

# Crime and punishment



ERIK SAMUELSON

For the second programme running, Acting Chief Executive Erik Samuelson is sorry to say that there is only one thing for him to write about.

I am massively disappointed with the result of the FA hearing in connection with the charge that we played Jermaine Darlington against Gravesend when we did not have international clearance for him. This was the first time I've been at an FA hearing. It would be nice to think that it was the last. I want to describe it for you as I'm sure you will be interested – and I can't think of any reason why it should be secret.

It was all done professionally. After sitting in a waiting room, we were called to the meeting where we faced three members of an FA Trophy subcommittee, an FA legal representative and the FA Head of Competitions. The chairman read out a statement explaining the purpose of the meeting, the charge and suchlike. We had submitted our written defence in advance, and Jim Sturman QC, our counsel, took the committee through it, setting out our defence and the mitigating circumstances. Jim ended with a review of precedents where fielding an ineligible player had not led to ejection from a cup competition or to the equivalent sanction for league matches, a deduction of points. (Many thanks to the WUP "Old Centrals" guestbook readers, who did most of this research for us.)



Jermaine in action at Gravesend

unreasonable, except perhaps from the member who used his turn to ask questions as an opportunity to tell me what we'd done wrong. He may have arrived with no preconceptions about the result of the hearing but, if he did, he wasn't very good at showing it.

Jim summed up, and we left the room. I knew from the barrage of text messages I was receiving that fans were sitting

**“Jim Sturman QC, our counsel, took the committee through our defence and the mitigating circumstances”**

There followed a question-and-answer session where the committee members asked me about various aspects of our defence. The questions were quite aggressive, but none of the challenges was

watching their computer screens, waiting tensely for the outcome. I am not sure why, but it is easier – not a lot easier, but easier – when you are actually there. We were escorted back to the waiting room,



The Dons faithful gather to learn the latest



and there we talked about our impressions of the case and the members we'd faced. We were regularly interrupted by members of the FA calling by to say "Hello". One of them was

I had talked about how juries react to the accused when they return with their verdict. I'd asked if it was true that if the jury doesn't look at the accused it means they've found him

hour and I was determined that our fans should hear about it first from us, not the FA.

You might think that what I have given is a strangely calm and balanced account of the proceedings. This is because I want to stress that the members of the subcommittee aren't monsters or old buffers. I just think they are wrong.

**“Jermaine was registered to play for us. We are entitled to play him in our team”**

Chris Whalley, who was so helpful when we were campaigning for better safety measures at our away games. I am saying this because I have no wish to paint FA members and staff as ogres. They are decent people who are usually very helpful.

We waited for one and three-quarter hours. When you wait that long you can't help but get your hopes up. Surely it meant that they were having a long debate and couldn't agree? A good sign, we concluded.

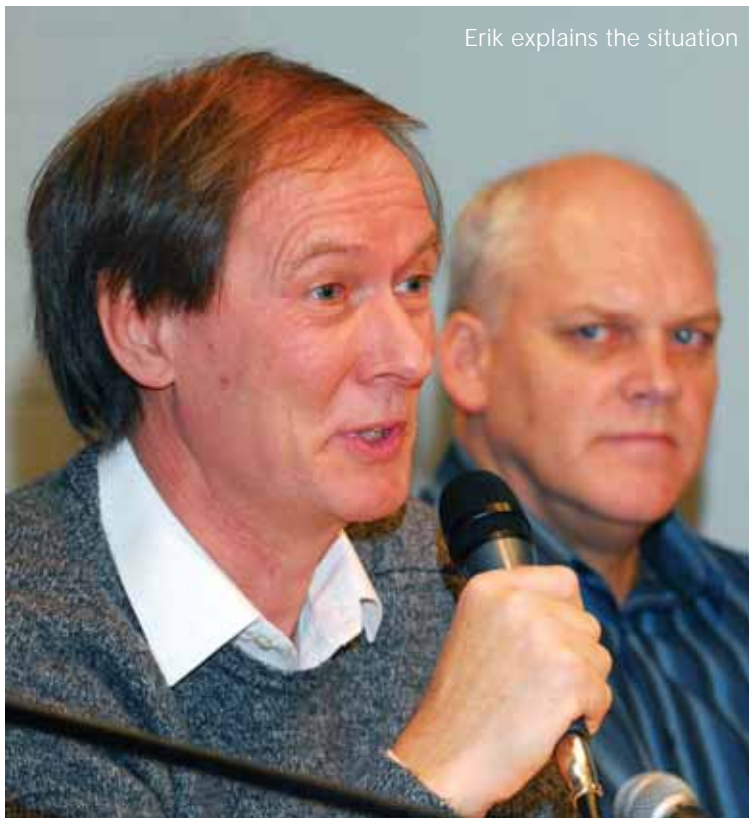
And then back to the room. While we were waiting, Jim and

guilty. "Yes, by and large," was Jim's answer. So when we re-entered the room I was dismayed to see the subcommittee members carefully examining their fingernails. No eye contact at all. When the chairman asked the Head of Competitions to read out the verdict, it became clear why they had taken so long: they had been writing a four-page summary of the hearing, the judgment and the sanctions. We were out of the Trophy. And then we left. I immediately started drafting a statement for the club's website; I was told that the outcome would be on the FA website within half an

So why am I angry? Well, let's be clear. We did make an administrative mistake. But, as the FA accepted in their judgment, we were not trying to be dishonest and we were not trying to hide anything.

Let's set aside the fact that we are talking about an English player needing an International Transfer Certificate to move from a team near the top of the English League pyramid (and which plays in the English FA's premier cup tournament) and moves to a non-league team in the English pyramid system. That may seem crazy, but it is the rule.

Erik explains the situation



The FA won't want to do this. Their judgment seems to me to be based on a "one size fits all" approach, and we think it is time that their sanctions should be brought out into the open so that they are clear, transparent and understandable in the light of the facts.

I've had lot of debates with football people over the past five years. One of the things they say to justify an argument is, "Well, that's football" – in other words, it has always been done that way so it must be right. Well, the FA's sanctions may "be football" but it is time for them to change and get a sense of proportion. That is all we are asking. We don't want special treatment, but we do want to be dealt with in a way that takes into account the circumstances of the incident and relates the sanction to the "crime". That doesn't seem unreasonable to me; let's see what the FA say.

But, Jermaine Darlington is eligible to play in the Trophy. He was registered to play for us. We are entitled to play Jermaine in our team. We did it openly and, indeed, proudly – proud that one of Wimbledon's favourites had returned home. And we

expelled. Even if you broke them inadvertently. Even if you gained no advantage from breaking them. I have to conclude this because the carefully crafted summary of the judgment gives no sense of proportion in the sanction. To

Maybe we can persuade the FA to appoint an independent three-man commission to review the judgment. If they did, I am very confident that this time we would win.

**“We want to take the case to the Court of Arbitration for Sport for a review of the penalty”**

gained no unreasonable advantage from playing him. We obtained the transfer certificate within an hour of realising our mistake, and then the same man, with the same background, was able to turn out for us in the same games.

I can only conclude that the automatic response of the FA Trophy subcommittee is that if you have broken the rules then the minimum penalty is to be

put it another way, it doesn't explain how and why this punishment fits this crime. Well, that is unprofessional. And unacceptable. So we have written to the FA asking why there appears to be no right of appeal – after all, even murderers have a right of appeal! And we have said that we want to take the case to the Court of Arbitration for Sport for a review of the penalty.

I hope that, even with this bad news, you can put it out of your minds for long enough to enjoy the game tonight.

