along with the other consolidated cases.

40. CHARGE 2 MATHIAS GUERRA a player for Hillside Elite FC was charged as follows: FA E3 Improper Conduct against a Match Official (including Physical Contact or attempted Physical and threatening and/or abusive language/behaviour. An alternate charge was levied of Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

41. Match Official TF was called as an Association witness and in response to questions on his report, first from the Commission and then MG, replied:

a) He was pushed with two hands in the chest by a Hillside Elite player, who then took off his shirt to prevent him from identifying his from his number.

b) He tried to find out the name of the player from the club, who would not cooperate and assist in identifying the player.

c) After the red card and TP incident, the manager became involved, then this incident and then 8/10 men took part in a confrontation.

d) During this incident a player asked for his name, I asked for his name back and he took his top off to hide the number, calling me a “pussy” and told me to “go and suck your mother”, together with other words he could not recall.

e) He said he would “give it to me” in his report on the referee, raised his voice and pushed him backwards, not enough to throw him to the floor and it was at arm’s length.

f) He felt threatened by the physical contact, so walked away to his belongings with his back turned, no card was issued at the time.

g) He was shaken by the push and other things were said, but he could not remember specifics.

h) After the player removed his shirt he was wearing a navy-blue tracksuit, with white adidas stripes, possibly an Arsenal tracksuit top, the player was about his height 5ft 10ins.

i) He spoke to the captain to try and identify the player by his clothes and description, but the captain did not know who the player was.

j) He had not felt threatened during the match, but the push concerned him and his awareness was raised by it, meanwhile the brawl was still ongoing.

k) He was pushed in the chest by two hands, he took a couple of steps backwards.

l) He had to identify the player by looking at the pictures on the players cards, picking out MG, but he "could have been wrong" and could not say "with any certainty".

m) The player's shirt had been on top of his tracksuit top, which when revealed looked like an Arsenal tracksuit top, he searched but could not find a player in the vicinity in an Arsenal tracksuit.

n) He rang the police on 101 to report the incident, mentioned the push and gave a description of the player, the police did ring back but took no further action and closed the report.

o) He identified MG from the photographs, he was not confirming, but was 8/10 certain it was MG.

p) He was not 100% certain but had been spoken to and pushed by a player of that description around his height, before the player disappeared.

q) He did not see anyone else it could have been, he saw no one else.

r) The captain said he knew of no player with an Arsenal tracksuit and he did not ask the club Chairman to identify him because he had been involved in an incident with him, leading to a charge against him.

42. At 9-32 pm, due to the lateness of the hour, the case against Mathias Guerra was adjourned until Wednesday 10th January, when his evidence and witnesses would be heard.

43. The hearing re-convened on Wednesday 10th January at 6-39 pm.

44. Mathias Guerra gave evidence on his own behalf.

a) He saw two players involved in a confrontation, which had followed after TP had been kicked, other people became involved and not wishing to get involved he walked away to be with his "Mrs".

b) He had no idea how the referee identified him, he did not fit the description and was only 5 ft 7 ins tall, shorter than the match official.

45. In response to questions from the Commission MG replied:

- a) He was not wearing an undershirt and he was unable to recall any of his teammates who were.
- b) Once the game had been abandoned he walked to the sidelines and started changing, he put on his track suit or jumper and a grey T, or it could have been a white T and jumper.
- c) He had only played for Hillside Elite this season, he had previously played for Clapham Wanderers and knew a few of their players.
- d) He came from SE London and was a supporter of Manchester United, certainly not Arsenal.
- e) He did not speak to the referee at all, had no contact with him and was never close to him.
- f) He went to join his girlfriend as he knew she would be concerned for his safety, as she was protective of him.
- g) When he received the charge letter he thought it was a joke, when he realised it was not he was shocked.
- h) He did not see anyone push the referee and did not hear the referee say he had been pushed.
- i) The words the referee alleged he had used were not words he would ever use at any time, he did not speak with the match official at all.

46. MG then called Fers Demir as a witness and in response to questions, first from MG and then the Commission, he replied:

- a) He was at the game and was substitute, running the line.
- b) MG is not aggressive as a person or player, he is calm and quiet, the referee "got the wrong person", he (MG) is quite short around 5 ft 6 ins.
- c) MG is a Manchester United fan.
- d) He did not see MG go towards the referee, he saw him go across to his girlfriend, who was near his (FD) car.
- e) As linesman he came on to the pitch after the game was abandoned, he did not see anyone push the referee who was next to me when I came over.
- f) When he came onto the pitch he stood on the "outskirts" of the confrontation and gave the flag to the referee, who was next to him when he came over.
- g) I saw Matty walk off towards the cars and went to him, he was near his (FD) car and changed at the back of the car by the boot, then they left together in his (FD) car.

h) He could not recall what MG changed into, it was not a grey tracksuit, may have been dark navy, but it was not an Arsenal tracksuit.

47. MG then called Nick Falzarano as a witness and in response to questions, first from MG and then the Commission, he replied:

a) MG is a technical player, calm, quiet and not outspoken.

b) MG arrived with his girlfriend and Fers.

c) MG is a Manchester United fan, he does not really get involved with team “banter”, not as much as he would like as manager.

d) He supports Arsenal and the team support various teams, there are variety of personalities who were fresh to each other as they had only been together ten games.

e) He did not see MG go towards the referee and he next saw him changed from his playing kit.

f) He spoke to the referee during the incident, which is part of the match official’s report, Phil (Young) was around and so was Michael (Carr).

g) When things had calmed down, he rounded the players up for a chat, the majority of them were there, not all maybe the odd one was missing.

h) Many of the players have “winter wear”, but only undergarments, Matty was not wearing an undergarment, which could be seen from the video.

48. MG then called Michael Carr, who was acting manager at the game, as a witness and in response to questions, first from MG and then the Commission, he replied:

a) MG is around 5 ft 7 ins tall and as a player is quiet, keeping himself to himself.

b) MG attended with his girlfriend and did not approach the referee, he (MC) was by the referee and MG was not there.

c) He cannot recall if MG was wearing an undershirt during or after the game, he could not remember what he was wearing and could not recall anyone wearing an Arsenal kit, although Matty was not.

d) He did not see anyone push the referee.

e) After the red card there was a mass confrontation, both team and benches came onto the pitch to become involved.

f) The referee’s allegation that MG pushed him makes no sense, as he is 100% sure he was not involved.

49. With no further witnesses called, the Chairman asked MG to confirm he had received a fair hearing and been able to present all his evidence as this was his last chance to do so, MG replied yes and yes.

DELIBERATION

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

50. The Commission reminded themselves that **CHARGE 1 against TERENCE POLSON was FA Rule E3 Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour, with the standard of proof being the balance of probability).**

51. The Commission studied and deliberated all evidence placed before it, both verbal and written, noting:

a) The referee's evidence was limited and he admitted the accusation of accusing him of racism may not have been TP.

b) He had missed the kicking incident and only saw the reaction of TP when he pushed the opponent, quite correctly sending him off at this point.

c) TP by his own admission was angry, reacting by expressing this anger verbally having to be in his view restrained, but in other evidence held back and moved away from the confrontation.

d) Evidence was submitted by TP and witnesses that he was angry, frustrated and disappointed, but this reaction was not aimed at the match official but at the opposition player who had kicked him more than once.

e) The match official was unable to recall any words used in the tirade by TP and that he did not feel threatened, the Commission thought it probable if the abuse was direct at him he would recall some of the words used.

f) The referee verbally and in his written evidence was considered credible, although it was considered he may have misinterpreted the actions of TP in what turned into a mass confrontation.

g) TP was also considered a credible witness, who presented himself and his case well, he was clearly very angry at the opponent who had kicked him leading to the red card and who he believed had escaped punishment.

h) Other witnesses corroborated the version of TP, although the Commission were well aware that all witnesses were colleagues of TP, although they did give appropriate weight to their evidence.

i) It was noted that TP actually returned to the incident in an attempt to calm down his colleagues, as he felt he had caused the confrontation by pushing the player and with his reaction after the showing of the red card.

j) The Commission believed the young 18-year-old referee was placed in an impossible position, through no fault of his own a mass confrontation had ensued, he was surrounded by angry players and officials all pushing, shoving and shouting, which could have led to his misinterpretation of the actions and comments of TP.

k) The onus was on the Association to prove the charge against TP and the Commission did not believe there was enough corroborative evidence placed before it to find the charge proven.

52. Having given appropriate weight to all evidence, written and verbal the Commission unanimously found the charge against **TERENCE POLSON of FA Rule E3 Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour, NOT PROVEN on the balance of probability.**

53. CHARGE 2 MATHIAS GUERRA FA E3 Improper Conduct against a Match Official (including Physical Contact or attempted Physical and threatening and/or abusive language/behaviour. An alternate charge was levied of Improper Conduct against a Match Official (including threatening and/or abusive language/ behaviour), with the standard of proof being the balance of probability.

54. The Commission studied and deliberated all evidence placed before it, both verbal and written, noting:

a) The referee in his written and verbal statements confirmed he was unable to be certain the person who pushed and abused him was MG, needing to look at photographs of the players in an attempt to identify him.

b) He gave evidence that the player pushed him and then removed his shirt, revealing a dark navy Adidas undershirt he described as a tracksuit, maybe Arsenal, before going away.

c) He then searched in vain for a player wearing an Arsenal tracksuit or similar, then studying the team photographs from which he concluded MG was the likely player.

d) There was no cooperation from Hillside Elite players and officials to assist him find the player.

e) The referee called the police on 101 and gave them a description, the police recording the incident but taking no further action, closing the case.

f) The Commission did not consider the description given by the match official to match that of MG, who was also shorter than described, the key identifying feature being the navy adidas tracksuit/undershirt that may have been Arsenal.

g) The referee was also unable to positively identify MG from the hearing itself when he had MG in front of him on screen.

h) He identified MG by looking at “the cards” but he admitted he, “could have been wrong”, he “couldn’t identify him with any certainty”, he was “8/10 certain it was MG”, although he was clearly not certain.

i) The main identifying characteristic appeared to be the navy undershirt or Arsenal tracksuit.

j) The Commission studied the video evidence which clearly showed MG in his number 4 shirt, wiping his face with the bottom of his shirt and showing a bare midriff, with no undergarment of any description.

k) The Commission fully accept the referee’s allegation that he was pushed and verbally abused by a Hillside Elite player, which in all good faith he identified as MG, but they were also of the opinion that the wrong person had been identified.

l) The onus was on the Association to prove the charge against MG and the Commission did not believe there was enough evidence of identification placed before it to find the charge proven.

55. Having given appropriate weight to all evidence, written and verbal the Commission unanimously found the charge against **MATHIAS GUERRA FA E3 Improper Conduct against a Match Official (including Physical Contact or attempted Physical and threatening and/or abusive language/behaviour or an alternate charge levied of Improper Conduct against a Match Official (including threatening and/or abusive language/ behaviour), NOT PROVEN on the balance of probability.**

DELIBERATION OF CHARGE 6 Clapham Wanderers FC

56. FA Rule E20 Failed to ensure players. Officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.

57. Details of the charge: : “This refers to the allegation that they became involved in a mass confrontation with the opposition, for which both clubs have been charged, which contributed to the match being abandoned, or similar.”

58. With the club failing to respond to the charge of enter a formal plea, the Commission dealt with the case as a **NOT GUILTY** plea, to be heard by correspondence.

59. Having given appropriate weight to all evidence, written and verbal the Commission unanimously found the charge against **CLAPHAM WANDERERS FC FA Rule E20 Failed to ensure players. Officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match. PROVEN on the balance of probability.**

60. The Commission were furnished with the disciplinary record of Clapham Wanderers FC over the past five years, which showed no previous E20 or E21 charges. which was to their credit.

DELIBERATION OF CHARGE 7 JIMMY JAMES A PLAYER FOR CLAPHAM WANDERERS FC

61. FA Rule E3 Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).

62. Details of the charge: “Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3.1, moreover, in an act of violent conduct and/or threatening and/or abusive language/ behaviour that they have kicked and/or attempted to kick a player of the opposition, which contributed to the match being abandoned, or similar”.

63. With Jimmy James failing to respond to the charge of enter a formal plea, the Commission dealt with the case as a **NOT GUILTY** plea, to be heard by correspondence.

64. The Commission had before it a video of an incident in the fixture with Hillside Elite FC, in which Jimmy James was observed to kick-out following a challenge, then afterwards kick his opponent, with him also being identified as the Clapham Wanderers player involved, by his own captain Gift Odubanjo, in his statement.

65. Having given appropriate weight to all evidence and the video, the Commission unanimously found the charge against **JIMMY JAMES, FA Rule E3 Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour), PROVEN on the balance of probability.**

66. The Commission were furnished with the disciplinary record of JIMMY JAMES over the past five years, which showed proven charges of violent conduct and misconduct from January 2023, which were taken into account when imposing sanction.

SANCTIONS

67. CHARGE 3 MICHAEL CARR a non-playing participant for Hillside Elite FC was charged as follows: FA Rule E3 Improper Conduct against a Match Official (including abusive language/behaviour)

68. With Michael Carr accepting the charge the Commission were tasked with considering and apply sanction.

69. In the case of **MICHAEL CARR**, the Commission referred to FA Sanction Guidelines, which for a charge of FA Rule E3 recommends:

Outside the NLS;

Low 0-2 match suspension and a £0-£35 fine.

Medium 1-3 match suspension and a £10-£50 fine.

High 3-6 match suspension and a £20-£70 fine.

70. The Commission were furnished with the disciplinary record of Michael Carr over the past five years, which was clear and to his credit.

71. After giving mitigation for the acceptance of the charge and his clean disciplinary record, the Commission placed the charge in the medium category, giving appropriate weight to all evidence, in the charge **against MICHAEL CARR, FA Rule E3 Improper Conduct against a Match Official (including abusive language/behaviour), warned as to his future conduct, a suspension from all football activities and ground ban of two (2) matches and a fine of £25.**

72. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

73. CHARGE 4 NICHOLAS FALZARANO a non-playing participant for Hillside Elite FC was charged as follows: FA Rule E3 Improper Conduct against a Match Official (including abusive language/behaviour)

74. With Nicolas Falzarano accepting the charge the Commission were tasked with considering and apply sanction.

75. In the case of **NICOLAS FALZARANO**, the Commission referred to FA Sanction Guidelines, which for a charge of FA Rule E3 recommends:

Outside the NLS;

Low	0-2 match suspension and a £0-£35 fine.
Medium	1-3 match suspension and a £10-£50 fine.
High	3-6 match suspension and a £20-£70 fine.

76. The Commission were furnished with the disciplinary record of Nicolas Falzarano over the past five years, which was clear and to his credit.

77. After giving mitigation for the acceptance of the charge and his clean disciplinary record, the Commission placed the charge in the medium category, giving appropriate weight to all evidence, in the charge **against NICOLAS FALZARANO FA Rule E3 Improper Conduct against a Match Official (including abusive language/behaviour), warned as to his future conduct, a suspension from all football activities and ground ban of two (2) matches and a fine of £25.**

78. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

79. CHARGE 5 Hillside Elite FC were charged as follows: FA Rule E20 Failed to ensure players. Officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.

80. With Hillside Elite FC accepting the charge the Commission were tasked with considering and apply sanction.

81. In the case of **HILLSIDE ELITE FC**, the Commission referred to FA Sanction Guidelines, which for a charge of FA Rule E20 recommends:

Outside the NLS;

Low	£0 - £70
Medium	£70 - £140
High	£140 - £300

82. The Commission were furnished with the disciplinary record of Hillside Elite FC over the past five years, which showed no other E20 or E21 charges, which was to their credit.

83. After giving mitigation for the acceptance of the charge and a clean disciplinary record, the Commission placed the charge in the medium category, giving appropriate weight to all evidence, in the charge **against HILLSIDE ELITE FC FA Rule E20 Failed to ensure players. Officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match, a severe warning to its future conduct and fine of £100.**

84. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

85. CHARGE 6 Clapham Wanderers FC, FA Rule E20 Failed to ensure players. Officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.

86. In the case of **CLAPHAM WANDERERS FC**, the Commission referred to FA Sanction Guidelines, which for a charge of FA Rule E3 recommends:

Outside the NLS;

Low	£0 - £70
Medium	£70 - £140
High	£140 - £300

87. After giving mitigation for a clean disciplinary record, the Commission placed the charge in the medium category, giving appropriate weight to all evidence, in the charge **against CLAPHAM WANDERERS FA Rule E20 Failed to ensure players. Officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match, a severe warning to its future conduct and fine of £120.**

88. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

CHARGE 7 JIMMY JAMES, FA Rule E3 Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).

89. In the case of JIMMY JAMES, the Commission referred to sanction guidelines for FA Rule E3 Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour) Sanction Guidelines, which for a charge of FA Rule E3 recommends:

Outside the NLS;

Low	£20-£50 fine and a 1-3 match suspension
Medium	£40-£80 fine and a 2-4 match suspension
High	£70-£125 fine and a 3-10 match suspension

90. After considering and giving appropriate weight to all evidence the Commission placed the charge in the high category, **in the charge against JIMMY JAMES, FA Rule E3 Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour), severely warned as to future conduct, a suspension from all football activities and ground ban of five (5) matches, a fine of £100, with ten (10) penalty points recorded against the disciplinary record of the club.**

91. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

Keith Allen (Chair)
George Batty
Feryal Ertan

12th January 2024