

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Personal Hearing

of

**Emille Thomas
(Portville FC)**

Case ID: 9596533M

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language. Any reference to participants under the age of 18 has been redacted

Introduction

1. On 28th October 2018 Portville played Herongate Athletic in a match in the Brentwood Sunday League.
2. A report was forwarded to Essex County Football Association by the match referee, Steven Meredith, on 28th October 2018. The report stated that Emille Thomas had threatened the referee after he had been sent off, by saying: *"I am going to knock your fucking head off after the game"*.
3. Essex FA commenced an investigation into the allegations and raised charges on 31st October 2018.

The Charges

4. Emille Thomas was charged under FA Rule E3 – Improper Conduct against a Match Official (Including Threatening and/or Abusive Behaviour).
5. The details of the charges against Emille Thomas, contained in the respective charge letter, were:
"After awarding a goal to Herongate Ath, Emiel Thomas protested a foul had taken place, where in my opinion no offence had taken place prior to the goal. Emiel Thomas then shouted at me "you are a fucking wanker, a fucking wanker a fucking wanker". I then sent him off the field of play. As he left the field of play, he shouted to me "I am going to knock your fucking head off after the game."
6. The relevant section of FA Rule E3 states:
"A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour."

Documentation

7. Essex FA included within the charge letter the following evidence they intended to rely on:
 - (i) Referee's report from Steven Meredith dated 28th October 2018.

The Reply

8. On 14th November 2018, Portville FC responded to the charge via the Whole Game System portal, pleading Guilty and requesting a Non-Personal Hearing.
9. There was no signed response from Mr Thomas. However, contained in an email from the Club Secretary, Nic Archer, there was a comment stating Mr Thomas accepted the charge
10. Emille Thomas and Portville FC did not provide any evidence they wished to rely on. However, the ECFA accepted that, as Mr Thomas had accepted the charge, this would be used as a mitigation.

The Commission

11. The Discipline Commission members appointed by the Essex County Football Association were:
Mr Alec Berry (Chairman)
Mr Danny Coyle (Essex FA Council Member)
Mr Anthony Mercer (Independent)
12. Mr Robert Craven, of the Essex CFA Governance Team, acted as Secretary to the Commission. Ms Fran Smith of the Essex CFA Governance Team was also in attendance as part of her Commission Secretary Training and took no part in the process acting as an Observer.
13. The Commission took place at the Essex County Football Association Headquarters on 16th January 2019, as a Non-Personal Hearing.

14. The Commission had received and read the bundle of documents prior to the hearing.
15. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when it determined the matter. For avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished with regard to this case.
16. Steven Meredith was clear in his written evidence, stating: *"After awarding a goal to Herongate Ath, Emiel Thomas protested a foul had taken place, where in my opinion no offence had taken place prior to the goal. Emiel Thomas then shouted at me "you are a fucking wanker, a fucking wanker a fucking wanker". I then sent him off the field of play. As he left the field of play, he shouted to me "I am going to knock your fucking head off after the game."*
17. There was no submission from Emille Thomas.
18. In an email dated 14th November 2019 to Robert Craven it was stated that Emille Thomas accepted the charge.

Standard of Proof

19. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
20. 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.

Findings

21. From the documentation that were read there was no doubt that Emille Thomas accepted the charge as submitted within the Referee's misconduct report.
22. Having carefully considered the whole of the documentation before us and the live evidence that we heard, the Commission members:
Unanimously concluded that the charge against Emille Thomas under FA Rule E3 – Improper Conduct against a Match Official (Including Threatening and/or Abusive Behaviour) was Proven.
23. The Commission were mindful that Emille Thomas had accepted the charge and that the Essex County FA had deemed this as mitigation to the offence.

Sanction

24. The Commission considered the relevant rules and The FA's Sanction Guidelines. In relation to these cases this was a punishment carrying a sanction of 112 days/12 matches plus up to a fine of £100.00 but a minimum of 56 days/6 matches and a fine of £50.00.
25. The Commission carefully considered the statement the admittance of Emille Thomas as mitigation of the charge.
26. The Commission carefully considered the player's previous 5 year disciplinary record, which contained no previous misconduct charges against a match official but one previous proven charge of Improper Conduct (including threatening and/or abusive language/behaviour).
27. The Commission mitigated the sanction to a suspension from all football for a period of 84 days and issued a fine of £75.00

28. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Mr. Alec Berry (Chairman)
Mr. Danny Coyle
Mr. Anthony Mercer
Friday 18th January 2019