

PRELIMINARY NOTICE OF DETERMINATION.
27th November 2018

Reference is made to the following Tribunal:

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| 1. Date of the Tribunal | 21st November 2018 |
| 2. Tribunal that heard the case | General Purpose Tribunal (GPT) |
| 3. Tribunal reference number | 18/75 |
| 4. Tribunal Members | David LEWIS (Chair), Mendo CKLAMOVSKI Louis FAYD'HERBE |
| 5. Venue of Tribunal | FNSW Committee Room |
| 6. Time of Tribunal | 6.30pm |
| 7. Respondent | JESSE BONESS West City Crusaders |

This document constitutes a Preliminary Notice of Determination resulting from the Tribunal listed above.

Charges against the **Respondent** under Sections 9.2 and 16.4(d) of Football NSW Grievance and Disciplinary Regulations 2018 for alleged breaches of the Regulations and the FFA Code of Conduct related to incidents during the Futsal Premier Leagues 2 (FPL2) 19 Men's match between West City Crusaders FC and Sydney City Eagles on 3 November 2018 at Hawkesbury Indoor Stadium.

Summation of the Tribunal:

The Tribunal found that the evidence and admissions:

In part supported the Charges brought against the Respondent.

Determination of the Tribunal:

Charge 1:

During the Futsal Premier Leagues 2 (FPL2) 19 Men's match between West City Crusaders FC and Sydney City Eagles on 3 November 2018 at Hawkesbury Indoor Stadium, Jesse Boness of West City Crusaders FC (the **Respondent**) punched an opposition player (Martin Fernandez) in the face with excessive force.

Charge 2:

The Respondent then participated in a melee.

Charge 3:

After the Respondent was sent off by a Match Official, the Respondent kicked a chair in the Technical Area and said *"That's fucking bullshit"* to a Match Official (Jamie Ewin).

In relation to Charge 1 the Respondent pleaded NOT GUILTY to the Charge. The Respondent did not address Charges 2 and 3 in his Notice of Response however pleaded Not Guilty at the Hearing.

The Tribunal found that:

- A. The Respondent was Guilty of Charge 1.
- B. The Respondent was Not Guilty of Charge 2.
- C. The Respondent was Guilty of Charge 3.
- D. There was inconsistency in the evidence available from the Referees. One Referee noted that Mr O'Riley, the co-Respondent, kicked a chair whilst the other two did not. One Referee noted that it was the Respondent who kicked the chair albeit that he was not charged with that offence.
- E. The Referees stated that the alleged "melee" took 5-10 seconds.
- F. Evidence from the co-accused, from Sydney City Eagles, was consistent with the Referee's reports in relation to the punches.
- G. The Respondent did involve himself in a fight and was correctly issued with a Red Card for his involvement in the fight.
- H. The Tribunal found that there was no melee as alleged.

Sanctions Imposed

Charge 1:

The Tribunal preferred a Sanction under Schedule 3, Table A R2, Violent Conduct, Grading 02-01. The Tribunal imposes a suspension of **seven (7) Fixtures**. The Respondent was the instigator of the incident and failed to plead guilty even when given an opportunity to do so at the Hearing.

Charge 2:

The Tribunal found that there was no melee as alleged and therefore the Respondent was Not Guilty under this Charge.

Charge 3:

The Respondent admitted that he said “that’s bullshit” to the Referee but denied using the intervening swear word. This outburst clearly represents dissent by word or action, with or without the expletive, and an offence under Schedule 3, Table B R6, Grading 02-01. A suspension of **two (2) Fixtures** was imposed.

As the above Charges relate to separate incidents, the Respondent is to serve these suspensions consecutively. The Respondent has now served a three (3) Fixture suspension, he is therefore to serve an additional **six (6) Fixture** suspension.

Fines Imposed

NIL.

Bonds Imposed

Nil.

Additional Matters and Fees as per the Notice of Costs:

The Respondent’s Club is to pay the costs of the Tribunal process as assessed by Football NSW.

A full written Determination will **not** be produced.

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with sections 9.6 and 10 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted on the Notice of Appeal form (Prescribed Form 12) to tribunal@footballnsw.com.au with the relevant Application Fee within 7 days of this Determination of the GPT being sent to the Respondent.



**David P. Lewis
Chairman
GENERAL PURPOSES TRIBUNAL**