

## **DISCIPLINARY COMMISSION**

Sitting on behalf of the Berks & Bucks Football Association

IN THE MATTER OF A CONSOLIDATED PERSONAL HEARING FOR THE CHARGES RAISED FROM A MATCH BETWEEN WOODLEY WANDERERS AND YOUTH F.C. ( WW ) V RICHFIELD ROVERS F.C. ( RR )

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

#### **BACKGROUND & HEARING**

1..The Disciplinary Commission (“the Commission”) convened at the Berks and Bucks FA HQ on Monday 3<sup>rd</sup> June 2019 by way of a consolidated personal hearing to adjudicate in respect of charges brought by Berks & Bucks Football Association (“Berks & Bucks FA”) against Marcus Witt of WW. and Ethan Stacey of RR as a result of alleged misconduct in a match between Woodley Wanderers and Youth and Richfield Rovers on 14<sup>th</sup> April 2019.

#### **THE COMMISSION**

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

Mr. John Martin ( Independent Chairman )  
Mr. Chris Hodges ( Independent Panel Member )  
Mr. Ernie Moore ( independent Panel Member ).

3.. Mr. Chris Penny (Berks & Bucks FA) assisted the Commission as Secretary.

Both Marcus Witt and Ethan Stacey had representatives sat with them at the hearing who both acted as observers only.

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

4..Berks and Bucks FA ( through the secretary ) charged

MARCUS WITT ( WW ) as follows... FA Rule E3G.. Improper conduct against a Match Official ( including physical contact and threatening and /or abusive language/behaviour

ETHAN STACEY ( RR ) as follows... FA Rule E3.. Improper Conduct ( including foul and abusive language )

#### **The Plea**

5..Both parties in reply denied the charge and requested a Personal Hearing

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

6..Berks and Bucks FA brought the charges against Marcus Witt and Ethan Stacey therefore it was necessary for Berks and Bucks to satisfy the Commission that they 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 (i.e. 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 prior to the hearing was written documents comprising:

A Referees Match Extraordinary incident report forms from 14/ 04/19

A written statement from Ethan Stacey, Club Linesman of RR.

A written statement from Marcus Witt, goalkeeper of WW.

A written statement from Lee Povey, spectator

A written statement from Lee Howkins, Joint Manager of WW

A written statement from Mark Norris, coach of WW.

A written statement from Stuart Cannon, spectator

9..The following is the extraordinary match report submitted by Mr Kevin Bavington, the Match Referee.

In the 90+6 min of the game (there was only 1 minute left), Woodley Wanderers scored their 4 goal. Marcus Witt, Woodley Wanderers goalkeeper, ran the full length of the pitch to celebrate with the rest of his team. They were celebrating in front of the club linesman for Richfield Rovers (Ethan Stacey), who was approximately 20 yards from his team goal line. I moved towards the Woodley Wanderers players to move them back into their own half. I got within 5 yards of the group of players in line with the club linesman as they started to go back towards to their own half. At this time Marcus Witt struck the club linesman in the throat who fell to the floor holding his throat/face. This resulted in the Woodley Wanderers players and supporters going over towards the club linesman who was on the ground. At the same time, Stewie Corp who was playing for Richfield Rovers, went over to check on the club linesman. Then the players for Richfield Rovers came over into the same area. I kept myself outside of the players/supporters to ensure that I could see if anything else happened in the melee. During the melee Richfield Rovers Jamie Connor used foul & abusive language towards me. After a couple of minutes players/supporters were separated. I then sent off Marcus Witt for violent conduct & Jamie Connor for foul & abusive language. I then checked to make sure that the club linesman was ok and once I was satisfied that he was ok I abandoned the game. After I had abandoned the game, I went to my kitbag which was on the same side as the Richfield supporters, which included kids. Just as I was talking to my wife who was at the game, a number of Woodley Wanderers players came over towards the Richfield players/supporters having a go at them about the reason why the game was abandoned. Two players from Woodley Wanderers push their players away and told them to forget about it and lets go down the pub. I stayed around to check that everyone from Richfield were ok and it had settled down after this.

10..The referee did not wish to alter, add or amend his written report. Both parties charged agreed that they had seen the report prior to the hearing.

11..Marcus Witt initially asked the referee some questions regarding the incident with which he was charged. The referee replied that he saw him strike Ethan Stacey around the throat/ higher chest area. Ethan Stacey asked if the referee had heard him utter any foul or abusive language at Marcus Witt. The referee replied that he did not hear any comments from Ethan Stacey during the incident in the 96th minute. The commission members then asked questions of the referee initially confirming the exact position of the final incident. The referee placed counters on a magnetic football pitch board. Both parties charged agreed this positioning was correct. The referee stated that this was a robust game and as a top of the table decider stakes were high. He had cause to issue cards earlier in the match, there were 3 red cards. The commission asked the referee about decisions from Mr Stacey who had been the Club Linesman throughout the game. The Referee

replied that there had been no contentious decisions made due to Mr Stacey's involvement. He thought there had been no interaction from Mr Stacey with players or team officials throughout the game.

12.. Marcus Witt then gave his own evidence about the incident which caused his RED Card. He said that Ethan Stacey had called him a 'cunt' from his position on the touchline. He went towards Ethan Stacey who entered the pitch and got into his personal space. Due to the close proximity of the Club Linesman Mr Witt pushed him away. The reaction which then occurred, Mr Stacey falling to the ground as if he had been poleaxed, was completely over the top with the amount of force used and actual contact made. He Marcus Witt, admitted he did make contact with Mr Stacey. The Chairman then informed Mr Witt that his denial plea could not now be accepted because he had admitted 'making physical contact with a match official'. Mr Witt then agreed with this but continued to be concerned that other evidence had been written about a punch. Mr Stacey again admitted that he did not make any foul or abusive comment towards Mr Witt or enter the pitch. The commission did not ask any further questions because Mr Witt had now admitted the charge.

13.. Ethan Stacey then gave his own evidence about Mr Witt shouting at him , 'take that you cunt' as the celebrations after the winning goal continued. He stated that Mr Witt ran from his goal area to the wild celebrations just in front of him and shouted across towards Mr Stacey. Mr Stacy stated that he did not reply. He went on to state that Mr Witt then came towards him with a swinging arm which caught him in the neck area and upper chest. This forced him to fall backwards and remain on the ground where he was attended by his own team mates, supporters and officials. The commission asked if Mr Stacey was in black kit as a full match official. He replied that he had WW team socks and shorts on plus a differing coloured top. He replied to questions about the game which he said had been relatively quiet for him without any real contentious issues to deal with. He was asked about entering the pitch, he replied that at no time did he ever enter the pitch. He did not seek medical support for the actions from Mr Witt and he left the ground ok.

14..Ethan Stacey was then asked to call his witnesses, one at a time.

a) **Kirsty Tasker** was spectating on the far side of the pitch from the celebrations after the goal. There were many players from both sides between her and the incident, at least 60 yards away. She admitted seeing Ethen Stacey fall to the ground and assumed that he had been punched. Under questioning she admitted there were lots of players between her and the far side of the pitch.

b) **Clair Corp** was spectating on the far side of the pitch from the incident and only went to help when somebody told her that Ethan had been hit. She helped him on the touchline and protected him from further abuse and actions.

c) **David Payne**, RR manager, was on the far side of the pitch from the incident and just saw Ethan go to ground but not really sure how or what happened to cause it.

d) **Stewart Corp**, RR secretary, was playing in the match. He was not too close to the incident and he had no real factual evidence to offer.

The commission asked all witnesses if they had heard any interaction or foul language between Marcus Witt and Ethan Stacey. They all said they were too far away to hear any verbal comments. Only Kirsty Tasker said that she had actually seen the contact made by Marcus Witt on Ethan Stacey.

15.. Marcus Witt was then asked to call his witnesses one at a time.

a) **Lee Povey**, informed the hearing he was spectating on the same touchline as Ethen Stacey and very close to the incident. He had noticed Marcus Witt make comments towards the club linesman but he could not hear any of the words used. He then saw Mr Witt push Mr Stacey away with his arm in his chest causing the linesman to stumble backwards.

b) **Stuart Cannon**, was spectating close to the Club Lineman of RR, Ethan Stacey. He stated that he heard Ethan Stacey swear at the WW player. The goalkeeper then approached the linesman and

they became very close to each other. He then saw Marcus Witt push the RR Linesman away, with a shoving action

c) **Mark Norris**, was the coach of WW standing on the touchline about 10 – 15 yards from the linesman, Ethan Stacey. He did not hear any comments between Marcus Witt and Ethan Stacey but he did see Marcus Witt push the linesman in the chest causing him to stumble backwards.

d) **Lee Howkins, WW manager**, he had been running along the touchline on the same side as the RR Club Linesman, Ethan Stacey. He saw Marcus Witt push the Club Linesman but he did not hear any of the words used in the verbal interactions between both players. He stated that the linesman's actions from this push were very over the top and very dramatic.

The commission then asked further questions regarding the witness hearing any comments from Ethan Stacey towards Marcus Witt. Only Stuart Cannon said that he heard Ethan Stacy swear at Marcus Witt. However they all saw the push from Marcus Witt on Ethan Stacey.

### **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 Referee's report and letter very factual both in its content and purpose. The referee was very aware of the various incidents that led to the abandonment of the game.

18.. The Commission gave appropriate weight to each of the witness statements provided but also took a practical view of the events in that they treated with some scepticism their accounts in comparison with the referee. Certainly the witnesses for both persons charged could not validate some of the claims made.

### **THE DECISION**

19.. **The Commission unanimously decided that the charge against Marcus Witt was proven.**

**The Commission unanimously decided that the charge against Ethan Stacey was not proven.**

### **REASONS FOR THE DECISION**

20... The Commission found that the statements from the Match Referee were clear and consistent and that many of the witness statements and verbal contributions on the night were often contradictory and not of a great help in factual content.

A) Marcus Witt had admitted in his written evidence and in verbal contributions at the hearing that he did make contact with a match official, Ethan Stacey, Club Lineman of RR. It had been difficult to ascertain the level of contact made but the commission felt that a push was more in line with the evidence. All of his own witnesses had stated that he did make contact with the match official but it was push, not a hit.

B) Only one of the many witness statements and verbal contributions on the night had stated that Ethan Stacey had used foul and abusive language towards Marcus Witt. The referee had not heard it from his position, close to the incident. All the RR witnesses were too far away to hear and the WW witnesses were not clear what had been said. The commission felt there was not enough proof in the evidence provided to find Ethan Stacey' charge proven.

## **THE SANCTION**

21.. The commission all agreed that the sanction issued to Marcus Witt would be the recommended punishment for physical conduct against a Match official.. 182 days suspension and a fine of £150

22.. In addition the club received 8 points on its disciplinary record.

John Martin – Chairman

5<sup>th</sup> JUNE 2019

