

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf of Surrey Football Association

NON-PERSONAL HEARING

of

**CIARAN O'GRADY
OLD COULSDON EAGLES**

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. The Disciplinary Commission ('the Commission') was appointed to determine proceedings brought against Ciaran O'Grady ('CO') (Case ID number: 11045211M).
2. The Disciplinary Commission was constituted of a single member, Mr Resh Sohota, an Independent FA appointed Chair.
3. Following a match between Old Coulsdon Eagles and Selhurst FC on 20 November 2022, CO was charged with misconduct by way of a letter dated 7 December 2022. CO was charged with a breach of FA Rule E3 – Assault by Participant on Participant.
4. More particularly, the Charge alleged that CO used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Assault by a Participant on another Participant as defined in FA Regulations. This refers to the

allegation that Mr O'Grady punched Theo King in the testicles causing Mr King to have one of his testicles removed.

5. Given the serious nature of the alleged offence, CO was immediately suspended from all football and footballing activities.
6. CO was given until 14 December 2022 to reply to the charge. A formal response was received on 13 December 2022, accepting the charge and requesting that the matter was determined by way of a non-personal hearing.

Evidence

7. The following is a summary of the principal evidence 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 evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to the case within these proceedings.
8. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been transcribed as drafted, without correction, to provide a true and accurate reflect of the evidence which has been submitted.
9. The evidence which the County FA relied upon in support of the charge against CO consisted of:
 - i. A witness statement authored by Josh Corvaglia ('JC') dated 22 November 2022. JC was the referee during the relevant match.
 - ii. An undated statement authored by 'Callum', a Selhurst FC Club Official.
 - iii. A witness statement authored by Ben Donaldson ('BD') dated 22 November 2022. BD is a Selhurst FC player.
 - iv. A witness statement authored by Ryan Hitchin ('RH') dated 22 November 2022. RH is also a Selhurst FC player.

- v. A witness statement authored by Theo King ('TK') dated 23 November 2022. TK is a Selhurst player and was the victim of the assault.
- vi. Medical evidence, by way of an inpatient discharge letter from St George's University Hospitals.
- vii. A screenshot of a photograph of CO.

10. In response, the following documents were lodged on behalf of CO:

- i. A statement in response, authored by 'Alex', the Old Coulsdon Eagles Secretary, which was received on 2 December 2022.
- ii. A witness statement dated 13 December 2022, authored by CO.

11. JC's statement dated 8 November 2022, states:

'So there was about 10 minutes left and as I've turned around I've seen the old Coulsdon player hit the Selhurst player in the stomach. As soon as I saw this I blew my whistle ran over and sent him off. I spoke with him after the game and he said the other player was elbowing him and saying stuff to him but I couldn't do anything about it because I couldn't see it. He apologised and said he's not normally like this and he only done it cause of what the other player said and done to him. Regardless I said no matter what you can't do that just step away and leave it because it's a game of football and no violence should occur ever.'

12. The statement submitted by Callum states, inter alia:

'.....I personally didn't see the incident clearly as I was up the other end of the pitch, but my player was punched in the testicles with sever force in an off the ball incident by the player in question, the referee saw it & produced the red card so no complaints on that with how it was dealt with on the pitch - I actually thought the referee managed the game very well today.'

I've been informed by his family, my player Theo King has been rushed into hospital this evening & had an emergency operation to have his testicle removed, he is obviously unable to work during this time & is now out for a substantial

amount of time from football & whatever else he enjoys, which for me is horrendous considering we all just turn up to have fun when we play. Especially as this could adversely effect Theo in the long term for obvious reasons.

Whether Theo wants to take this beyond a situation that involves the FA & gets the police involved as for me this is assault, I have no idea about at this time as I haven't spoken to him personally, but the reason I reach out is because this simply cannot be a normal violent conduct charge & id like to hope you & the discipline department will agree - this cannot be taken lightly and swept under the carpet, which is why I've brought it to your attention so promptly. The effect this will have on Theo in general cannot be punished with a usual ban. So we'd like the referee to be asked to write a report & we'd be happy to get some of our players to do the same should we need too as we feel quite strongly about the player in question to be punished for this correctly.'

13. BD's states, inter alia:

'... I was playing centre midfield next to my team mate Theo King whom was also playing in centre midfield.

Cairan was playing striker for Old Coulsdon Eagles FC; approximately 5'7, Caucasian with dark hair and protruding ears, 22-27yrs age.

An initial off the ball incident instigated by OCEFC player Ciaran during the course of the match resulted in an aggressive assault on Theo King.

Theo King was running and OCEFC player Ciaran kicked/tripped Theo King from behind to the ground whilst the ball was not in close proximity. Theo King complained to the referee but unfortunately the referee did not see as it was away from the attacking phase of play, Theo King got up and took his natural position on the field which was close to OCEFC player Ciaran on the half way line.

There was an exchange of words between both players. I heard OCEFC player Ciaran comment on Theo Kings moustache which he is growing to raise money for prostate cancer throughout the month of November. OCEFC player Ciaran said 'your moustache is shit' Theo said 'what you don't like it?'

OCEFC player Ciaran approached Theo King close face to face and proceeded to throw a punch with his right hand in a hook motion with extreme force towards Theo King's genitals, Theo King dropped and went down and was visibly in pain and needed a few minutes to regain stability and make it back onto his feet. The referee saw the assault and issued a red card to the OCEFC player Ciaran for violent conduct and sent him off and away. OCEFC player Ciaran took off his top and walked off with no hesitation whilst his own team mates commented saying 'why did you do that Ciaran for fuck sake' as he was leaving. Theo King continued to stay on and play the last minutes of the game in distress. In the changing room after the game Theo King asked me for any pain relief as he was in a lot of pain and very uncomfortable, he took paracetamol and was given a lift home. ..."

14. RH's reported as follows:

"I saw Ciaran throw Theo to the ground then a few minutes later they were exchanging words, Ciaran called theos mustache "gay" and theo replied "what don't you like it?" Ciaran then said something homophobic and punch Theo in the balls.."

15. TK's statement states:

"The incident took place in the last 10 minutes of the game. I don't remember any interaction with the player until a minute or two before the incident, where the player tripped me off the ball unprovoked.

The referee didn't see so, didn't award a free kick. The next time the ball was in play, I then knocked into him off the ball. This led to words being exchanged, but nothing out of the ordinary. He made a comment about the moustache I had grown for Movember and I asked whether he liked it. He may then have knocked into me again at this point, but then punched me hard in the groin. The referee saw the incident and sent him off immediately. Their players didn't particularly protest and seemed more bemused that he'd got himself sent off when the game was still close. There was no interaction with the player when he got sent off or after the game.

Afterwards-

I managed to play the rest of the game with the help of the adrenaline, but the pain worsened afterwards in the changing room, and I felt increasingly nauseous. This continued on the journey home and didn't subside, so I went to Tooting St George's A&E in the afternoon. After initial checks, the doctors decided to undertake a surgical scrotal exploration as a precaution. Once they had opened me up, they found that the left testicle had twisted 360 degrees because of the trauma and was not viable, so had to remove it. They kept me in overnight at St George's before discharging me on Monday morning.'

16. The discharge letter refers to TK presenting to hospital on 20.11.2022 and being diagnosed with 'torsion of testis'. The Clinical Summary states: '*Mr King presented with a left sided testicular pain following localised trauma. He had a scrotal exploration which revealed a non-viable left testis. He subsequently underwent a Left Orchidotomy. He went home when well*'.

Ciaran O'Grady's case

17. An initial response to the charge was received from the Old Coulsdon Eagles Secretary on 2 December 2022. It reads as follows:

'Our response to the allegation is this -

There was 10 minutes left of the game to play and we were 2-1 down pushing for an equaliser. They're team knew that we were on top and saw that our player Ciaran O'Grady was having the beaten of their defenders so that particular individual was taunting him trying to get in his head giving him abuse plus he kicked out on our player quite a few times. He was pushed to his limit (Ciaran) and unfortunately our player retaliated. After the incident happened their player fell to the floor took a few minutes got up and carried on playing like it was nothing until the full time whistle. Our player (Ciaran) knows it's totally unacceptable that's not like him at all and he's apologised a thousand times but being able to not play his own game instead of being fouled or kicked every time he received the ball including the abuse it's unfair for their player to say he wasn't partly responsible. I have no details of the referee that day as the game was covered as it was a county cup game.'

18. As aforementioned, CO submitted a witness statement dated 13 December 2022, which states:

'Me and Theo King was exchanging words in the last 10 minutes of the game. He was trying every trick in the book to put me off my game as we was pushing for an equaliser to take it to penalties. His manor was threatening he called me a 'cunt' so I responded saying 'your moustache looks gay'. Theo carried on making sex noises and started to touch me pretending he was gay. It all got to much he got into my head and when he squared up to me in the heat of the moment I lost control and punched him. I was intending on hitting him in the private parts it just happened, this is out of character for me and I sincerely apologise and feel terrible about the outcome, leading up to this game I lost my home and my job in the space of a few days which has left me in a mentally weak state and caused me to lose control. Again I can only apologise and wish Theo a speedy recovery'.

Sanction

19. As aforementioned, CO pleaded guilty to the charge, therefore the Commission went on to consider sanction.

20. The Commission had regard to the FA Sanction Guidelines and the FA Disciplinary Regulations 2022/23 generally.

21. The FA Sanction Guidelines issued for disciplinary proceedings (at the level of CO's club and the match during which the offence was committed). The guideline suspensions for assaults by a Participant on another Participant are stated as 140 days for a Low level of seriousness, 1-2 years for Medium and 5 years for High.

22. The Commission wishes to make it unequivocally clear that this is extremely serious misconduct. CO punched TK in the groin, a vulnerable part of the body. The injury was so serious as to require emergency surgery on the same day of the match. The surgery led to TK having to remain in hospital for the night before being discharged the following day. The result of the injury was that TK has now lost a testicle.

23. As to mitigation, CO is entitled to recognition of having not previously committed a like offence. The Commission has also given CO credit for his guilty plea.
24. The Commission considered if there were any other mitigating factors. CO does show remorse in his statement which is corroborated by the Club Secretary. Furthermore, the Commission accepts that this action was done ‘in the heat of the moment’.
25. CO refers to the exchange with TK prior to the punch which the Commission noted, however his reaction was entirely disproportionate. Furthermore, the Commission noted that CO refers to losing his home and job which has left him in ‘a mentally weak state’ and ‘caused’ him to lose control. The Commission gave limited credit for CO’s mental health difficulties, but was mindful that there is no independent medical evidence, (within the bundle) to confirm that CO was suffering with any mental health issues at the time.
26. The Commission wishes to emphasise how serious this misconduct is. It has no place on a football field or in any walk of life. It has caused a young man to lose a bodily organ.
27. Having considered all of the aggravating and mitigating circumstances, the Commission regarded this breach as falling right towards the upper end of the sanctioning range.
28. The Commission condemns CO’s behaviour in the strongest possible terms. This was an abhorrent attack on TK.
29. Taking all the above into consideration, the Commission imposes a suspension of **4 years**. In terms of a fine, the sum of £150 is mandatory. Disciplinary points are levied against Old Coulsdon Eagles to reflect the gravity of the charge.
30. For the reasons set out above, the following sanction is imposed:

- i. CO shall receive a suspension of 4 years. The ban shall be backdated to the date that the interim suspension was imposed upon CO.
- ii. CO shall pay a fine of £150.
- iii. Old Coulsdon Eagles shall receive 10 club disciplinary points.

31. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Mr Resh Sohota

20 December 2022