

**In the Matter of
The Football Association**

-v-

Jonny Evans (Manchester United FC)

Reasons for Regulatory Commission Decision

Friday 6th March 2015

The Regulatory Commission members were Messrs. B. M. Jones, T. Finn and P. Raven appointed by the Football Association. Mr. M. Ives the Head of Judicial Services of the Football Association acted as Secretary to the Commission.

1. By letter of the 5th March 2015 Jonny Evans was charged with misconduct for a breach of FA Rule E1(a) arising out of an incident in the fixture Newcastle United FC v Manchester United FC in the Premier League on the 4th March 2015.
2. It was alleged that, contrary to FIFA Laws of the Game – Law 12, around the 38th minute of the fixture Mr. Evans spat at Papiss Cisse of Newcastle United FC as evidenced in reports, emails and video clips attached to the charge letter.
3. This matter was not seen by the Match Officials and was dealt with in accordance with Schedule A of The FA Disciplinary Procedures.
4. By his Reply Form Mr. Evans denied the charge and requested that the documentation attached thereto be placed before the Regulatory Commission.
5. The members of the Regulatory Commission had before them the following;
 - a. Charge Letter dated 5th March 2015; Extraordinary Incident Report Form by referee Anthony Taylor dated 5th March 2015;
 - b. Email from the FA to Messrs Alan Wiley, Steve Dunn, Eddie Wolstenholme dated 5th March 2015; their replies dated the 5th March 2015;

- c. Reply Form dated 6th March 2015; a most helpful and useful eight page submission on behalf of Mr. Evans by Anne Wylie (Assistant Club Secretary, Manchester United FC) with seven attachments including video clips;
- d. Statement by Mr. Evans signed and dated 6th March 2015.

All such documentation was carefully considered and in great detail by the Regulatory Commission members.

- 6. The Regulatory Commission members had the opportunity of carefully viewing and scrutinising all of the video clips submitted by both The FA and Manchester United FC on behalf of Mr. Evans, on more than one occasion.
- 7. The charge against Mr. Evans was dealt with separately and independently to the charge against Mr. Cisse. The Regulatory Commission had no papers/documents/videos before them relating to the charge against Mr. Cisse.
- 8. It is important to note that whilst it had been publicised that Mr. Cisse had accepted his charge that this had no bearing on the considerations of the panel in respect to the allegation against Mr. Evans as clearly the allegations were of two separate spitting incidents although within close proximity of each other.
- 9. It is clearly and properly accepted by Manchester United FC and Mr. Evans that spitting has no place in football and should be eradicated. The Regulatory Commission could not agree more and this applies at any level of the game and not just in the Premier League where matches are televised and viewed around the world.
- 10. Manchester United FC and Mr. Evans by their letter/submissions of the 6th March 2015 confirm that it is widely accepted in the game that spitting is a very serious offence. Again the Regulatory Commission cannot possibly disagree with that view and wholeheartedly support it.
- 11. There can be no doubt whatsoever that Professional footballers are looked upon as “role models” by people, and especially young people, the world over, and they (players and indeed managers) have a responsibility to set a good example to the world at large, not just the footballing public. In his statement Mr. Evans accepts and clearly agrees with that view.

12. The Regulatory Commission noted that all three former senior referees consulted agreed that, if the referee had seen the incident in question, then Mr. Evans would have been dismissed from the field of play for spitting at an opponent.
13. The video evidence is crucial. Without doubt it clearly shows what happened.
14. The Regulatory Commission has been told of alleged conversations between Mr. Cisse and Mr. Evans but there has been absolutely no confirmation of those conversations from Mr. Cisse. Likewise with regard to conversation with the Match Officials.
15. The Regulatory Commission has been referred to Mr. Evans' "intent" which in the opinion of Manchester United was not to spit at Mr. Cisse. Only one person knows his intent and that is Mr. Evans. The Regulatory Commission, with the best will in the world cannot, and certainly should not, guess at his intent.
16. What is clear from the video clips is what actually happened, and then the immediate reaction/response of Mr. Cisse.
17. Whilst all of the videos were helpful, the two telling video clips submitted by The FA are the "close ups" to be found at FT-NS-14-1239-3 and FT-NS-14-1239-10.
18. What is clear when looking at those clips is, that for whatever reason, Mr. Evans clearly spits downwards and towards Mr. Cisse, who is actually below him, and actually getting back to his feet.
19. At the same time it is clear that Mr. Evans is looking directly and indeed aggressively at Mr. Cisse. His lips are "pursed" and he is close to Mr. Cisse.
20. If he was, as alleged to be the case, a person who "habitually spits", then the Commission were concerned as to why he did not turn his head away from Mr. Cisse when so spitting. If that had been a family member or indeed another team member or his manager in front and below him would he still have carried out the same manoeuvre? Numerous video clips were submitted showing Mr. Evans spitting. They were mainly when he was alone and away from others, and bluntly, did not assist the Regulatory Commission when considering this incident.
21. Reference has been made to conversations between the referee and Mr. Evans. The Regulatory Commission has had no other evidence relating to any such conversations other than that stated by Mr. Evans.

22. Like other conversations referred to, the Regulatory Commission have no expertise in “lip reading” and cannot, and indeed must not, take a guess at what was or was not said.
23. In fact the Regulatory Commission have to deal with this matter on the “Balance of Probability”. After a long and very detailed and intense discussion the Regulatory Commission came to the unanimous conclusion that on the balance of probability the case against Mr. Evans was proved.
24. Mr. Evans had (and has) a duty of care, if spitting for whatever reason, not to direct the same in the general direction of an opponent, or indeed anyone else. The video clips clearly show that he failed in his duty of care.
25. There may, in some quarters, be substantial sympathy for Mr. Evans, but the video evidence shows that he did what he did, and the ordinary man in the street will find his action to be simply disgusting and should not be allowed in any walk of life, let alone on any football field.
26. The standard punishment is a suspension of 6 matches.
27. It is true that Mr. Evans has a good and maybe commendable record.
28. There was the possibility that the Regulatory Commission could consider that the “standard/automatic” suspension of 6 matches is excessive and this was advanced in the submissions made by Manchester United FC on behalf of Mr. Evans.
29. That matter has been considered in great detail by the Regulatory Commission. In doing so the Regulatory Commission’s attention was drawn to Schedule A of the FA Disciplinary Procedures that states as follows in relation to decreasing a standard penalty:

“In such cases the Regulatory Commission shall decrease the standard punishment only where it is satisfied so that it is sure that the circumstances of the incident under review are truly exceptional”
30. The Regulatory Commission did not consider that there are any “truly exceptional” circumstances in this case and therefore the “standard/automatic” punishment of six matches is imposed with immediate effect.
31. This is a unanimous decision.

32. As the decision of the Regulatory Commission was not to increase the standard penalty, there is no further right of appeal to this decision.

Brian M Jones (Chairman)

Mr. T. Finn

Mr. P. Raven

Friday 6th March 2015.