

**DECISION OF THE DISCIPLINE COMMITTEE****HEINEKEN CUP****HELD AT DUBLIN ON THURSDAY 30 JANUARY 2008****IN RESPECT OF DAN MURPHY ("the player") and A CITING COMMISSIONER'S REPORT FROM RUSSELL HOWELL IN RESPECT OF CONTRAVENTION OF LAW 10.4(d) – TRIPPING AN OPPONENT DURING THE BENETTON TRAVISIO MATCH WITH LONDON IRISH HELD AT TRAVISIO ON 19 JANUARY 2008****Members of the Discipline Committee**

**Committee** Paul Mauriac (Chairman, FRU)  
George Spottswood (IRFU)  
Peter Brown (SRU)

**Decision of Committee**

1. The Committee accepted the player's plea of guilty to the Citing.
2. The Committee considered if the incident had been viewed and penalised by the referee it would NOT have merited a red card, accordingly the Committee upheld the citing but imposed no suspension.

**Introduction**

This Committee was convened by Professor Lorne D Crerar, the Chairman of the ERC Discipline Panel pursuant to the Discipline Regulations of the Heineken Cup in respect of a Citing Complaint made by Russell Howell, the Citing Commissioner.

The Citing Complaint concerned the conduct of the player during a Heineken Cup match played between Benetton Treviso and London Irish on 19 January 2008 at Stadio Comunale di Monigo Treviso.

The Citing Complaint alleged that the player tripped a Treviso player contrary to Law 10.4(d).

2

Present at the Hearing on Thursday 30 January 2008 in addition to the Members of the Committee were:

- Roger O'Connor (Disciplinary Officer, ERC)
- Max Duthie (Counsel to the Disciplinary Officer)
- Dan Murphy of London Irish – The Player
- James Segan (Barrister for the Player)
- Duncan Sandiant (Solicitor for the Player)
- Kieren McCarthy (London Irish Rugby Manager)

### Hearing

At the commencement of the Hearing, the Chairman confirmed the identities of all present and established that the Player was before the Committee to answer the Citing Complaint. The Chairman outlined the procedure to be adopted by the Committee for the Hearing and that the provisions of the Disciplinary Rules of the Heineken Cup. The Player and all present agreed to proceed on such basis.

The Chairman established what evidence had been placed before the Committee prior to the Hearing and enquired as to whether all present had received same in good time. The Chairman then requested the Disciplinary Officer to confirm what additional evidence was to be presented by way of video evidence.

Prior to the commencement of the formal Hearing, the Chairman invited the Player to confirm whether or not they had any preliminary issues that they wished to raise and none such were raised.

The Chairman asked the Player how he wished to plead in relation to the Citing Complaint and the allegation that he had committed an act of illegal and/or foul play.

The Player admitted that he had committed an act of illegal and/or foul play.

The Chairman indicated that in view of the Player's plea, the Committee would move on to consider the sanction and invited Mr Duthie to outline the facts of the citing and present the DVD evidence to enable the Committee to consider same.

Mr Duthie opened the Citing Commissioner's Report and led the Committee through the DVD evidence which showed the player trip the Treviso no 3 as he ran towards a ruck. He stated it was essentially a deliberate trip and there was no evidence of the alleged gouging.

MURPHY

3

The Committee were presented with an e-mail from Vittorio Munari, the Treviso team manager, denying his no 3 had gouged the player.

The Player responded by accepting he had clipped the heels of the Treviso prop, apologised for his action, stating he had been eye gouged by him at the previous ruck and it had been a purely instinctive action to trip him when presented with the opportunity so soon after. It had been a mistake and he regretted it.

The Committee viewed the DVD evidence then invited the Player's barrister to address them on sanctions.

Mr Segan asked the Committee to take into account the player's immediate acceptance of guilt and to accept the DVD evidence clearly demonstrated the trip was instinctive and not premeditated; no intention to injure and no injury requiring treatment and the outcome of the game was not affected.

In determining sanction, Mr Segan stated the significant factors for his client were:

- He immediately admitted culpability
- He is a young player with a completely clear discipline record.
- He had conducted himself well at the Hearing.
- He much regretted the incident.

In response dealing with the factors set out in Clause 7.6.24 of the Disciplinary Rules, Mr Duthie went on to say that the act was an intentional act and was not in self defence.

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The Committee retired to deliberate in private as to sanction. The Committee considered the player had intentionally tripped his opponent but commended the player on his honesty and accepted his statement it was instinctive and decided the act was NOT worthy of a red card, No penalty was imposed.

The Parties were reminded that Regulation 8 provided for the right of Appeal and how such Appeal could be progressed against this Committee's decision.

Dated the seventh day of February 2008

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Paul Mauriac  
Chairman  
Discipline Committee

Murphy