

SURREY COUNTY FOOTBALL ASSOCIATION

WRITTEN REASON

Case Number 9741144M James Archer

Introduction

- On 11th November 2018 Chessington Galaxy First played Teddington Athletic Seniors in the Chessington and District League – (The Match).
- Surrey County Football Association received a report from Daniel Crump the match referee.
- After receipt of this complaint, Surrey County FA investigated the allegation.

The Charge

- On 4th February 2019 Surrey County FA charged James Archer with misconduct for a breach of FA Rule E3 (e).
- It was alleged that: Mr Archer had used the words, “Fucking Mug” to Mr Crump and had said, “I’m going to punch you in the face” to Mr Crump.
- The relevant sections of FA Rule E3 (g) state: Improper conduct against a match official (including threatening and / or abusive language / behaviour).

The Reply

Mr Archer responded and denied the charges and ask that the matter be dealt with by way of a personal hearing.

The Commission

The following members were appointed by Surrey County FA to this Disciplinary Commission to hear this case:

Chair: Les Pharo

Secretary: Zak Hilliard-Winyard

Member: Paul Mallon

Independent: David Miller

The Hearing & Evidence

- This matter was dealt with by way of a personal hearing on 12th February 2019 and It was agreed that all had received and read the bundle of documents from concerning these matters prior to the Hearing.

Burden of Proof:

The applicable standard of proof for this case is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

In Attendance: On behalf of the County Mr Daniel Crump the match referee. In response to the charge James Archer (participant) Mr Tom Taylor club secretary and witness and Mr George Murphy a player.

Submissions persons not present: Mr Martin Power a club official.

There was also a document outlining events from Mr Tom Taylor the club secretary.

The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, 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 the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.

Our Findings:

It was agreed that those present were in possession of the paperwork in respect of this case.

Mr Crump was invited to give evidence, he stated that he had nothing to change or add in his report.

When questioned by Mr Archer he disagreed that the caution was for time wasting but was for dissent. He was asked if he recalled speaking to Mr Archer about dissent after he had been cautioned. Mr Crump responded by saying that Mr Archers caution was for dissent and that Mr Archer had then said to him, "I'll show you what fucking dissent is and I will then be red carded". Mr Crump agreed that he had seen Mr Archer run across the pitch to celebrate and that he had warned him not to. He Agreed that he had not checked players jewellery but had warned them about it prior to the match starting. He agreed that he had followed Mr Archer across the pitch and was talking about the Jewellery as Mr Archer was wearing a wristband which he had not noticed. When asked if the words "I'm going to punch you in the face" were the actual words used he said they were. He was challenged about the alleged four people dragging him (Mr Archer) away and he said that this was right. When asked if he had threatened to void the game Mr Crump denied that he had said that.

When questioned by the commission, he denied being angry due the fact that he had been ignored and that Mr Archer had run to join in a goal celebration. He was unable to recall the words used that caused him to caution Mr Archer for dissent. He said he did not feel it necessary to report the words introduced in evidence at this hearing "I'll show you what fucking dissent is and I will then be red carded", when pushed on this subject he said I only wanted to deal with the threats I have reported. He was asked why he had not included this in his original report, or why he had taken no action he said it was not as serious.

When asked where the phone throwing incident occurred he said near the touch line. He agreed that Mr Archer had asked to speak to him and waited when requested to do so while he (Mr Crump) was talking to someone else, somewhere near the centre circle.

It was noted by the commission that Mr Crump continually answered questions by quoting the Laws of the Game, and he had to be reminded to answer the questions put to him and not to deviate. He also challenged questions put to him in respect of additional evidence he had suppled at the hearing concerning further comments allegedly made by Mr Archer.

In response to the charge Mr Archer, who had submitted a statement, reiterated that he was informed by Mr Crump that he had been cautioned for time wasting as he had delayed the start due to his goal celebration and running the pitch to join in that celebration. This was not challenged by him until the end of the match when he asked to speak to Mr Crump and was asked to wait which he did. He asked for clarity on the booking that Mr Crump said he was entitled to book me for time wasting. Mr Archer then said Mr Crump said to him having noticed his wrist band that I could have sent you off for that indicating the bracelet, and then as he walked to the side line he was pursued by Mr Crump who was talking about the wristband. He said that he sat on the bench with Mr Crump standing and he (Mr Archer) did stand up and throw his phone back into his kitbag on the floor where he had taken it from. He said he was led away by the club captain to avoid any further issues.

When questioned by the commission he said he was not aware of any allegations of threats until informed by his secretary some time later, not on the day. His version of events remained the same during the questioning.

Mr Taylor then gave his account as per his submitted statement, he was present when James asked the referee to talk about the booking and said to the referee it was harsh for a celebration. Both the referee and James agreed that it would be discussed after Mr Crump had finished talking to others. They then left to go off the pitch, he said he was not close enough to hear any conversation, but it appeared calm. James started to walk away and was followed by Mr Crump and he felt that something that was said had upset James, he heard James then say, "Why would you do that" he did not hear any abusive language.

When questioned by the commission he agreed that James was ushered away to prevent any issues. He then with Mr Murphy spoke to the referee and said they felt that he had goaded James by saying he was lucky not to have been sent off for the wristband. The referee Mr Crump then advised me that I should know the rules. He agreed saw James throw his phone towards the floor, he said, when asked that this took place at the side of the pitch.

Mr Murphy had submitted a statement and he did not wish to add anything.

When questioned his version of events was as per his statement, he said he heard the referee tell James to get back to his position after the celebration as he would get booked. He did not hear any abuse of the referee in any way. He did hear the referee when approached by James say you are lucky not to have been sent off for the wristband and he as the captain led James away from the referee.

There was a submission from Mr Power to be considered but this evidence could not be tested as he was not present.

In summing up his case Mr Archer said that the events as described by Mr Crump were simply not correct, Mr Crump did pursue him and kept talking about the wristband and how he could have sent him off. He pointed out that he waited when requested to do so by the referee before talking about the yellow card, and that conversation was about time wasting not dissent. He said that the words "I'm going to punch you in the face" were never said and further stated in his opinion that this would not be a normal way to speak if there was any threat of this type.

In considering the all the evidence in this matter the commission were in agreement that the events as offered by Mr Crump did not seem credible, they felt that he was displeased with the fact that Mr Archer had ignored his request not to run to join in the goal celebrations and because he did he did in fact caution him for time wasting, it was then that when spoken to by Mr Archer, Mr Crump talked about dissent. It also did not seem credible that if as alleged by Mr Crump the words "I'll show you what fucking dissent is and I will then be red carded" apparently said by Mr Archer were not dealt with appropriately. Mr Crump continually through this hearing quoted the Laws of the Game and what action those laws entitled him to take, this being the case why therefore did he not take appropriate action when these words were alleged to have been used? Why did he feel it necessary to follow Mr Archer across the pitch as all matters had been dealt with? The term "I'm going to punch you in the face" also did not seem credible with a person as described by Mr Crump as one who had to be dragged away by four team mates.

The version of events offered in defence of the charge by Mr Archer and his witnesses seemed the more credible.

Taking all this into account the commission unanimously found the charge not proven.

Les Pharo

Chair

13th March 2019