

COUNTY FA NATIONAL DISCIPLINE PANEL DISCIPLINARY COMMISSION

The Football Association on behalf of

SUSSEX FA

v

KYE CROWHURST (60733828) Case ID: 10585104M

WRITTEN REASONS

Factual Background and Chronology

- 1 These are the Reasons for the decision of the Disciplinary Commission which was heard by a Chair Alone Commission at 11-00 am on Sunday 12th December 2021.
2. The Commission member was Mr Keith Allen (CFA National Chair Panel).
3. The following is a record of the main points which the Discipline Commission considered.
4. The charge in question arose following a game between SEAFORD TOWN FC U-23 and EASTBOURNE UNITED ASSOCIATION U-23 FC, played on Saturday 26th September 2021.
5. By letter dated 13th October 2021 Kye Crowhurst a player for Seaford Town was charged as follows:
Charge 1 FA Rule E3.1 Improper Conduct (including abusive language/behaviour).
Charge 2 FA Rule E3.2 Improper Conduct – Aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender reassignment, Sexual Orientation or Disability.
6. Details of the charge: “This refers to the comment(s) “You are in England and playing on an English pitch, speak English you cunt” and/or similar.”
7. By return of the charge letter dated undated Kye Crowhurst entered a **GUILTY** plea to Charge 1 and Charge 2 asking for the case to be considered in his absence by correspondence.
8. FA Disciplinary Processes/General Provisions Section 1 Rule E3.1 provides for:
A participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into dispute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

THE EVIDENCE

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 this case.

9. The Commission had before it the following items to consider:

a) A statement from Tom Cherryman, manager of Eastbourne United U-23:

“I am the manager of Eastbourne United U23s. It got brought to my attention by one of my senior players that during the first half of our game against Seaford Town U23s, one of my players from the Solomon Islands (Rovu Boyers) had racial slurs said to him by the Seaford Town no.8. I approached the referee at halftime, in a private manor to raise the issue. When coming out to resume, the Seaford players were shouting what did you say the ref, we are not racists. At full time, I was then confronted by an angry parent asking what did I call his son, relating to the earlier incident. At full time, Seaford Town no.8 approached Rovu Boyers wanting to talk about what had been said but Rovu continued into the changing rooms.”

b) A statement from Ernest Rovu:

“He said to me, “You are in England and playing on an English pitch, speak English you cunt”. “

c) A statement from Matt Simpson a player for Eastbourne United FC:

“On Wednesday 13th October 2021, I played for Eastbourne United U23’s in a game against Seaford Town U23’s. Around 10/15 minutes into the first half, Seaford Town were awarded a free kick on the edge of our box. As we were waiting for the free kick to be taken, I heard and saw the Seaford Town number 8 say to our player (Rovu Boyers); “We’re playing in England and this is an English pitch (pointing to the pitch), speak English you foreign cunt”. Rovu did not react to this remark. I was standing next to the Seaford Town number 8 as he said this and after he said it, I pointed at him and said; “Oi less of that, watch your mouth” to which he responded with “I honestly don’t care”. “

After the incident took place, I told our manager Tom Cherryman what had happened and he then informed the referee of the comments that were made towards our player.”

d) A statement from the match referee Peter Lindsey:

“I heard absolutely nothing,

I was made aware of this by the Eastbourne United manager at half time as we left the pitch.

However, I did not hear any alleged comments made.”

e) A statement from Seaford U-23 manager Richard Wilson:

“ As the players came out for the second half one of the opposition players spoke to me and said one of their players claimed to have been racially abused. He didn't say who or what was said.

I mentioned this to Kye and he denied all knowledge , he asked which player it was and I replied I didn't know.

Kye had a friend on the opposition and shouted over to him and asked what had been said. His friend just shook his head. He then asked which player it was and said you were in the changing room you must know ,again he only received a shake of the head .

The second half proceeded without problems .

At the end of the game some of the opposition surrounded Kye calling him a racist . The opposition manager insisted on having a word with Kye but I'm not sure what was said .

In conversations afterwards with the opposition players and managers it was claimed Kye had said

"Go back to your own country" "Learn to speak English" "You black so and so " And a few other things. No two people claimed Kye said the same thing .”

“To my knowledge none of our players or management heard anything and I got the impression none of the opposition heard anything and only discovered the claim in the changing room.”

f) An email from Andy Stiles of Seaford FC, in which he stated they were unable to get a response to their requests to Kye Crowhurst for a statement and that he has stopped playing as he feels every time he plays he becomes a target of the opposition.

g) An undated guilty plea to both charges, submitted online.

STANDARD OF PROOF

The applicable standard of proof required for his case is the civil standard of the balance of probability. This standard means, the Commission would be satisfied that an event occurred if they considered that, on the evidence, it was more likely than not to have happened.

DELIBERATION

10. With Kye Crowhurst submitting a guilty plea the Commission were only tasked with considering the sanction to be imposed.

11. The Commission noted:

a) The player was clear in his statement what the exact words said to him by Kye Crowhurst were.

b) Matt Simpson in his statement confirmed he had heard the same words issued by Kye Simpson, although he stated he had said “foreign cunt”.

- c) Kye Crowhurst through his manager denies all knowledge but declined to submit a statement on his own behalf.
- d) No one else reported they had heard to comments.
- e) Seaford Town FC believe Kye Crowhurst has stopped playing and he has not attended training since.
- f) Seaford Town FC submitted the guilty plea on behalf of the player.
- g) The Commission were then considered the five-year disciplinary of Kye Crowhurst, which was within reasonable limits and contained no other aggravated charges, which was to his credit.

SANCTION

11. With the charges against KYE CROWHURST of E3.1 and E3.2, which were aggravated by a persons ethnic origin or race both being found **ACCEPTED**, the Commission referred to FA Disciplinary Sanction Guidelines, which recommend a minimum sanction of a suspension of six matches and a sanction range of 6/12 matches.

12. The Commission decided to impose on KYE CROWHURST a sanction of a suspension from all football for **TEN (10) matches, a warning as to future conduct, a fine of £75, with five penalty points recorded against the record of his club.**

13. **Kye Crowhurst shall also complete an online education programme before the suspension is served or within 28th days of the Disciplinary Commission decision, whichever is the later, or a sine die suspension will be imposed.**

14. There is right of appeal in accordance with FA Regulations.

Keith Allen (Commission Chair)

12th December 2021