

DISCIPLINARY COMMISSION

Sitting on behalf of the Norfolk County Football Association

IN THE MATTER OF A NON-PERSONAL HEARING

of

**MR AARON WICK
OF HORSFORD UNITED FC**

THE COMMISSION'S DECISION AND REASONS

BACKGROUND & HEARING

1. The Disciplinary Commission ("the Commission") convened on Tuesday 30th October 2018 by way of a non-personal hearing. The Commission adjudicated in respect of charges brought by Norfolk County FA against Mr Aaron Wicks as result of alleged misconduct in a match between Feltwell FC and Horsford FC on Saturday 22nd September 2018.

THE COMMISSION

2. The members appointed to the Commission were:
 - i) Mr Shaun Turner (Independent Chairman)
 - ii) Mr Kevin Brown (Independent Member)
 - iii) Mr Trevor Cobb (Norfolk County FA Council Member)
3. Mr Matt Lemmon (Norfolk County FA) assisted the Commission as Secretary.

THE CHARGE(S)

4. Norfolk County FA charged Mr Aaron Wick as follows:
 - i) Breach of FA Rule E3 – Assault on a Match Official
5. The particulars of the charge against Mr Aaron Wick are that it was alleged he punched the referee in the face causing serious injuries.

THE REPLY

6. Mr Aaron Wick accepted the charge and confirmed he was content for the matter to be heard in his absence by correspondence.

THE RULES

7. Pursuant to the FA Handbook 2018-19 Season, FA Rule E3(1) provides as follows :

“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 disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

THE BURDEN AND STANDARD OF PROOF

8. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event was more likely than not. Therefore, if the evidence is such that the Commission can say “we find it more probable than not” the burden is discharged, but if the probabilities are equal it is not.

THE EVIDENCE

9. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission 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.

10. The documents before the Commission comprised of:

- i. The Referee’s Report
- ii. Photographs of the injuries sustained
- iii. Hospital Treatment Records
- iv. Team Sheet
- v. Mr Aaron Wick’s Written Observations
- vi. Mr Sean Golding’s Written Observations

11. Due to the serious nature of this unprovoked assault the referee was and still is unable to remember all the events of the game/day. He listed in his report what he could remember.
12. The Referee's report indicated that he had to caution Mr Aaron Wick early in the game, following his decision not to award a freekick to him following a challenge from an opposition player.

'The goalkeeper (Mr Aaron Wick) started ranting and shouting at me for protection, he came right up to my face and was very aggressive. I was thinking he was going to headbutt me and I took a step back and said you don't need to get that close. He said 'I'll get closer than that' and I didn't catch the rest of what he said. As he walked off, he was very angry and he called me a Twat very loudly. I called him back and gave him a yellow card. At the time I thought about sending him to the Sin Bin but felt this would have made things worse in hindsight maybe I should have.

...Feltwell scored cannot remember how but the goalkeeper (Mr Aaron Wick) was not happy with me again.

Feltwell scored again from a corner. The Horsford right back was on the post and kicked it out of the goal. I was around 10/12 yards away but the ball looked way over the line so I blew for a goal and started to make my way to the half way line.

As I was doing this the only player to complain was the goalkeeper (Mr Aaron Wick), saying that there was no way the ball was in and how could I see that from there. The lad on the post who kicked it out didn't even make a comment and looked a bit sheepish. I tried to calm the keeper down but he wasn't having any of it.

At one stage in the game either the goalkeeper or the centre half, I wasn't certain as I was looking the other way, made a comment that they were playing against 12 men.

Throughout the game the goalkeeper kept complaining about my decisions along with the centre half. As I could hear the centre half's comments more clearly it was

getting to the point of me giving him a verbal warning, if he had continued.

Feltwell went forward again. A Feltwell player was in the area where he had a nudge in the back that made him go over and when he tried to get up a Horsford player pushed him down, the second push was more clumsily than anything else but in my opinion, it was a penalty from the first push. As had become expected with all my decisions the goalkeeper complained very vocally.

Feltwell Player took the penalty and scored upon which the goalkeeper used foul language towards me I cannot remember what was said but I was making a note in my note book to record the score, the next thing I remember is a policeman kneeling next to me asking if I was ok.

I had a look at my notebook and the score was 3-0 and the goalkeeper Aaron Wick had 2 lines against his name 1 for the earlier booking and I can only assume I was going to book him or send him off for the other.

I know this may not be in order and may not contain everything that happened or was said but I have put things down I can remember. All this was within the first 35 mins of the game.

13. The Commission also had sight of two (2) colour photographs of the injuries caused to the Match Referee.
14. Furthermore, the Hospital Report from the Queen Elizabeth Hospital King's Lynn was also considered, which amongst other things confirmed:
 - i. The Match Referee had suffered a fracture of the left orbit with involvement of its lateral wall and of its floor without signs of ocular muscle incarceration. The fracture at the level of the left maxillary sinus cavity involving both anterior and its posterior aspect.
 - ii. A precautionary CT scan was also undertaken
 - iii. The report goes on to say that an eye witness confirms the Match Referee had LOC for 20 mins and remained confused for a while.
 - iv. He was complaining of a global headache and had vomited 3 times since the incident, suffering blurry vision in the left eye on and off.

- v. He also suffered massive epistaxis which has abated now. No otorrhea or rhinorrhoea.
15. Subsequently, it was confirmed that the Match Referee has had to undergo surgery to repair the fractures detailed in Para 14 including having plates inserted into his face, as a result of this unprovoked assault.
16. Mr Aaron Wick submitted two responses. The first being a letter of apology and the second being a two and half page half page response, detailing the events on the day. Albeit the majority of the second response was around his opinion of the Referees performance. Mr Aaron Wick in his submission, went on to confirm:

...I saw the red rage and struck the referee to the left side of the face. As he fell to the floor the realisation of what I done hit me and I asked for people on the side line for the phone to call an ambulance, I asked Feltwell players for a phone as mine was in the changing room and was told it had already been called along with the police.

Following this I walked to the dressing room to pack all the team kit and my personal belongings and loaded them into my vehicle.

I had informed people I would pop and hand myself in to the police at Bethel Street, Norwich after I had returned my car and children to their mother but Feltwell fans blocked the exit. I appreciate their concerns and fears and can say that none present created any further issues. The police arrived at 15.55 and duly arrested me.

17. To be clear, as part of the initial submission at no time did Mr Aaron Wick try to justify his actions, he simply wanted to explain them. He did apologise to everybody involved, including the Referee, and agreed to cooperate fully with any ramifications that may be brought his way.
18. The Commission also noted the submission by Mr Sean Golding, a team mate of Mr Aaron Wick.

FINDINGS

19. The Commission studied the evidence very carefully, being conscious of the burden and standard of proof. The Members noted that Mr Aaron Wick had responded by accepting the Charge.
20. The Commission reminded themselves that for the charge to be proven, on the balance of probabilities, the following must be taken into consideration:
 - i) Did Aaron Wick act as reported by the Referee?
 - ii) Did this conduct amount to a breach of FA Rule E3?
21. The Commission first considered the alleged actions of Mr Aaron Wick and noted that he had accepted the charge in its entirety.
22. The Commission reminded itself that the original actions during the game including the foul and abusive language had been dealt with by means of a yellow card and possibly a red card (although due to the Assault the Match Referee can't confirm this) and therefore were not part of this misconduct charge.
23. The Commission further considered the reports submitted by the Match Referee, Mr Aaron Wick and Mr Sean Golding which between them gave a clear account of the incidents in the game up to the point the Referee was assaulted.
24. For these reasons, along with the admission of Mr Aaron Wick the Commission found it more likely than not that Mr Aaron Wick did commit an assault on the Match Referee.
25. In summary, the Commission unanimously found the Charge against Mr Aaron Wick to be proved.

PREVIOUS DISCIPLINARY RECORD

26. The Secretary confirmed Mr Aaron Wick's previous record, which consisted of 10 cautions, 1 Standard Charge and one previous Misconduct, which was back in 2015 for physical contact against a Match Official, for which he served a suspension of 134 days & received a fine of £75.

SANCTION

27. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.
28. The Commission found this to be an unacceptable and cowardly action, causing significant injuries to the Match Referee.
29. The Commission felt that this sort of behaviour had no place in society, let alone football and condemned the actions of Mr Aaron Wick.
30. The Commission noted that the Sanction Guidelines for an offence of this type ranged from a Minimum 5-year suspension to a 10-year suspension for a high category offence. Albeit these are only guidelines and the commission can go outside of said guidelines depending on aggravating / mitigating factors.
31. In considering the sanction to impose, the Commission took into account the fact that the Referee was on the receiving end of an unprovoked assault by an individual that had already had a number of verbal altercations with him during the first 30 minutes of the game in question.
32. The Commission also considered that Mr Aaron Wick had previously been suspended for a significant period for Physical Contact against a Match Official back in 2015, so clearly hadn't learnt.
33. Finally, the Commission also considered the submissions, admissions and apologies by Aaron Wick, which included his own personal acceptance that he would likely be banned for life from football whilst also having to deal with whatever Legal and Civil action the Crown Prosecution Service decided to bring against him.
34. Taking all the circumstances into account and remembering the recommended sanction guideline for this offence, the Commission unanimously decide to impose the following sanction:
 - i. Mr Aaron Wick is suspended, with immediate effect, from all football and footballing activity for life.

- ii. By way of a majority it was decided that Aaron Wick would not be fined, as his suspension for life would mean it was very unlikely that the fine would ever have been paid.
- iii. Horsford United FC to receive 10 Penalty Points on their Club Disciplinary Record.

APPEAL

35. This decision is subject to Appeal in accordance with the relevant FA Appeal Regulations.

Shaun Turner (Chair)

Kevin Brown

Trevor Cobb

4th November 2018