

## **DISCIPLINARY COMMISSION**

Sitting on behalf of the Berks & Bucks Football Association

IN THE MATTER OF A CONSOLIDATED SERIES OF PERSONAL HEARINGS FOR THE CHARGES RAISED FROM A MATCH BETWEEN EMMER GREEN F.C. V ELDON CELTIC F.C. ON 11<sup>TH</sup> NOVEMBER 2018

### **DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION**

#### **BACKGROUND & HEARING**

1.. The Disciplinary Commission (“the Commission”) convened on Monday 16<sup>th</sup> December 2018 by way of a consolidated personal hearing to adjudicate in respect of charges brought by Berks & Bucks Football Association (“Berks & Bucks FA”) as a result of alleged misconduct in a match between Emmer Green FC and Eldon Celtic FC on 11<sup>th</sup> November 2018.

#### **THE COMMISSION**

2.. The members appointed to the Commission were:-

Mr. John Martin ( Independent Chairman )  
Mr. Ron Bennett ( Berks & Bucks FA appointed )  
Mr. Ernie Moore ( Independent panel member )

3.. Mr. Alastair Kay (Berks & Bucks FA) assisted the Commission as Secretary.  
Mr Chris Penny ( Berks & Bucks FA ) acted as Usher to the Commission.

#### **THE CHARGE(S)**

4.. Berks and Bucks FA charged players and clubs as follows:

A ) Eldon Celtic FC..FA Rule E20.. Failed to ensure Players and/or officials and/or spectators conducted themselves in an orderly fashion

B ) Jordan Brown Eldon Celtic FC.. Assault – Participant on Participant (with an alternate charge of Improper Conduct, Including Violent Conduct and Threatening and/or abusive language/behaviour)

C ) McKoy Palmer.. Eldon Celtic.. Assault – Participant on Participant (with an alternate charge of Improper Conduct, Including Violent Conduct and Threatening and/or abusive language/behaviour)

D ) Sam Sheppard Emmer Green FC.. Improper Conduct, Including Violent Conduct and Threatening and/or abusive language/behaviour

#### **The Plea**

5.. All parties denied the charges and asked for the case to be dealt with by personal hearings

#### **THE BURDEN AND STANDARD OF PROOF**

6.. Berks and Bucks FA brought the charges against Eldon Celtic and players from both teams and therefore it was necessary for Berks and Bucks to satisfy the Commission that all parties were guilty of the charge. In order to find them guilty the Commission had to be satisfied of their guilt on the balance of probability ( ie find that it was more likely than not that they were guilty ).

#### **THE EVIDENCE**

7.. The following is a summary of the principal evidence and submissions 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 submission should not imply that the Commission did not take that point or submission into consideration when the members determined the matter. For the avoidance of doubt the Commission has carefully considered all the evidence submitted with regard to this case.

8.. The Commission's evidence was written documents comprising :

A written statement from Catherine White Secretary, Emmer Green FC  
A written statement from Sam Sheppard, Emmer Green Player charged  
A written statement from Jon Mills, team manager of Emmer Green FC  
A series of photographs of the injuries sustained by Sam Sheppard, Emmer Green FC player.  
A written statement from Jade Lovelock, spectator  
A written statement from Claire Rogers, spectator  
A written statement from Michelle Lovelock, spectator.  
A written statement from Darren Lovelock, spectator  
A written statement from Jason Wicks, spectator

A written statement from Ian Brown Coach/Secretary Eldon Celtic FC  
A written statement from Luke Cox, Captain Eldon Celtic FC  
A written statement from Daniel Riddington, player Eldon Celtic FC  
A written statement from Pedro Monteiro, player Eldon Celtic FC  
A written statement from Glen Cox, spectator.  
A written statement from Jordan Brown, player Eldon Celtic FC

A short film shot by a spectator on the touchline from a mobile phone, of an incident between numerous players, which ultimately led to the abandonment of the game. This was accepted by all parties involved as a true reflection of only the final incidents in the match.

**9.. The Match Referee did not submit any reports relating to players, spectators, or club officials game incidents or why he abandoned the match.**

**The Match Referee did not attend the commission.**

There are comments relating to the referee in some of the written statements with thoughts on his actions and interpretations of events that took place. The Commission had no opportunity to speak to the referee or assess his involvement in the match incidents. It would seem from witness statements that Jordan Brown of Eldon Celtic was awarded a Yellow card in the first half.

10.. The initial evidence came from the representative of Emmer Green player Sam Sheppard, Catherine White. She quoted many instances of spats between Jordan Brown and Sam Sheppard during the first half with verbal and physical actions creating many issues for Sam Sheppard. She insisted that Sam Sheppard did not initiate any physical actions against Jordan Brown but acted in self-preservation from his opponent. She used her statement as a guideline. She said that Sam Sheppard was constantly verbally abused by the Eldon Celtic player. Mr Ian Brown from Eldon Celtic asked various questions, through her, about an incident in the 1<sup>st</sup> half when issues were created from a throw-in. Sam Sheppard replied that Jordan Brown started the problem and he just protected himself. The commission then asked questions of Mr. Sheppard which he replied to with a consistent attitude that he was only protecting himself from the actions of Jordan Brown.

11.. Mr Ian Brown of Eldon Celtic then acted for his player, Jordan Brown. He took the opportunity to expand on the major issue at a throw in when both players were tussling and he stated that Jordan Brown was thrown to the floor BY Sam Sheppard. He stated that the referee did not intervene because then Jordan Brown would have been sent off. He thought Jordan Brown and Sam

Sheppard should have both been sent off. Mr Brown continued to explain that Sam Sheppard had initiated many of the issues during this 5 v 9 confrontation and his player was too skilful for Sam Sheppard so he resorted to stopping him by other means. Catherine White asked various questions about the physical challenges but Jordan Brown replied that Sam Sheppard started the issues with his over aggressive tackles and man-handling approach. The commission asked various questions of Jordan Brown but his factual replies were consistent with his earlier evidence. He finally said that he did not cause the abandonment but Sam Sheppard started the physical attack upon him.

12.. Mr Brown then acted for McKoy Palmer from Eldon Celtic. His charge was connected with the final fracas when he just acted as a peacemaker going to protect his team mate on the ground and he only tried to pull players away from the melee occurring. Catherine White then asked that the video be shown to sustain her thoughts that McKoy Palmer caused the injuries to Sam Sheppard through his assault on him. All parties agreed to this. She asked questions intimating that McKoy Palmer could be seen to stamp on a player on the ground. McKoy Palmer replied that this was not the case. The commission members then asked various questions of McKoy Palmer about his actions and approach to players on the ground. He consistently denied that he wished harm on any Emmer Green player and his sole aim was to protect his team mates from the physical attack by Sam Sheppard.

13.. Mr Brown then acted for Eldon Celtic and the E20 charge. He stated that his players, management team and spectators did not do anything above the normal behaviour seen at local football games. They did ask the referee for clarification but their comments were not loud, over aggressive or containing any offensive, abusive comments. The commission asked questions about actions at half time and surrounding the referee. Mr Brown said they wanted to discuss decisions. The commission asked who was the spectator that ran onto the pitch when the mass melee occurred ?. Mr Brown replied he did not know him. The commission were made aware of a punch from an Eldon Celtic player on an Emmer Green player as they both approached the final melee.

14.. Emmer Green then asked for three witnesses to be heard and the commission agreed. John Mills, Claire Rogers and Michelle Lovelock all gave evidence separately under the questioning of Catherine White. They were all consistent in their thoughts that Jordan Brown initiated many verbal and physical issues and Eldon Celtic behaved poorly toward the referee and the Emmer Green players throughout. The commission asked questions which were mostly clarification of their positioning at the major flashpoints.

15.. Eldon Celtic then brought in their witnesses separately, David Brown, Dan Riddington and Anton Miller. Mr Brown asked questions from them individually and they all intimated that Jordan Brown had been poorly treated by Sam Sheppard's over physical approach and was mostly innocent in this scenario. They all thought McKoy Palmer was only trying to stop any issues and protecting his team mates when he got involved in the mass melee at the culmination of the game. Mr Moore asked then the same question about a stamp from McKoy Palmer but they all said this was not the case. All Eldon Celtic's witnesses informed the commission that they did not know the spectator who ran onto the pitch at the mass confrontation.

### **THE HEARING**

16.. The Commission studied and discussed the evidence with care, and throughout they were conscious of the burden and standard of proof.

17.. The Commission found the lack of a thorough, detailed Referee's report frustrating and they only relied on witness statements and oral evidence from all hearing witnesses via Q & A routines to ascertain match events.

18.. The Commission gave appropriate weight to each of the club statements provided but also took a practical view of the events in that they treated with some scepticism their accounts in comparison with each other.

### **THE DECISION**

19.. The Commission, after full deliberation, unanimously decided that the charges against..

Sam Sheppard , Emmer Green	Improper Conduct, Including Violent Conduct and Threatening and/or abusive language/behaviour - PROVEN
Jordan Brown, Eldon Celtic	Assault – Participant on Participant – NOT PROVEN. Alternate charge of Improper Conduct, Including Violent Conduct and Threatening and/or abusive language/behaviour - PROVEN
McKoy Palmer, Eldon Celtic	Assault – Participant on Participant – NOT PROVEN. Alternate charge of Improper Conduct, Including Violent Conduct and Threatening and/or abusive language/behaviour - PROVEN
Eldon Celtic	Failed to Ensure players and/or Officials and/or Spectators Conducted themselves in an Orderly Manner - PROVEN

### **REASONS FOR THE DECISION**

20..

A) Sam Sheppard...The commission recognised that Sam Sheppard was badly injured in the final mass confrontation but the video evidence does show that he was heavily involved in physical actions towards Jordan Brown.

B) Jordan Brown.. Evidence suggested that Jordan Brown was proving difficult for the referee throughout the game and the video evidence supplied shows his full involvement in the final confrontation. The commission were not satisfied that they were able to prove on the balance on probability that Mr. Brown caused the injuries suffered by Mr. Sheppard and therefore did not find the charge of Assault – Participant on Participant Proven; however, the commission did believe it was clear that Mr. Brown and Mr. Sheppard were tussling on the ground, and therefore the alternate charge of Improper Conduct, Including Violent Conduct and Threatening and/or abusive language/behaviour was found Proven.

C) The commission all agreed that the video evidence does categorically show a stamping action by McKoy Palmer as he gets to the players lying on the ground; however they were not satisfied that the injury inflicted satisfied the criteria of “serious bodily injury” required for a proven charge of Assault – Participant on Participant. The commission therefore considered the charge of Improper Conduct, Including Violent Conduct and Threatening and/or abusive language/behaviour, which was found proven.

D) The commission felt that Eldon Celtic’s players and spectator’s behaviour towards the match referee was poor and intimidating. The video evidence suggests that a punch was thrown by an

Eldon Celtic player connecting with an unsuspecting Emmer Green player. The commission felt it was highly likely that it was Eldon Celtic's supporters who ran onto the pitch at the mass confrontation.

### **THE SANCTION**

21.. The Secretary, M A Kay, informed the commission of the record of each appellant over the previous 5 years. The Commission noted and identified features of the case which in their view merited a sanction of some severity:

Sam Sheppard.. A £50 fine and a suspension of 3 games plus 6 points

Jordan Brown.. A £50 fine and a suspension of 3 games plus 6 points

McKoy Palmer.. A £50 fine and a suspension of 4 games plus 6 points

22.. Eldon Celtic E20 charge.. The Commission considered the Case History of Eldon Celtic FC and were unanimous that the sanction should be £100 plus 6 points

The club had a disappointing record and the commission ordered them to appear before the Chair of the Berks & Bucks Disciplinary Board to discuss the approach of their players, management and supporters.

John Martin – Chairman

12<sup>th</sup> January 2019