

FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

GLOUCESTERSHIRE FA

v

ROMAYNE THOMAS

Case ID: 9932010M

WRITTEN REASONS

Background and Chronology

1. These are the reasons for the decision of the Disciplinary Commission which sat at Gloucestershire FA on 10th October 2019.
2. The Commission Members were Mr Yunus Lunat (Independent Chairman), Roy Schafer (Gloucestershire FA) and Errol Thompson (Independent member).
3. Ollie Powell of the Sussex FA acted as secretary to the Commission.
4. The following is a summary of the principal issues considered by the Commission. It does not purport to contain reference to all of the issues or matters contained and the absence in these reasons, or reference to any particular point or submission made by any party should not be read or implied that the Commission did not take such points of submission into consideration when the Commission determined the matter. For the avoidance of doubt, the Commission carefully considered all of the evidence and materials furnished with regard to this case.
5. The charges in question arose out of a match between Falcons First and Stonehouse Town (Reserves) in the Gloucestershire Northern Senior League Division 2 on 7th September 2019:

6. The referee Stephen Meredith had submitted a report dated 7th September 2019 stating that as he was walking back to the changing room following the match he was approached by Romaine in an aggressive manner and had to be restrained by his manager Tom Dyer. Romaine continued to be aggressive and the referee therefore dropped his flask and bottle in order to defend himself by putting his arms outstretched, with palms open in a non-aggressive manner requesting Romaine to calm down. Romaine however continued to be aggressive, attempting to push his manager out of the way and whilst doing so, it was alleged that Romaine swung a punch that struck the referee on the back of the head as he ducked to get out of the way. The referee explained that the manager then had to escort him to the car park with Romaine shouting threats including "Can't wait to find your address, we will meet, we will sort this out". The referee complained that Romaine then followed him in the car as he left the car park, causing him to feel sufficiently concerned to report the matter to the police, who provided a crime incident number. The referee then attended hospital but decided against waiting due to a four hour wait. He spoke to a friend who is a nurse practitioner who offered head injury advice.

7. Romaine Thomas was charged with the following offences:

Charge 1:

FA Rule E3 – assault on a match official

Alternative Charge 1:

FA Rule E3 – Improper conduct against a match official (including physical contact and threatening/or abusive language/behaviour)

Charge 2:

FA Rule E3 – Improper conduct against a match official (including threatening and/or abusive behaviour)

8. Romaine Thomas Completed and filed a response pleading not guilty to the charges and requesting a personal hearing.

9. **The Relevant FA Rules**

Regulations 96 of the FA On – Field Regulations provides the following in respect of offences against match officials:

Regulation 96.1. – threatening behaviour;

Words or action that cause the match official to believe that they are being threatened.

Regulation 96.2.- Physical contact or attempted physical contact:

Examples include but are not limited to pushing the match official attempting to make physical contact with the match official (for example attempting to strike, kick, butt, barge or kick the ball at a match official): and

Regulation 96.3. – Assault acting in a manner which results in an injury to the match official.

The Evidence

10. The Commission had before them the following items of evidence:
 - (i) The misconduct charge sheet.
 - (ii) Acknowledgement form.
 - (iii) The report from the match referee Stephen Meredith dated 7th September 2019
 - (iv) A further e-mail report from the referee dated 11th September 2019
 - (v) An e-mail from Romaine Thomas's club secretary dated 7th September 2019
 - (vi) A written statement by David Whitfield dated 10th September 2019
 - (vii) A written statement by Romaine Thomas's team manager Tom Dyer.
 - (viii) A written statement by Romaine Thomas.
 - (ix) A written statement by Raven Thomas-Ross
 - (x) A written statement by Harvey Brooks

The Hearing and Evidence heard by Commission

10. At the hearing Romaine represented himself.

11. The Commission first heard from the match referee Stephen Meredith who confirmed the contents of his written reports. The referee confirmed his height is 6ft 2" and well built. He maintained upon questioning that he had placed his palms out in an outstretched and non-threatening manner in accordance with police training that he had received in an attempt to calm Romaine. However, after being followed for some twenty metres by Romaine, he said that he had no choice but to defend himself. He confirmed that he was subjected to various abuse including the threat by Romaine to stab his family. He also confirmed that he sustained a graze and a bump to the back of his head which did not require medical treatment. When he was questioned by the Chairman to provide further details about the threat to stab his family, and as to why such a serious threat was not included within his original report, the referee's response was to request the Commission to disregard that part of his evidence.
12. David Whitfield. The Commission then heard from David Whitfield, a retired police officer who was an independent witness. He was with his family in the park where the match was being played and witnessed the alleged incident. He confirmed the contents of his written statement and maintained that he had no interest in football and had better things to do than to attend as a witness at the County FA. He maintained that the contents of his written statement were true and that he witnessed Romaine being separated from the referee by another tall black male, whilst Romaine continued to swear and be abusive towards the referee, with a clenched fist which he swung at the referee landing at the back of the head. He did not witness any injury, nor did the referee point out any injury to him. He did explain that the referee was visibly shaken, stammering in his speech, with hands shaking whilst noting his name.
13. Tom Dyer. Tom confirmed the contents of his written statement that he intervened and stood between Romaine and the referee and maintained that he did not hear Romaine issue any threats towards the referee whilst he escorted the referee to the car. Whilst he heard insults and recalled Romaine accusing the referee of being a coward, he did not recall anything that would threaten the safety or wellbeing of the referee. He conceded that he would not have been able to witness any attempted punch that may have been thrown as he was stood with his back to the referee. The Chair put his own witness statement to him in which he described Romaine's as being very upset,

being aggressive, and pushing forward in an angry manner, which did not sit with his oral evidence of Romaine not acting in a threatening manner towards the referee.

14. Raven Thomas-Ross. Raven confirmed the contents of his statement and maintained that he did not hear any swearing at all. He was only 10 – 15 metres away, close enough to hear the altercation between Romaine and the referee. He accused the referee as acting aggressively as well towards Romaine, with the referee laughing and smirking at Romaine.
15. Romaine Thomas. The final witness the Commission heard from was Romaine himself who confirmed the contents of his written statement. Whilst he admitted swearing at the referee, for which he repeated the apologies contained in his written statement he strongly maintained that he did not swing a punch at the referee. He maintained that it would have been impossible for him to do so taking into account the difference in height between himself and the referee, and with his team manager standing between them. He also maintained that he did not follow the referee after the altercation, nor issue any further threats or abuse to the referee, because he went straight to the public house where the team would congregate following the match, which was very close by.

Decision

16. As part of its deliberations the Commission reminded itself of the standard of proof which was required.
17. As part of its deliberations the Commission considered all of the evidence that had been presented.
18. It was a matter for the Commission to determine which evidence to accept and reject where there were discrepancies between the evidence of the witnesses.
19. Having determined which evidence the Commission accepted and rejected, the Commission then went on to determine the charges on the balance of probabilities. The unanimous decision of the Commission was as follows:

Charge 1: Assault on a match official – **not proven**.

Alternative charge 1: improper conduct against a match official (including physical contact and threatening and/or abusive language/behaviour – **proven**.

Charge 2: improper conduct against a match official (including threatening and/or abusive – **not proven**

Reasons for the Decision

20. Charge 1 - Assault on a match official – In the absence of proof of any injury beyond the evidence that the referee had introduced at the hearing of a bump and graze on the back of his head, there was no other corroborative evidence. The Commission was therefore not satisfied that there was sufficient evidence on a balance of probability and this charge was therefore not proven.

Improper conduct against a match official (including physical contact.....).The Commission was satisfied on a balance of probability that there was an *attempt to make physical contact* with the match referee. The Commission had been presented with sufficient evidence from the witness David Whitfield that corroborated the referee's complaints that Romaine attempted to strike a punch at the referee. By his own admission Romaine was extremely angry and upset, to the extent that he appeared out of control, and in those circumstances the Commission concluded that it was more probable than not that he did *attempt to* throw the punch at the referee as described by the witnesses and the alternative charge was therefore found proven.

Charge 2 - Improper conduct (threatening and/or abusive behaviour) – This part of the charge covered the alleged behaviour in the car park following the coming together described above. The Commission felt that there was insufficient evidence to substantiate the allegation against Romaine of continuing with his threats in the car park, and following the referee in his vehicle once they had left the car park. It was alleged that the referee had been followed for some seven minutes yet the evidence the Commission were presented was that Romaine drove a very short distance to the public house around the corner where the players would normally congregate following the match. The Commission also noted that the actual crime

reference number that had been provided by the referee had not been presented as evidence or corroborated from the police.

Sanction

21. The Commission were then informed of Romaine's previous disciplinary record which was clear.
22. The Commission then heard from Romaine as to mitigation. Romaine repeated the sincere remorse, regret and apology for his behaviour, which had already been set out in his written statement. He explained that he has played football to a very high level, and that he currently travels two and a half hours in order to play for his club. He was embarrassed at his actions in allowing emotion to get the better of him on the day,
23. The Commission referred to all of the relevant FA Rules in determining the sanction and the Disciplinary Regulations and Sanction Guidelines in arriving at its decision. The Commission imposed the following sanctions:
 - (a) Romaine Thomas will be suspended from all football for 147 days. The interim suspension served since the incident will be taken into account in calculating the 147 days. The Commission gave credit for his previous good record and repeated apologies and remorse.
 - (b) Romaine Thomas shall pay a fine of £125.00.
 - (c) Falcons FC shall be subjected to 8 disciplinary points.
22. There is a right of appeal in accordance with the FA Regulations.

14 October 2019

Mr Yunus Lunat (Independent Chairman)

Roy Schafer

Errol Thompson