

IN THE HIGHBURY CORNER MAGISTRATES COURT

BETWEEN

REX

v

SCOTT LAW

JUDGMENT

Introduction

1. Mr Scott Law is accused of an offence of assault by beating. The term ‘by beating’ is rather outdated and misleading – suggesting as it does a series of blows or strikes – it actually means no more than that there was some unlawful physical contact involved in the assault.
2. The trial of this matter took place on 29 30 and 31 May and the judgment was delivered on 6 June. The prosecution was represented by Mr Jones KC and the defence by Mr Sherrard KC (hereinafter referred to as ‘Mr Jones’ and ‘Mr Sherrard’).
3. The alleged victim of the assault is Mr Roy Keane a retired professional footballer and current commentator (or pundit) on football matches.
4. The assault is said to have occurred at the Emirates stadium, the home of Arsenal, on 3 September 2023, towards the end of a match between Arsenal and Man Utd. There is no dispute that Mr Keane was at the Emirates stadium on that day because he was commentating on the match for Sky Sports mainly from the Sky Sports studio. There is also no dispute that Mr Law was at the match as an Arsenal supporter and season ticket holder. If I’ve understood correctly Mr Law’s season ticket provides him with a fixed seat within the Emirates stadium although he usually attends home games with a group of friends who also hold season tickets and there may be some movement within a block of four adjacent seats.

5. Those seats are situated just below the Sky studio. Arsenal fans close to the studio can see personnel within the studio and vice versa but the studio soundproofing means that neither individual Arsenal fans nor individuals within the studio can hear each other. Loud roars from the fans are apparently audible within the studio.
6. Some witnesses in the trial told me that it was common for there to be banter between the Arsenal fans close to the studio and the commentators or pundits within the studio. 'Banter' seems an odd term to use when neither party can hear the other and such banter would appear to consist of gestures and possibly the mouthing of words.
7. The prosecution alleged that after Manchester Utd scored a goal in the 87th minute of the match and after that goal was disallowed following a VAR review, Mr Law (along with many other Arsenal fans in that area) turned towards the Sky studio and gestured at Mr Keane. His gestures included what is commonly known as the 'wanker' gesture. Mr Keane used to captain Man Utd, and it appears is still seen as closely associated with that team.
8. Thereafter the prosecution allege that Mr Law left his seat, even though the match was not over, 'fired up' and determined to confront Mr Keane. Mr Keane left the Sky studio around this time in order to head down to the side of the pitch to provide an end of match commentary. The prosecution allege that the two men encountered each other in the corridor outside the Sky studio and that Mr Law headbutted Mr Keane once. The headbutt actually landed at the top of Mr Keane's chest causing bruising. It's further alleged that the blow knocked Mr Keane back into some swinging doors which caused further bruising to his arm.
9. Thereafter Mr Law was restrained by both Micah Richards, Mr Keane's Sky sports colleague, and Mr Keane himself before he was released or freed himself and fled the stadium.
10. There's no dispute that on the next day Mr Law voluntarily attended Bethnal Green Police Station accompanied by a legal representative. He was interviewed and submitted a signed prepared statement but otherwise answered 'no comment' to police questions.
11. Mr Law's case is, in summary, that throughout the match Mr Keane was gesturing aggressively and insultingly towards Mr Law specifically 'calling' him fat and 'inviting him out' – that is inviting him to meet for a physical confrontation. The

combination of this behaviour and Mr Law's belief in Mr Keane's reputation as 'the hard man of football' meant that far from seeking to confront Mr Keane, Mr Law was actually frightened of him.

12. When he left his seat, it was because he needed to visit a toilet and the nearest one was further along the same corridor as the Sky studio meaning that Mr Law would have to pass the studio door to reach that toilet. He had no idea that Mr Keane was going to emerge from the studio at this point as he didn't know he would be doing a pitch side end of match review. When he saw Mr Keane, he was immediately frightened. Mr Keane approached him aggressively and Mr Law, assuming he was about to be assaulted, dropped his head either to inflict a defensive blow or to defend himself from a blow. In the latter scenario Mr Keane then ran into the top of his head in the former it was Mr Law's movement that caused his head to strike Mr Keane. Mr Richards then took hold of Mr Law and pushed him back along the corridor restraining him at a door. Mr Law says now that Mr Keane used this opportunity to punch him in the stomach causing bruising. Mr Law was released, but Mr Keane continued to pursue him and elbowed him in the face causing bruising and in all likelihood a nosebleed. Mr Law then fled the stadium.
13. If Mr Law is to be convicted, then I must be sure beyond any reasonable doubt of all the relevant aspects of the prosecution's case. The onus is in the prosecution to prove their case. There is no onus on Mr Law to disprove that case.
14. The principle that I must be sure applies not only to the core aspects of the prosecution case but also to events which occurred before and after the central confrontation. For example, it is alleged that Mr Law left his seat towards the end of the match in order to confront Mr Keane. Mr Law says he rose to visit the toilet. I cannot be sure that confronting Mr Keane was Mr Law's purpose, and that point must therefore be resolved in Mr Law's favour.
15. I was shown a number of videos relating to the incident. What I will call Video 1 was a 'walk through' taken by the officer in the case which showed the route Mr Law would have taken to reach the corridor outside the Sky studio. Video 2 was taken on the day of the incident by CCTV at the Emirates stadium, and it showed Mr Law sitting in his seat surrounded by many others and waiting for the VAR decision on Manchester Utds 87th minute goal. At one point it was suggested to me that the quickest way of people sitting near the Sky studio to find out the VAR decision was to look into the studio either at the screens in there or for a gesture from one of the studio's occupants. However, it was subsequently made clear that people attending the Emirates including those seated in this particular area

obtained the VAR decision by various methods including via WhatsApp, radio or by looking for gestures from the referee.

16. Video 2 does show people sitting around Mr Law looking towards the Sky studio for the VAR decision. When the decision was understood, that section of the crowd rises in jubilation because they were all Arsenal supporters and Manchester Utd's goal had just been disallowed. Mr Law is seen to make the 'wanker' gesture towards the Sky studio. He was not alone in such gestures. The man next to him, a friend, raises a single finger towards the studio. Mr Law is then seen to make his way rapidly along the row towards a set of doors which he goes through. The video ends at this point although there is no dispute that Mr Law then went on to encounter Mr Keane.
17. Video 3 shows the aftermath of the encounter between Mr Law and Mr Keane. Members of the Emirates staff are seen looking at something occurring off screen. More people gather. The parties emerge from off screen. Mr Law is first and for a brief period he is free before Mr Keane tries to take hold of him. Mr Keane's elbow is seen to rise and strike Mr Law in the area of his nose. There is a dispute as to whether this is simply Mr Keane reaching for the defendant or a deliberate blow by Mr Keane. Thereafter Mr Richards takes hold of and then releases Mr Law. Mr Goncalves appears to gently hold Mr Keane back by stretching out his arm. Mr Law flees the scene.
18. The defence also produced an enhanced and slowed down version of part of this video. Video 3A.
19. Video 4 shows Mr Law running out of the Emirates stadium. A security guard appears to briefly try and detain him.
20. Video 5 was apparently retrieved from social media and shows Mr Richards restraining Mr Law. Mr Keane and Mr Goncalves are next to him.
21. I was also shown photograph of Mr Keane's injuries – bruising to his chest and arm – which he himself took the next day - and a photograph taken of Mr Law while he was in custody which shows an injury to the top of his nose. As part of the defence case I was shown further photos of Mr Law showing injuries (bruising) to his arms and stomach.

Roy Keane

22. I heard from Mr Keane. He told me that on 3 September 2023 he was in the Sky studio at the Arsenal ground to commentate on the match. He was working with Micah Richards another former professional footballer. He and Mr Richards were planning to deliver their end of match commentary from pitch-side which meant making their way down there from the studio approximately 10 minutes before the end of the game.
23. Just after leaving the studio Mr Keane heard a big roar which made, it was obvious that something significant had occurred during the match. He returned to the studio. He was not sure if Mr Richards returned with him or if he waited outside the studio. The roar had been for the goal scored by Manchester Utd that was then disallowed after a VAR review.
24. Mr Keane then went to make his way back down to the pitch again. He thought that he came back out of the studio on his own and Mr Richards was still waiting outside in the corridor for him. He had been planning to take a lift down to the pitch. The lift entrance was opposite and slightly to the left of the Sky studio door. When he came out of the studio for the second time he turned right. Mr Keane told me:
25. *'There were lots of people in the corridor. There was lots of noise. I was walking and before I knew it, I was hit. I wasn't expecting this, and I didn't do anything before this happened. I just felt the contact. The attacker's head made contact with my head and upper chest. It knocked me back. I think I went through some doors as a result. I was in shock.*
26. *I looked and saw someone who was headbutting me. This is first time I was aware of that person. Micah tried to get hold of him. He was trying to get a grip and stop him running off. I think I said straight away 'call the police' I think I said this multiple times – 8 or 9 times.*
27. *Micah remained holding him for 15-20 seconds. Other people were gathering. I thought there must be police around. I was still saying 'call the police'. Micah released him a bit and he ran off. I was conscious I still had to do the pitch side commentary. I thought that someone might catch him or use CCTV to identify him, so Micah Richards and I then headed pitch side.*
28. *We were taken to a corner. People were coming up to me. I didn't say too much at the end. I could feel I had been hit. The following day I took photos of injuries. I spoke to police after the game. I think I bruised my arm when I went back through the doors.'*

29. Mr Keane confirmed that he had never seen Scott Law before this incident.
30. In cross-examination Mr Keane was asked several questions about his reputation for being ‘the hard man of football’ and his reputation for hurting other players. Mr Keane emphasised that such matters occurred many years ago. He himself had never made a claim of being a ‘hard man’ and some of the comments he made about his behaviour as a player were intended to be tongue in cheek. He was not in a position to say whether any such reputation might have an impact on other people.
31. Mr Keane accepted that he may have been engaging in ‘banter’ with the Arsenal supporters in front of the Sky studio during the match, but he denied ever saying as a commentator that he had a ‘*lot of hatred for Arsenal*’. He made the point that Micah Richards with whom he worked was an Arsenal supporter.
32. He did not accept that when Manchester Utd scored their first goal that he had been ‘giving it’ to the Arsenal supporters in front of the studio. He had no recollection of engaging in any way with Mr Law during the time of the VAR decision. Neither did he recall Arsenal fans gesticulating at him.
33. When he emerged from the studios for the second time after the VAR decision, he was still not sure if Mr Richards exited the studio at the same time or was out in the corridor. He thought Mr Richards might have been 5-6 seconds ahead of him. Mr Keane denied turning right in order to confront Mr Law. He denied saying ‘*show me what you said*’ or calling Mr Law ‘*a fat cunt*’.
34. Mr Keane said he may have taken a wrong turn when he turned right. He had not been looking at where Mr Richards was going. He had previously taken different routes down to the Arsenal pitch.
35. Mr Keane was shown videos 3 and 3A and denied deliberately elbowing Mr Law in the face – insisting rather that he was only trying to detain him. He believed that the injury Mr Law sustained to his nose was from the headbutt and not from when his elbow came into contact with Mr Law’s face.
36. On re-examination Mr Keane confirmed that he was carrying two bags when he came out of the Sky studio. He believed he was holding one in each hand.

John Goncalves

37. I heard from Mr John Goncalves who was working as a steward at the Emirates stadium on 3 September 2023 – in the Highbury restaurant area. This was a job he'd done for some 11-12 years.
38. Towards the end of the match, he had been positioned in front of the lift lobby door diagonally opposite the Sky studio door. He was there to assist anyone with disabilities who needed to use the lift and to direct people from the Sky studio who were going to use the lift to get down to the pitch.
39. Theo Walcott emerged from the studio with, he believed, his own security guard and they both took the lift. A blonde woman had then come to the lift lobby area. She had waited for the lift but then went back into the studio. Mr Keane had then emerged from the studio:
40. *'He was holding a briefcase or a bag in one hand. I can't recall if he had anything in his other hand. He walked towards me and stopped in front of me. I wedged the door open. He appeared normal - calm and stress free. He then looked to his right. He slowly and calmly started walking towards Highbury bar. He said something like 'say' or 'tell' or 'show me from when you were outside'.*
41. *He got a few strides down corridor. There was a tall stocky bloke there. When he approached the stocky man, he was calm - like the guy was asking for an autograph. I looked away briefly. I then looked up and Roy Keane was flying towards the emergency exit door. I was trying to process what had happened. I was speechless. I didn't understand why someone would do this. I saw the stocky man go forward and then he went back. The blonde lady started shouting. She said, 'Roy Keane has just been headbutted' or 'assaulted'.*
42. *I was thinking what to do and whether I should call for help. I was walking towards Roy Keane. When the blonde lady started calling out Micah Richards came charging out from studio and he turned to right. He started going towards the stocky man saying 'Are you crazy? Are you fucking mad? Say sorry.' The stocky man was just stood there. He didn't make a move. Micah Richards was trying to hold him back. Roy Keane was getting back on to his feet. He was being helped by the blonde lady and me. Roy Keane got up and at first, he seemed dazed, then he stuck his arm out as if he was trying to push the stocky man back. I don't know what Roy Keane was saying at this point.*

43. *Micah Richards had hold of the stocky man and was slowly walking him through to the restaurant. Micah Richards then let go of the stocky man but also said that someone needed to arrest him. Then reality seemed to hit the stocky man and he started to jog away.*
44. Under cross-examination Mr Goncalves said he didn't recall Mr Keane and Mr Richards coming out of the studio and then going back in and emerging again. He only recalled Mr Keane coming out followed by Mr Richards. He had been able to hear a roar from the stadium around this time. He did not recall Mr Richards entering the lift lobby. He was aware that sometimes the pundits would go down to the pitch using the stairs and sometimes the lift.
45. He confirmed that Roy Keane had come towards him and then changed direction. Something had caused him not to use the lift. He had then heard him speak to someone else and though this was the reason he had turned away from the lift. He thought Roy Keane knew the stocky man. He had walked towards the stocky man saying, '*show me*' or '*tell me what you said*'. He had not heard Mr Keane say '*say it to my face you fat cunt*'
46. He had not actually seen the stocky man connect with Mr Keane. At that time, he believed only he, Mr Keane, Mr Richards, the stocky man and the blonde woman were in the corridor. Later Mr Richards had the stocky man pinned against a door at the end of the corridor. Then there were a lot more staff present. The stocky man had been compliant at this point. He was not aggressive or threatening. Nothing was happening to the stocky man at this point that would cause him to be bruised.
47. He had not seen Mr Keane strike the stocky man with his elbow.
48. Mr Goncalves was shown videos 3 and 3A. He agreed that Mr Keane appeared to break free from him and move towards Mr Law. He agreed that Mr Keane appeared to be behaving violently but he himself had not seen Mr Keane's elbow strike Mr Law. He agreed that Mr Law appeared to be walking away, not running and that the situation had seemed to be under control. He agreed that towards the end of the video Mr Keane still seemed to be trying to move towards Mr Law and that he, Mr Goncalves, was gently trying to hold him back.

Micah Richards

49. I heard from Micah Richards. He confirmed that he had been working with Roy Keane in the Sky studio on 3 September 2023. He had worked regularly with Mr Keane for some 4 years. He told me that there was always interaction between the Arsenal fans in front of the Sky studio and the people in the studio. It was just banter. He couldn't recall anything specific about the banter on that day.

50. He confirmed that there had been an intention to deliver a pitch side full-time commentary. He believed that the 'full team' had left the Sky studio about 5 minutes before the end of the match as this was the usual practice. However, they had then heard a loud cheer and had run back into the studio. He recalled that both Roy Keane and he had returned to the studio. There was a 'VAR moment' and they had waited for the decision. Once the goal had been disallowed, he had said to Roy Keane that they needed to go. He had left the studio ahead of Roy Keane and headed to the lift. As he reached the door to the lift lobby, he had looked behind to see where Mr Keane was:

51. *'I heard a commotion. I was not sure if it was the fans. So, I came back through the lift lobby door. I saw Roy Keane - he was in middle of corridor. I saw a man run at Roy Keane. We have abuse and banter all the time. When I saw him run. I thought the man had banter in mind. My view wasn't obstructed. There was shouting. It was all a bit of a blur. The corridor wasn't busy - there were others further along. As the man came closer to Roy Keane, I saw the man arch his head back and head butt Roy Keane. The blow didn't hit Roy Keane full in the face. It hit the side of his face and shoulder. Roy Keane was cool beforehand. I know he has a hard man reputation, but I think he is a terrific bloke. I felt a little bit sorry for him. We've had incidents of fan shoving or abuse, but I couldn't believe this. I thought he took it well. He was shaken up massively. The headbutter seemed to have some blood coming from his nose but I'm not sure if this was at this point or later. There didn't seem to be anyone around. I intervened. I felt sorry for Roy Keane as he'd been assaulted. I stepped in to help. I grappled with the man for a while. I was saying words to the effect 'what did you do that for?' I can't recall the reply. It was sort of f'ing this f'ing that. I can't really recall the words anyone was using. The man did say 'I'm sorry. I'm sorry'. I pushed the man further back along the corridor. I had him but couldn't hold him for long enough and he ran off. I was trying to hold him till security arrived. He ran off. I was in shock and disbelief.'*

52. Mr Richards was shown video 3 but did not add anything of significance.

53. Mr Richards was cross-examined. He explained that he was able to watch the game on monitors in the studio or through the glass but that one needed to be close to the glass to look through it. In his statement he had said 'we had banter

with the supporters', but he did not necessarily mean Roy Keane – there were a lot of people in the studio including cameramen and runners. He had not seen Mr Law making any offensive gestures. He did not know if Mr Keane was up against the glass waiting for the VAR decision – he could have been watching a monitor.

54. He did not recall seeing Mr Goncalves at the lift. He had definitely heard cheering when Manchester Utd scored in the 87th minute. They had heard the cheer and run back into the studio. He had no recollection of Mr Keane celebrating the goal when it was first scored. He agreed that the decision to comment on the match pitch-side at full-time could be made at the last minute and people in the stadium would not know of that decision. He had no recollection of Mr Keane saying words to the effect of 'show me what you did' or of moving towards Mr Law.
55. Mr Richards vehemently denied coming to court and lying because Mr Keane was a 'mate'. He had told the court exactly what he had seen. He had no recollection of Mr Law being struck when he held him against a door at the end of the corridor.
56. Mr Richards was shown Video 3A but disputed that Mr Keane had executed an elbow upper cut into Mr Law's face – he told me: *'you would not hold your arm in that position'*

DC Philip Dickinson

57. I also heard from the officer in the case DC Philip Dickinson. DC Dickinson dealt mainly with the formal presentation of the exhibits in the case.
58. DC Dickinson also referred to Mr Law's interview and the prepared statement he submitted. That read:
59. *I, Mr Scott Law make this statement of my own free will following my arrest. Earlier today, I handed myself in at Bethnal Green Police Station in order to deal with an allegation following the football match yesterday between Arsenal and Manchester United. I was present at the match yesterday and was sat in front of the Sky Sports studio. Throughout the match, there was what I would regard as 'banter' between me and Mr. Keane. The banter turned more aggressive with Mr Keane gesturing towards me to meet him outside. I had no intention of meeting Mr Keane outside. I was not interested in having any confrontation with him. During a natural break in the game, I needed to use the toilet. Having left my seat and whilst walking towards the toilet, Mr Keane approached me in a very aggressive manner. His face looked angry. He approached me with aggression. I was firmly of the opinion that I was about to be assaulted. As Mr. Keane approached me, I moved*

my head forward in a pre-emptive strike in order to defend myself against the aggression and violent approach by Mr. Keane. There was no doubt in my mind that I was about to be the victim of a violent act of aggression. I am an avid football fan and have seen Mr Keane act violently previously. I have seen his short temper and was frightened. I was scared. I consider that my actions were reasonable and necessary in all of the circumstances. I deny any allegation of assault. I am not guilty of the offence for which I have been arrested.

60. DC Dickinson told me that after this Mr Law answered 'no comment' to all further questions. These included:

Are you a season ticket holder?
How long have you been a supporter?
Do you always sit in the same seat?
Had you been drinking?
Had you taken any medication or illicit drugs?
Why are constantly turning around and having this banter?
What was the banter?
how has he gestured to you?
What was the natural break in the game?
The game was still going on when this happened?
Has Mr Keane walked towards you?
has he said anything to you?
What did he do to make you feel he was about to assault you?
What do you mean by moving head forward in a pre-emptive strike, what do you mean?
Why use your head?
Why not move away? Why not walk backward?
his previous violent behaviour when has that been? During football matches?
Why is head butting reasonable?
Are you able bodied?
Any illness or injury?
You could have pushed him away?
Mr Keane says you approached him and you were the aggressor?
What happened when you left?
Did you run away?
Did you ask for the Police to attend?
Do you normally behave like this at a football match?
You could have walked away or pushed him backwards?
Did he make any threats?
Did he have his fists clenched?
Did he assault you?

61. The defence required the attendance of DC Dickinson at the trial not in order to challenge the truthfulness of his evidence but to question his conduct of the investigation and to suggest that he had embraced Mr Keane's account from the start and had rejected Mr Law's denials. Consequently, he had not pursued enquiries that may have led to material or witnesses which or who supported the

defendant's account. Consequently, Mr Law had been deprived of access to potentially exculpatory material and witnesses. I deal with this point at the start of my analysis below.

62. I was also provided with a list of admissions agreed by both the prosecution and defence. These dealt mainly with procedural matters.

Scott Law

63. I heard from Mr Law. He told me he had no convictions or cautions and had never been arrested before. He described himself as a lifelong Arsenal fan and held a season ticket which provided him with a designated seat situated in front of the Sky studio. He told me he suffered from anxiety which he had addressed in 2014. When anxious he couldn't sleep or eat and had to visit the toilet a lot.

64. He told me that during the match on 3 September he had seen Mr Keane in the studio being very animated and angry – this was from when the first goal had been scored. The Arsenal fans would usually turn to look towards the studio whenever a goal was scored in case it was the subject of a VAR review. Mr Law said that there had been some banter between the fans and the people in the Sky studio but that it was good natured at first.

65. Mr Law initially told me that the fans had no idea how a VAR review might be progressing without looking at the Sky studio for the decision to be communicated by someone inside. However, he later clarified that the fans ascertained the VAR result in several ways including by listening on the radio or via a Whatsapp group or by watching the referee's behaviour. On this particular date Mr Law was unsure how the VAR decision relating to the 87th minute goal was conveyed to him. He agreed, given what was shown in Video 2, that he had celebrated the disallowed goal by standing and waving his hands and making the 'wanker' gesture towards the Sky studio. He told me he did this because Roy Keane had celebrated aggressively when Manchester Utd had scored previously. He told me Mr Keane had been banging on the glass:

66. *'He was gesturing at me and calling me fat – he puffed his cheeks out and made a fat belly gesture. When we equalised, he gestured at me again saying 'see you outside'. He did this by pointing. He seemed to pick me out, but I don't know why. After the 87th minute goal was disallowed, I needed to go to the loo. I didn't want to wait until full time as the loos get very busy. I was going to go to the loo and come*

back. I knew where the nearest loo was. You have to go past the Sky studio. I had no expectation of confronting anyone. I did not know that the commentators were due to head down to the pitch.

67. I turned into corridor leading to the loo. I looked up and I saw Roy Keane coming towards me. At first, I didn't read anything about him. I continued on my route. Roy Keane then said, 'say it to my face you fat cunt.' He was angry and his face was red. I can't recall him carrying any bags. I thought he was referring to the 'wanker' hand gesture. I was scared. Terrified. He has a reputation as a hard man. I didn't have it in my mind to take him on. We were both moving towards each other. He was probably 6 metres from me when he called me a fat cunt.

68. I then just stopped in my tracks. I was convinced I was going to be attacked and I put my head down. This was so I wouldn't be hit in the face. The only other person I was aware of was Mr Goncalves. Mr Richards was not there. There was contact between me and Roy Keane. As I put my head down, he collided with me and then we both reeled back. I didn't have any injuries from this collision as it was the top of my head that came into contact with him. At the point of contact he was still coming towards me.

69. I stumbled back. I was shocked. He didn't shout 'call the police'. Then Mr Richards appeared. I was grabbed by Mr Richards. He pushed me back and held me by the door. I didn't offer resistance. I was terrified. No one asked me what had happened. I wasn't saying a word at this point. I sustained bruises when I was being held against the door. Mr Richards caused this. I also sustained bruising to my abdomen at this point. Roy Keane caused this.

70. Mr Richards released me. I wanted to get out of the situation. I hadn't done anything wrong. I started to walk, not run, away. I can't recall what happened after Mr Richards released me. At some point I sustained an injury to my nose. When I was at the police station, I didn't know how this had been caused. Now I have seen the videos I believe my nose was injured when Roy Keane struck me in the face with his elbow.

71. I think at this point Micah Richards was trying to get me away - not to detain me. I did run after that. I was terrified. No one asked me what had happened. I went to shop and bought tissues as my nose was bleeding. I then went and sat by my mate's car and waited for him.

72. That night was the worst night of my life. I had to wait outside my home because my wife didn't want our kids to see me. Then my phone went mad. Word was out

that I had headbutted Roy Keane. I spoke to a solicitor. I couldn't sleep despite taking 2 tablets. I went to Bethnal Green Police Station the next day. I made a prepared statement which was submitted at the start of my interview. I didn't know what one was. I stand by what is in that prepared statement. The wording is not mine in places but it's the gist of what I wanted to say.'

73. Mr Law was cross-examined:

74. *'I am saying Roy Keane ran into the top of my head. I agree that this isn't in my prepared statement. In the prepared statement I referred to moving my head forward in a pre-emptive strike. I agree this is different from saying Roy Keane ran into my head. The words are different but not my defence. I did sign prepared statement and it was read out to me. By signing it I was confirming the truth of it. But I hadn't had any sleep, and I was freaked out by being at police station.*

75. *I made the wanker gesture towards Roy Keane because he was calling me fat and calling me out. Again, I agree that this detail is not in my prepared statement. I agree that using the wanker gesture is not acceptable behaviour.*

76. *When I got up and moved along the row and through the doors, I was not glancing back at the Sky studio.*

77. *I agree the prepared statement contains no mention of Roy Keane saying, 'say it to my face you fat cunt'. There was a lot I could have said but didn't. I was in no fit state to do so.*

78. *When I saw Roy Keane in the corridor I did choose to continue to walk towards him. I had no anger in my body although I agree that moments before I had been gesturing at him. I could have walked away when I saw Roy Keane, but I saw no reason to do so. I froze. I stopped. I put my head down to protect myself. I don't know how the collision happened. I had my head down and I felt an impact. I am saying he moved quickly and into my head. I didn't say these things to the police. I was in a terrible state. I had arranged a lawyer. I spoke to them before interview. I gave instructions. I wasn't rushed. When I was at police station, I didn't know how that injury to my nose had been caused. It didn't occur to me that the nose injury was caused by headbutting.*

79. *I saw Roy Keane stumble backwards but not into the double doors. I didn't see him fall over. He wasn't picked up from the floor. I didn't notice Mr Goncalves until Micah Richards had me pinned at the door. Then Mr Goncalves was trying to restrain Mr Keane. Then Mr Richards let go of me so he could focus on Mr Keane.*

80. *I didn't get to visit the toilet until about 15 minutes after I left the stadium.'*

81. Mr Law was re-examined about the differences between what was in his prepared statement and what he was telling me during the trial. Mr Law told me that he had told his legal representative at the police station that Mr Keane had punched him causing bruising to his stomach and he had also told the representative about Mr Keane calling him 'a fat cunt'. He also denied using the phrase 'pre-emptive strike' and asserted he had used the phrase 'a coming together'.

82. There was some discussion at this point as Mr Sherrard on behalf of Mr Law appeared to wish to introduce in evidence the legal representative's attendance note from the police station to support what Mr Law was now saying. I was puzzled by Mr Sherrard's approach here as he appeared to be representing the cross-examination of Mr Law on the differences between his prepared statement and his evidence in court as an unpredictable surprise – almost an ambush. But Mr Sherrard was simultaneously submitting that those differences were set out in the prepared statement and the legal representative's police station attendance note from 4 September 2023. The differences and the wholly predictable questions on the issue should therefore have come as no surprise whatsoever. It seems to me that the issues would have been better addressed in examination in chief – although I accept that that was a choice for the defence team. But any legal argument around the issue should have been supported by coherent submissions and by relevant case law rather than being dealt with in the ad hoc manner which occurred during the trial.

83. My concern in relation to Mr Sherrard seeking to admit the attendance note was that this amounted to a waiver of privilege and was more properly dealt with by calling the legal representative to describe the instructions he had received and to explain why certain matters did not appear in the prepared statement. That person would then be subject to cross examination. Mr Sherrard submitted that the attendance note amounted to a previous statement made by Mr Law since its contents could only have come from him. Mr Sherrard argued that the note was therefore admissible under s.120 Criminal Justice Act 2003. I disagreed as I did not consider the note to have the characteristics of a statement made by Mr Law. The document that had those characteristics which was created on that date was of course the prepared statement. Mr Sherrard did not appear to see the contradiction in arguing that I could be confident that the attendance note could only contain statements made by Mr Law whilst simultaneously contending that the prepared statement contained elements which had not come from Mr Law (for example the pre-emptive strike comment).

84. The other decision which I took at this point which needs to be mentioned is that I asked Mr Law to wait outside the courtroom whilst the admissibility of the attendance note and whether Mr Law was waiving privilege was discussed. Mr Sherrard did not immediately object to this but then did some way into the discussion suggesting that it was improper for any part of Mr Law's trial to take place in his absence. I have reflected on my decision but stand by it. Mr Law was part the way through giving his evidence. If there had been any adjournment, he would have been barred from discussing the case with his legal team or other witnesses. It seems to me that if Mr Law had remained in the court, then there was a risk that the purpose of that bar would have been subverted as the discussion could easily have unintentionally directed Mr Law as to how he should present the rest of his evidence. Conversely it is impossible to see any prejudice to Mr Law from not being present while these matters were discussed and indeed Mr Sherrard did not refer to any such prejudice beyond stating that it was 'wrong' to ask Mr Law to leave the courtroom.

Daniel Whitney

85. I heard from Daniel Whitney. He was also an Arsenal season ticket holder and usually sat near or next to Mr Law. He was present at the match on 3 September. He had no concerns about Mr Law's demeanour on that date. He also told me that Mr Law had a reputation for needing to visit the toilet frequently. Mr Whitney told me: *'Pretty much from the beginning of the match Roy Keane was getting agitated – goading – he was even inviting people outside. He also made a fat gesture at Scott Law. I saw this with my own eyes. We had been looking at the Sky box. They were becoming more aggressive – Roy Keane was.'* Mr Whitney told me that when Mr Law got up after the VAR decision, he was happy and pointed that he was going to the toilet. In cross examination it was pointed out that no such gesture appeared in the video evidence immediately before Mr Law got up. Mr Whitney then said that Mr Law had told him earlier that he was planning to go to the toilet and the video did show an earlier interaction.

86. I asked Mr Whitney for more detail about when and why he had turned around to look at the Sky studio and what he had observed. He told me that when Manchester Utd had scored the first goal, he had looked at the Sky studio: *'Roy Keane was hyper. He was probably cheering and banging on the window. When the next (Arsenal) goal went in. I can't recall what Roy Keane was doing but I probably looked round.'* Around the 60th minute Roy Keane was gesturing a dive by

a player and that a penalty was not deserved: *'He was getting more agitated and had his arms wide. He pointed 'come outside' although it might not have been at Scott Law. He made the fat gesture just before the VAR decision'*

Neil Young

87. Mr Young told me he had known Scott Law for 35 years. He had also been present sitting near to Mr Law on 3 September. He explained that there were frequent breaks in play during a match and that occasionally he would look towards the Sky 'box'. If there was a VAR, then the Sky team would indicate the decision. Mr Whitney said that there was 'interaction' with Roy Keane in the Sky box on 3 September: *'He started being really vocal and goading the fans. This was from the first goal when they equalised. When Manchester Utd scored, he was leaping about cheering. I've never seen that amount of aggression before. Roy Keane through all the time was being so horrible aggressive and goading everyone. Even when I had my back to him. He was calling people names. He called someone a wanker and a fat cunt.'* Mr Young, when asked how Mr Keane did this through soundproof glass, told me Mr Keane did this by mouthing and gesturing.

88. I was provided also with a number of character references for Mr Law in the form of letters.

Analysis

89. I start my analysis with a consideration of Mr Sherrard's submissions that DC Dickinson conducted his investigation in a partial manner and deprived Mr Law of access to potentially exculpatory material and witnesses. I do not think that this submission has any merit. It is correct that an investigating officer, as DC Dickinson acknowledged, should pursue lines of enquiry that point away from a defendant's guilt as well as towards it. The Criminal Procedure and Investigation Act 1996 ('CPIA') also imposes statutory obligations on the prosecution to disclose to the defence material which assists the defence case or undermines the prosecution case. But, it must be remembered that at the start of the investigation all DC Dickinson had in relation to the defence case was Mr Law's relatively short prepared statement. Furthermore, it is now submitted that parts of that statement were in fact incorrect and that it did not contain important parts of Mr Law's defence case. I do not accept that a relatively short and apparently partially erroneous statement which also omits important points can impose an obligation on an investigating officer to make extensive enquiries on behalf of the defence. Furthermore, I do not accept the contention that it was impossible or

impractical for the defence to make their own enquiries from 4 September onwards. I do not agree that such enquiries had to wait until Mr Law was actually charged.

90. Turning to the evidence which I heard: It is undeniable that there were significant differences between the accounts given by Roy Keane, John Goncalves and Micah Richards. The issue is do those differences mean that it is impossible to be sure what happened in the corridor outside of the Sky studio and that that uncertainty means that the charge against Mr Law should be dismissed?

91. I would say first of all that I consider both Mr Goncalves and Mr Richards to be independent witnesses. Although the defence challenged Mr Goncalves about his recollection of certain events it was not suggested that he held some bias in favour of Mr Keane. Mr Goncalves, like the defendant, is an Arsenal supporter. It was suggested that Mr Richards was Mr Keane's stooge and had come to court to dishonestly support Mr Keane's version of events. But there was no merit in this assertion. It was not supported by any evidence at all. The facts I heard did not suggest that Mr Richards owed some questionable allegiance to Mr Keane. They had only worked together as pundits for 4 years and had never played football together. Again, Mr Richards was an Arsenal supporter and not a Manchester United supporter.

92. In my view both Mr Goncalves and Mr Richards came to court with the intention of describing what they recalled happening at the Emirates stadium on 3 September honestly and to the best of their ability. It is in my view inevitable that witnesses to fast moving events will recall what happened differently. Mr Goncalves and Mr Richards were clear and consistent on a number of points:

a) that when Mr Keane came out of the Sky studio immediately before encountering Mr Law he was calm and not agitated;

b) neither witness saw Mr Keane act aggressively towards Mr Law;

c) neither witness heard Mr Keane say words to the effect of '*say it to my face you fat cunt*' although Mr Goncalves heard Mr Keane say something like '*say what you said outside*' but Mr Keane was calm at the time;

d) Mr Richards saw Mr Law arch his head back and headbutt Mr Keane; Mr Goncalves had looked away at this point but saw Mr Law straighten himself from a bent forward position and he saw Mr Keane flying backwards – the inference being that he had just been struck;

e) both witnesses then described Mr Richards taking hold of Mr Law and remonstrating with him.

93. Neither witness appears to have been aware of the presence of the other during the core confrontation between Mr Keane and Mr Law. I do not think that this is particularly surprising given that both men's attention would undoubtedly have been focussed on the exceptional incident unfolding in front of them.
94. Mr Keane's account of the central confrontation does differ from Mr Goncalves' and Mr Richards'. Mr Keane describes turning to the right out of the studio towards Mr Law when the lift was to the left as 'taking a wrong turn'. He is also adamant that he said nothing at all to Mr Law prior to the alleged assault or even being aware of him. In relation to the alleged assault – the inference I drew from Mr Keane's evidence is that this clearly came as such a shock to Mr Keane that he could not describe in detail the parties' movements immediately beforehand.
95. There was also undisputed evidence that when Mr Keane came out of the studio, he was carrying a bag or bags which can be seen in the video evidence. He was also about to give a live end of match commentary to a television audience. Both of these points I think make it very unlikely that Mr Keane would choose at this time to involve himself in a physical confrontation.
96. The initial problems with Mr Law's account of what occurred in the corridor outside the Sky studio are, first the manner in which his account has changed and secondly his explanation for the change. Mr Jones invites me to draw an adverse inference based on Mr Law's failure to mention during the police interview matters which he relied on during his trial. Mr Sherrard discourages me from adopting this course bearing in mind Mr Law had never been arrested before and Mr Law's explanation for the differing accounts.
97. I do not find it necessary to consider whether it is appropriate to draw adverse inferences and what inferences might be drawn. I think it is preferable simply to consider the differing accounts given during the police interview and during the trial and to consider the credibility of Mr Law's explanation for the existence of those differing accounts.
98. In his prepared statement, submitted during his interview on 4 September, Mr Law stated: *'I moved my head forward in a pre-emptive strike in order to defend myself against the aggression and violent approach by Mr Keane.'* In other words, Mr Law struck Mr Keane in order to deter or prevent Mr Keane from assaulting him. But during his trial Mr Law told me that when he saw Mr Keane he dropped his head so he wouldn't be hit in the face and that Mr Keane then ran or walked very quickly into the top of his head. I'm not sure that the second scenario is even an act of

self-defence – its either an accident or in fact an assault by Mr Keane where he comes off the worst. Mr Law says that the reason for the difference in the two accounts is his legal representatives' failure to properly record his instructions and incorporate them into the prepared statement. Mr Law suggests that he was too tired and anxious to consider the contents of the prepared statement properly. This in my view is a poor explanation. Mr Law may well have been tired and anxious, but he must also have been aware of the relative seriousness of the situation and the significance of what he was going to say to the police. He confirmed in his evidence that the statement had been prepared and read to him. He had then signed it as correct. It was then read out during the police interview without Mr Law once indicating that the statement contained any errors.

99. There are other problems with Mr Law's accounts. The scenario of Mr Law freezing and dropping his head and Mr Keane then running into his lowered head (i.e. the account given during the trial) strikes me as highly improbable. It is very hard to imagine Mr Keane moving with such speed that he couldn't have stopped and prevented the collision. The scenario is also inconsistent with the force involved being enough to knock Mr Keane to the ground or through the doors behind him thereby causing further bruising to his arms.

100. Mr Law also claims that when he saw Mr Keane he was '*scared, terrified*' and yet he makes no attempt to move away from Mr Keane even though he accepted that he could have done so. I also found Mr Law's reasons for concluding that he was about to be assaulted by Mr Keane lacking in credibility. The incidents which had created Mr Keane's reputation as the 'hard man of football' were incidents that had happened years, if not decades, ago and appear to have been confined entirely to the football pitch. Certainly, no evidence was adduced of Mr Keane having any convictions or cautions for assaultive behaviour.

101. The second element which caused Mr Law to be fearful of Mr Keane and to conclude that he was at risk of being assaulted was Mr Keane's alleged behaviour during the match. Yet just minutes before Mr Law had been making gestures towards Mr Keane of the type that one would hardly make towards a person you were in fear of. And although I cannot conclude that Mr Law expected to see Mr Keane in the corridor that led to both the Sky studio and the toilets, Mr Law nonetheless chose to take a route which he knew took him right past the area where he knew Mr Keane was working – which again hardly suggests that he was terrified of him. Mr Law also did not provide any reason why Mr Keane should have picked on him in particular. After the VAR decision the video evidence shows a considerable number of people, not just Mr Law, turning towards the Sky studio and gesturing.

102. The evidence I heard from Mr Whitney and Mr Young regarding Mr Keane's alleged behaviour during the match was inconsistent and lacking in credibility. Mr Whitney and Mr Young unfortunately gave the impression that they had been told about this aspect of Mr Law's case and had come to court to support it without having witnessed any such behaviour. They were both unable to describe Mr Keane's allegedly aggressive behaviour in any compelling, detailed fashion. They also both provided quite different descriptions.
103. When asked to provide detail Mr Whitney described Mr Keane cheering and gesturing that a penalty shouldn't be awarded. He pointed 'come outside' but not necessarily at Scott Law. Mr Keane made a fat gesture at Mr Law just before the VAR decision. This is hardly threatening behaviour which would cause an observer to be terrified.
104. Mr Young was unable to give persuasive details about Mr Keane's misbehaviour. He told me: *'He started being really vocal and goading the fans. This was from the first goal when they equalised. When Manchester Utd scored, he was leaping about cheering. I've never seen that amount of aggression before. Roy Keane through all the time was being so horrible aggressive and goading everyone. Even when I had my back to him. He was calling people names. He called someone a wanker and a fat cunt.'* This is either lacking in detail or in credibility – in particular asserting that Mr Keane was being 'really vocal' when nothing could be heard through the soundproof glass or that Mr Young knew what Mr Keane was doing even when he had his back to him. The term 'fat cunt' is of course remarkably similar to what Mr Law says Mr Keane called him – but according to Mr Law that didn't happen until some time later when Mr Young was not present. Mr Young's explanation for how he could say Mr Keane used the terms 'wanker' and 'fat cunt' was unconvincing.
105. Mr Richards and Mr Keane both say that there may well have been 'banter' between the occupants of the Sky studio and the Arsenal fans in front of the studio, but it was unremarkable. Nether witness could recall noticing Mr Law, or any behaviour being directed at him.
106. In the video evidence Mr Keane's elbow is seen coming into contact with Mr Law's face after Mr Richards has released him. Mr Keane and Mr Richards say they believe this only happened as Mr Keane was trying to take hold of Mr Law. Mr Law asserts it was a deliberate assault which he believes caused him injury. Violence from someone claiming to be a victim of assault which occurs after that alleged assault and cannot be forgiven as self-defence can of course be relevant

in considering whether the alleged attacker was in fact acting defensively and feared or had suffered an assault from the complainant.

107. In this case I do not find it necessary to make a determination as to whether Mr Keane was assaulting Mr Law at this point or only trying to grab and detain him and accidentally catching him in the face. I have enough information to make a rational determination about what occurred slightly earlier outside the Sky studio without considering this additional point. Mr Law of course also alleges that Mr Keane assaulted him shortly before this when Mr Richards was holding him against a door. He says that Mr Keane struck him in the abdomen. He is not sure how many times or whether Mr Keane was using a clenched fist. No other person present saw this happening and there is no indication of an assault in the brief social media clip. Mr Law did not describe the assault in a convincing fashion. I find as a fact that this assault did not occur.

108. Mr Law has no criminal convictions or cautions, and I must consequently give myself what is known as a 'good character direction'. In practice this means I must consider whether Mr Law as a man of good character is someone less likely to tell me untruths and also whether he is less likely to engage in the behaviour he has been accused of. Mr Law's good character is a factor to be considered rather than any form of 'trump card' and for all the reasons I have set out above I do conclude that he has been untruthful about what happened on 3 September and that he did behave in the manner alleged.

109. A similar point can be made about the character references submitted on behalf of Mr Law. He is clearly held in high esteem by his friends and colleagues and there is a collective astonishment that he faces a charge of assault. It is hard to reconcile those character references with the manner in which I am sure Mr Law behaved on 3 September. I am not sure of the explanation for this although I did note that both Mr Jones and Mr Sherrard in their closing submissions made the point that in a football ground people behave differently from how they do in normal life.

110. For all the reasons I have given I am sure that Mr Law assaulted Mr Keane on 3 September 2023 and that that assault was deliberate and that at the time Mr Law was not acting in self-defence. I find the charge to be proved.