

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE WPBSA CONDUCT REGULATIONS**

**Before:**

Graeme McPherson KC (Chair)  
Steven Flynn  
Gordon McKay

**BETWEEN:**

**The World Professional Billiards and Snooker Association**

**Appellant**

and

**Mark King**

**Respondent**

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**DECISION OF THE DISCIPLINARY COMMITTEE**

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**(A) Introduction**

1. On 13 December 2022 Mark King (*'Mr King'*) played John Higgins (*'Mr Higgins'*) in the second round of the English Open (*'the Higgins match'*). Mr Higgins won the Higgins match by four frames to one.
2. On 13 February 2023 Mr King played Joe Perry (*'Mr Perry'*) in the first round of the Welsh Open (*'the Perry match'*). Mr Perry won the Perry match by four frames to zero.

3. In this Decision and Written Reasons we refer to the Higgins match and the Perry match together as '**the Matches**'.
4. The World Professional Billiards and Snooker Association ('**the WPBSA**' or '**World Snooker**') is the governing body for snooker and billiards worldwide. It is responsible for regulating the conduct of Members (as defined in the WPBSA Conduct Regulations). Mr King was at all relevant times a Member for the purposes of, and so subject to, the WPBSA Conduct Regulations
5. Following the conclusion of the Perry match the WPBSA became concerned that the outcome of the Perry match had been fixed. The WPBSA carried out investigations including:
  - a) Interviewing Mr King on 18 March 2023 (between 11.00 and 11.26 and between 11.32 and 11.36), on 22 March 2023 (between 13.55 and 14.43) and on 3 August 2023 (between 10.04 and 10.52);
  - b) Conducting interviews with:
    - (i) Person A ('**Person A**') (between 11.24 and 12.25 and between 12.53 and 12.59 on 30 March 2023). Person A is an individual with whom Mr King had had dealings prior to the Higgins match and the Perry match. Mr King's relationship with Person A, and his involvement in the matters to which this Decision relates, is considered in detail below;
    - (ii) Mr Perry (between 13.12 and 13.52 on 31 March 2023 and between 10.33 and 11.21 on 11 August 2023);
  - c) Obtaining:
    - (i) (on 18 March 2023) Mr King's mobile phone and messaging records, and
    - (ii) (subsequently) the phone and messaging records of a number of other individuals;
  - d) Obtaining (with the assistance of Sportradar Intelligence & Investigation Services ('**Sportradar**'), a sports technology company that specialises in the prevention,

detection and investigation of integrity-related matters in sport) betting data relating to each of the Matches, including:

- (i) the identities of the betting accounts through which bettors placed bets on the Matches, and
  - (ii) information about those betting accounts, including the identities of the individuals in whose names those betting accounts were held; and
- e) Obtaining various other information and materials.

6. During the course of those investigations, the WPBSA received a 'tip off' from a source who (the WPBSA was told) wished to remain anonymous to the effect that

- a) Mr King had been paid £15,000 by a third party named Person A to lose two matches, and
- b) Those matches had been the Higgins match and the Perry match.

In consequence of that tip the WPBSA widened its investigations to include the Higgins match.

7. On 28 November 2023 the WPBSA charged Mr King with four breaches of the WPBSA Conduct Regulations (*'the WPBSA Regulations'*), namely:

- a) Charge 1: *'That between about 1 December 2022 and 14 December 2022 in breach of Part 2 rule 2.1.2.1<sup>1</sup> and rule 2.2<sup>2</sup> [of the WPBSA Regulations] you fixed or contrived, or were a party to an effort to fix or contrive the result or score of [the Higgins match]'*;

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<sup>1</sup> Part 1 Section 2 Rule 2.1.2.1 of the WPBSA Regulations states as follows: *'It shall be a breach of these Rules for a Member to do any of the following: ... Corruption: ... to fix or contrive, or to be a party to any effort to fix or contrive, the result, score, progress, conduct or any other aspect of the Tour and/or any Tournament or Match'*.

<sup>2</sup> Part 1 Section 2 Rule 2.2 of the WPBSA Regulations is as follows: *'Any attempt or agreement (or intentional appearance of the same) shall be treated for purposes of these Rules as if a breach of the relevant provision(s) had been committed, whether or not such attempt or agreement (or intentional appearance of the same) in fact resulted in such breach'*.

- b) Charge 2: *'That between about 1 December 2022 and 14 December 2022 in breach of Part 2 rule 2.1.3.1<sup>3</sup> [of the WPBSA Regulations] you provided information for [sic] to be used for betting purposes to another person or persons and that information included the fact that you would contrive the score and/or outcome of the [Higgins match]'*;
- c) Charge 3: *'That between about 1 January 2023 and 14 February 2023 in breach of Part 2 rule 2.1.2.1 and rule 2.2 [of the WPBSA Regulations] you fixed or contrived, or were a party to an effort to fix or contrive the result or score of [the Perry match]'*;  
and
- d) Charge 4: *'That between about 1 January 2023 and 14 February 2023 in breach of Part 2 rule 2.1.3.1 [of the WPBSA Regulations] you provided information for [sic] to be used for betting purposes to another person or persons and that information included the fact that you would contrive the score and/or outcome of the [Perry match]'*.

***('the Charges')***

8. Mark King was at the relevant times a 'Member' within the meaning set out in Section 3 of the WPBSA Regulations. The Higgins match and the Perry match were each 'Matches' within the meaning defined in Section 3 of the WPBSA Regulations.
9. The WPBSA set out its case against Mr King in a Case Summary dated 22 January 2024. The WPBSA's case had at its heart three broad strands of evidence:
- a) Betting evidence: The WPBSA relied on what it described as *'evidence of extraordinary betting by groups of connected persons and the coincidence of the type and timing of the betting'*;

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<sup>3</sup> Part 1 Section 2 Rule 2.1.3.1 of the WPBSA Regulations is as follows: *'It shall be a breach of these Rules for a Member to do any of the following: ... Misuse of inside information: ... to use for betting purposes or to provide to any other person for such purposes, any information relating to the Tour and/or any Tournament or Match that the Member possesses by virtue of his/her position within the sport and that is not within the public domain or readily accessible by the public'*.

- b) Association evidence: The WPBSA relied on what it alleged were (1) links between many of the bettors, and (2) indirect links between Mr King and many of the bettors; and
  - c) Performance evidence: The WPBSA relied on what it asserted was poor (and consequently suspicious) shot selection and performance by Mr King in each of the Matches.
10. Mr King denied each of the Charges. His position was set out:
- a) In a Plea and Short Form Case Summary dated 15 March 2024, and
  - b) In a detailed Response to Charges dated 26 March 2024.
11. The Disciplinary Committee was appointed under Part 2 (*'Disciplinary Rules'*) of the WPBSA Regulations as a Disciplinary Committee to consider and determine the Charges.
12. The hearing to determine the Charges was originally listed to take place in March 2024. On 16 February 2024 Mr King applied to adjourn that hearing to enable him to obtain legal representation to assist with his defence of the Charges. The Chair of this Disciplinary Committee granted that application on 22 February 2024 and the hearing was adjourned to May 2024.
13. The adjourned hearing took place on 7, 8 and 9 May 2024 in London. At the hearing:
- a) the WPBSA was represented by Louis Weston (***'Mr Weston'***) of Counsel, instructed by the WPBSA directly, and
  - b) Mr King was represented by Napier Sterling solicitors and David Baker (***'Mr Baker'***) of Counsel.

The Disciplinary Committee wishes to record at the outset of this Decision and Written Reasons that it was greatly assisted by the comprehensive yet efficient manner in which each of the representatives prepared and presented the case on behalf of their respective clients. Particular thanks must go to Napier Sterling and Mr Baker for their work on behalf of Mr King on a *pro bono* basis.

14. In advance of the hearing the Disciplinary Committee was able to pre-read all of the factual and expert evidence that had been provided to us (including the exhibits to the relevant witness statements) and to watch the videos of each of the Matches in both 'full' and 'edited' form. We also received detailed and helpful written opening submissions from the WPBSA and Mr King, which we were able to pre-read.
15. At the hearing itself:
- a) Mr Weston made an oral opening speech on behalf of the WPBSA;
  - b) The WPBSA called Mike Dunn (**'Mr Dunn'**) to give oral expert evidence on Mr King's performances in the Matches. Amongst other things, Mr Dunn is a former professional snooker player and for many years has coached amateur and professional snooker players. Mr Dunn was cross-examined by Mr Baker on behalf of Mr King;
  - c) The WPBSA called Nigel Mawer (**'Mr Mawer'**), Kay Leverton (**'Ms Leverton'**), and Andrew Carmichael (**'Mr Carmichael'**) to give oral factual evidence and be cross-examined. Mr Mawer is a Director and Vice Chair of the WPBSA, and performs the role of Head of Integrity under the WPBSA Regulations. Ms Leverton and Mr Carmichael are employees of Sportradar; Ms Leverton is a Specialist Investigator and Mr Carmichael is an Intelligence and Investigations Analyst. Tom Mace, Charlie Martin, William Boot (all of whom are employees of Sportradar), Chris Hornby (**'Mr Hornby'**) (who is the company secretary of the WPBSA) and Neil Tomkins (who is the Player Relations Manager at WPBSA Players) were not required for cross-examination and their witness statements therefore stood as read;
  - d) Mr Baker made an oral opening speech on behalf of Mr King;
  - e) Mr King, Person B (**'Person B'**), Person A, Joe Perry and Sydney Wilson (**'Mr Wilson'**) were each called to give oral factual evidence and were cross-examined. The involvement of each of those individuals in the matters relevant to the Charges is considered below;
  - f) Allister Carter (**'Mr Carter'**) and Matthew Selt (**'Mr Selt'**) were each called to give oral expert evidence on Mr King's performances in the Matches. Mr Carter and Mr

Selt are professional snooker players. Both were cross-examined by Mr Weston on behalf of the WPBSA; and

g) Both parties made detailed oral closing submissions.

16. Following the hearing the Disciplinary Committee met to deliberate. Recordings of the evidence and submissions from the hearing were provided to us (although due to a recording malfunction, there was no recording of a short part of the hearing). The Disciplinary Committee also reviewed again both the 'full' and 'edited' videos of the Matches.

17. Having heard and considered the evidence, the conclusion reached was that, for the reasons set out below:

a) The WPBSA had proved Charges 3 and 4 (i.e. the Charges relating to the Perry match) to the requisite standard;

b) The WPBSA had not proved Charges 1 and 2 (i.e. the Charges relating to the Higgins match) to the requisite standard. Charges 1 and 2 were therefore dismissed.

**(B) A preliminary matter: burden and standard of proof**

18. As set out in Part 2 ('Disciplinary Rules') Rule 8.1 of the WPBSA Regulations:

a) The burden of proving each of the Charges rested with the WPBSA, and

b) The standard of proof is to be the balance of probabilities.

19. However, as set out in both his Response to Charges and in Mr Baker's written and oral submissions, Mr King's position was that simply stating that the Disciplinary Committee had to be satisfied on the balance of probabilities that Mr King had breached the relevant Regulations did not go far enough. In particular, Mr Baker reminded us of a number of

authorities<sup>4</sup> in which guidance has been given as to how a case such as this should be approached where:

- a) The allegations are of the utmost seriousness, both for Mr King and *per se*, and
- b) it is inherently unlikely that Mr King, an experienced professional snooker player, would risk his career, his livelihood, and potentially his family life for the sake of a financial benefit to be gained from agreeing to fix a match. As it was put on Mr King's behalf, not only should the Disciplinary Committee consider what incentives Mr King might have had to behave in the manner alleged by the WPBSA, but also what disincentives existed which might have disinclined Mr King to act in such a manner.

20. When considering the evidence and determining whether, in the Disciplinary Committee's view, the WPBSA had proved its case to the requisite standard of proof, the guidance derived from those authorities was followed. In particular:

- a) The Disciplinary Committee considered what inferences could properly be drawn from documentary evidence (which also included the video evidence) and known or probable primary facts;
- b) The Disciplinary Committee kept in mind that, while the standard of proof remained the balance of probabilities, the matters in paragraphs 18(a) and (b) above, required us to consider with very great care the cogency of the evidence relied upon by the WPBSA to support its case. That is because, as it has been put in the authorities, '*the more serious the alleged wrongdoing the less likely it is that it took place and accordingly the evidence required to demonstrate the wrongdoing will need to be more cogent than what is necessary to prove mere negligence*'<sup>5</sup>;

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<sup>4</sup> In particular (1) *R (Dutta) v General Medical Council* [2020] EWHC 1974 (Admin) paras 39-41; *ENRC v Dechert* [2022] EWHC 1138 (Comm) para 44(3), citing *In Re B (Children)* [2009] 1 AC 11 paras 13-15; *JSC BM Bank v Kekhman* [2018] EWHC 791 paras 51-53; *ED&F Man v Come Harvest* [2022] EWHC 229 (Comm) paras 71(i), (iii)-(iv); *Jafari Fini v Skillglass Ltd* [2007] EWCA Civ 261 para 40; *King v Stiefel* [2021] EWHC 1045 (Comm) paras 477, 479 & 481-482

<sup>5</sup> *In Re B (Children)* [2009] 1 AC 11 at paras. 13-15; *JSC BM Bank v Kekhman* [2018] EWHC 79 at paras. 51-53; *ED&F Man v Come Harvest* [2022] EWHC 229 (Comm) para, 425; *ENRC v Dechert* [2022] EWHC 1138 (Comm) para 44(3).



- c) The Disciplinary Committee kept in mind that, where facts relied on by the WPBSA to support an inference of dishonesty on the part of Mr King are also consistent with honesty/negligence,
  - (i) It should adopt as its starting point a presumption that (save in the case of known fraudsters) an innocent explanation is more likely to be correct than a dishonest one, and
  - (ii) It should not draw an inference of dishonesty unless there is something that '*tilts the balance*' away from innocence or negligence and justifies such an inference being drawn;
- d) The Disciplinary Committee took care to ensure that it did not simply '*lump together*' disparate allegations and suspicious facts of marginal relevance to the alleged facts underlying the Charges and thereby fall into the trap of:
  - (i) Interpreting what might in fact be innocent errors as dishonest acts or omissions, and then
  - (ii) Using those findings of dishonesty to justify further inferences of dishonesty as regards those issues, facts and matters that are central to the Charges.

21. The Disciplinary Committee also kept in mind that, as the WPBSA reminded it, corruption is generally by its very nature concealed as the parties involved will be seeking to use evasive means to ensure that they leave no trail of their wrongdoing.<sup>6</sup> As a result, when determining the Charges the Disciplinary Committee considered with care not just what evidence was before it, but also (1) what, if any, further evidence might once have been available, (2) why any such further evidence might have ceased to be available, and (3) what, if any, inferences it should draw as regards any 'missing' material.

### **(C) A further preliminary matter: the expert evidence**

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<sup>6</sup> Per Michael Beloff QC in *O v UEFA* CAS 2010/A/2172 at paragraph 21.

22. As set out above, both parties served and relied on witness statements made by individuals (each of whom was a professional or ex-professional snooker player) who had:

- a) Considered Mr King's shot selection in each frame of the Higgins match and the Perry match and opined on the correctness or reasonableness of that shot selection, and
- b) Considered Mr King's execution of certain individual shots in each frame of the Higgins match and the Perry match and opined on the 'quality' of that execution.

23. As well as substantively challenging aspects of the opinions expressed by the individuals called to give expert evidence by the other party, each party took issue with the admissibility *per se* of the expert evidence served by the other:

- a) The WPBSA contended that, given the lengthy and *prima facie* close professional relationship that existed between Mr King, on the one hand, and each of Mr Carter and Mr Selt on the other, it was inappropriate for either of those individuals to be giving expert evidence on behalf of Mr King. The Disciplinary Committee rejected that contention; applying the guidance set out in the authorities to which it was referred, it was not necessary or appropriate to disregard the evidence of Mr Carter or Mr Selt on that basis. While the evidence plainly demonstrated that Mr King, Mr Selt and Mr Carter did know each other (and had known each other for a lengthy period of time) as professional snooker players and (in the case of Mr Carter) more generally, that did not in the view of the Disciplinary Committee disqualify them from giving expert evidence on Mr King's behalf. Indeed, given the length of time for which Mr King has been a professional snooker player it would have been unrealistic to have expected him to be able to serve expert evidence from an individual who was wholly unknown to him and with whom he had never had any sort of professional relationship. Additionally, given his personal circumstances, it appeared that Mr King was unable to pay any individual to give expert evidence. In such circumstances it was far more likely that someone known to Mr King would accede to a request by him to give expert opinion evidence *pro bono* (as Mr Selt and Mr Carter were both

kindly doing) than someone who was a complete stranger to, and so wholly independent of, Mr King; and

- b) Mr King advanced a similar contention in relation to the expert evidence given by Mr Dunn. Mr Dunn's connection with the WPBSA was, it was said, so close as to taint the independence of his evidence and render it inadmissible. The Disciplinary Committee rejected that contention also. Proper application of the guidance set out in the authorities to which it was referred did not require or justify it disregarding Mr Dunn's evidence on that basis.

24. That said, the Disciplinary Committee kept firmly in mind when assessing the weight to be given to the evidence given by each of the experts the connections that existed between (on the one hand) the WPBSA and Mr Dunn, and (on the other hand) between Mr King and both Mr Carter and Mr Selt. We return to their evidence below.

25. The WPBSA also took issue with one particular aspect of Mr Carter's opinion, namely opinions expressed by Mr Carter as regards Mr King's state of health and how that might have affected his performance in the Perry match. However, the Disciplinary Committee's view was that the WPBSA overstated those concerns. Mr Carter was not expressing any opinion:

- a) As to whether Mr King was or was not suffering from an injury at a particular time, or
- b) As to whether, if Mr King was suffering from an injury, his performance was, as a matter of fact, affected by that injury.

Properly analysed, what Mr Carter was doing was expressing a view of Mr King's performance in the Perry match that '*factored in*' factual evidence given by Mr King as to his state of health and how that state of health had impacted on his performance in the Perry match. Although the weight of Mr Carter's opinion would inevitably be impacted in the event that the underlying factual premises proved to be ill-founded, that was not a reason to exclude that evidence altogether.

26. Although the opinions expressed by the experts are addressed in greater detail below, the Disciplinary Committee ultimately concluded that their evidence was in reality of relatively limited significance. That was because:

- a) There were no instances where Mr King's shot selection was so bizarre or out of character that it could be said that his shot selection was only consistent with him deliberately playing a '*wrong*' shot so as to contrive to lose a frame rather than win it, and
- b) There were no instances where Mr King's shot execution was so poor that it could be said that the only inference that could properly be drawn was that he had deliberately played the shot to miss a pot or to leave his opponent with an opportunity to win.

Viewed wholly in isolation, neither Mr King's performances in the Matches as a whole nor any of his individual shots in either of the Matches were such that it could be safely concluded that Mr King had deliberately played to lose (let alone lose by a particular margin) in either the Higgins match or the Perry match.

27. That of course begs the question whether, viewed not in isolation but in the context of the other evidence in this case, a different conclusion is to be reached about Mr King's performances in each of the Matches. That question is addressed below.

#### **(D) Some introductory observations about Mr King**

28. Mr King turned professional in 1991. For many years he was ranked in the world's top 32 snooker players and reached a career-high ranking of 11 in the 2002/2003 season. In 2016 he won the Northern Ireland Open. In more recent years his ranking had slipped, although as at the end of 2022/start of 2023, he remained ranked in the top 64 players.<sup>7</sup>

##### **I. Mr King's financial position**

29. The WPBSA sought to portray Mr King as an individual who, by late 2022/early 2023, (1) had serious financial difficulties, and so (2) had a motive to fix a match for financial gain. In particular, the WPBSA pointed to:

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<sup>7</sup> We noted from an Apple message that Mr King sent to Mr Selt on 26 January 2023 that he was at that time '*currently 52 £14k ahead ?? of 64*', which we took to mean that shortly before the Perry match Mr King (1) was ranked 52, and (2) was at that time £14,000 ahead in prize money of the player ranked 64.

- a) Mr King's admission that at that time he had no savings. However, Mr King explained (as he had in interview) that his 'savings' were represented by substantial equity (which he put at £420,000) that he had amassed over time in his family home. In the event that there came a time that he needed funds (such as in retirement), he explained that his plan had always been to downsize and so release equity from his house;
- b) Mr King's acceptance that a company through which he had previously traded had been unable to repay a Government COVID loan and had been placed into liquidation. Mr King's answer was that he had been advised by his accountant to liquidate that company so as to avoid having to repay the loan. Although the WPBSA suggested that he had personally guaranteed the loan (and had been unable to meet that guarantee), it was unclear from the evidence whether Mr King had in fact provided such a guarantee;
- c) Evidence given by Mr King in an interview in March 2023 that he owed money (in the region of £2,000 - £3,000) to friends. Mr King's response was that that was not unusual; he and his friends regularly borrowed money from and lent money to each other;
- d) WhatsApp and Apple messages to and from Mr King in which (1) he repeatedly chased for money that he believed was owed to him by third parties on the premise that he was in urgent, sometimes desperate, need of funds (2) he tried to 'do deals' with third parties which would generate an income for him (3) he repeatedly claimed to be unable to meet relatively small debts; and
- e) The fact that Mr King was selling items on eBay at the time. Mr King provided explanations for how those items had come to be being offered for sale by him.

30. Mr King gave only limited evidence to support his position that, as at late 2022/early 2023, his financial position was 'just fine'. In particular:

- a) He provided no evidence as to what income he was in fact receiving from competing and playing as a professional snooker player at the relevant time. The best evidence that we had available to us was contained in:

(i) Financial statements for MS Snooker Ltd (the company through which Mr King provided his snooker services), which the WPBSA had obtained in the course of investigations for the years ending 31 May 2019 and 31 May 2020 (which was of course a financial year negatively impacted by the COVID-19 pandemic). Those financial statements recorded:

(1) turnover of £98,100 and £38,847 respectively

(2) gross profit of £90,927 and £33,633 respectively;

(3) profit/(loss) for the financial year of £16,006 and (£18,740) respectively;

(ii) Mr Hornby's confirmation of the levels of prize money won by Mr King in recent seasons: 2020/21 - £32,000; 2021/2022 - £49,500; 2022/2023 - £17,500;

(iii) WhatsApp/Apple messages from Mr King to Person A. On 9 March 2022 during a discussion about the Arrangement to which we refer below (1) Mr King stated (in response to Person A's question '*What did you earn last year roughly*') '*£50k plus worlds and Gibraltar left but had a poor season tbh*', and (2) Mr King stated (apparently in response to a (deleted) question to the effect of '*what do you expect to earn*') '*£65k at least*'. It is not clear whether Mr King was stating gross or net figures;

b) While he explained that he supplemented his income from other sources – such as coaching snooker and buying and selling items for profit – he provided no detail or evidence as to what level of additional income he received from such pursuits; and

c) He provided no evidence of his expenditure at the relevant time beyond that which was contained in the company's financial statements.

31. In the view of the Disciplinary Committee the reality as at late 2022/early 2023 was somewhere between the two extremes contended for by the parties. The contemporaneous evidence suggests that Mr King's income by that time was sporadic and relatively limited and that, without any savings to fall back on, there were certainly times during 2022 when he was in pressing and urgent need of funds to meet debts and ongoing expenses. However, Mr King's financial position was not, in the view of the

Disciplinary Committee, '*desperate*' at any relevant time. In colloquial language, Mr King was '*getting by*', albeit that his financial future did not look terribly bright.

## II. A man of good character ?

32. The parties were also at odds as to how we should view Mr King's character. Mr Baker invited us to view Mr King as a man of good character. The WPBSA sought to portray him as a man who paid little heed to the legality of something if there appeared to be a profit to be made.

33. The evidence (both Mr King's own evidence as to how he generated income other than from playing snooker and from the contemporaneous WhatsApp and Apple messages that were before us) in the view of the Disciplinary Committee demonstrated that Mr King was indeed at the relevant time willing to act in a manner:

- a) That (viewed objectively) was likely illegal, and
- b) That Mr King in fact knew was of dubious legality

if acting in that way would result in profit for him. In other words, the fact that an opportunity was or might be illegal or illicit was not something that deterred Mr King from taking that opportunity if he considered that there was a profit to be made from that opportunity. Mr Perry described Mr King in interview as a '*wheeler-dealer*'. If one defines such a person as an individual who tries to make a profit or gain regardless of whether that involves breaking rules, then that is an apt description of Mr King.

34. That said, we agree that the gravity of the conduct on the part of Mr King that led us to that conclusion – reselling duty-free goods bought for personal consumption and selling counterfeit goods – could well be viewed (and was plainly viewed by Mr King) as being significantly less serious than fixing a snooker match for financial gain. We therefore make it clear that, simply because we reached the conclusion summarised in the previous paragraph, we did not conclude that Mr King had a propensity to act dishonestly or (to use the words from *Jafari-Finj*, above) that we should regard Mr King as being akin to '*a known fraudster*'. Our conclusion simply meant that, when we came to consider the totality of the evidence in this case, we were unable to view Mr King as an individual to whom acting dishonestly for financial gain was a completely alien concept.

### III. A reliable witness ?

35. As we identify below:

- a) On a number of occasions Mr King's written and oral evidence was contradicted by contemporaneous or near contemporaneous documentary evidence;
- b) On a number of occasions Mr King's written and oral evidence was in our view demonstrably false; and
- c) Evidence given by Mr King was inconsistent with evidence given and statements made by him on other occasions.

36. By the end of the proceedings we were left with the clear impression that Mr King's evidence – whether as given before us or to Mr Mawer in interview – had frequently been tailored by him to give what he considered at the time to be answers and information that would most help him, rather than to give responses and information that were complete and accurate.

37. As a result of that, we concluded that we needed to exercise caution when considering whether or not we could accept evidence given by Mr King save where it was corroborated:

- a) By reliable documentary evidence, or
- b) By evidence from another whose evidence we considered to be reliable.

As will be apparent below, we frequently concluded that we could not accept evidence given by Mr King that was not so corroborated.

### (E) The Betting Evidence

#### I. Betting patterns on the Perry match

38. Sportradar has access to betting data from a wide array of bookmakers around the world. Its data is therefore representative of patterns in the global betting market, although not of overall total amounts wagered worldwide.



39. On 13 February 2023 the WPBSA received an alert from Sportradar about what it considered to be possible suspicious betting patterns on the Perry match. Following an investigation Sportradar produced a Confidential Match Report dated 16 February 2023 which concluded that there was highly suspicious betting on Mr King to lose the Perry match by at least three frames. Mr Carmichael - an Intelligence and Investigations Analyst employed by Sportradar – subsequently produced evidence (in the form of a Sportradar report dated 29 August 2023) in which *inter alia* the betting data provided to Sportradar in relation to the Perry match was reviewed and analysed. From that analysis Mr Carmichael concluded:
- a) That the Perry match had generated the highest betting turnover (EUR 191,769 on the information available to Sportradar) of any match in the Welsh Open. By way of comparison;
    - (i) The next highest match at the Welsh Open – the final – generated betting turnover of EUR 41,055
    - (ii) The average turnover per match at the Welsh Open was EUR 7,966. That figure is also representative of the average attempted turnover per match for the 2022/2023 World Snooker Tour season
    - (iii) The 2022 World Championship final (described as the sport's '*flagship event*' and played over two days) generated betting turnover of EUR 139,247
    - (iv) The average betting turnover on the other 17 matches played by Mr King in 2022/2023 was EUR 4,992 per match;
  - b) That the attempted turnover of singles bets on the Perry Match (EUR 107,214) exceeded by some margin the total of singles bets on all of the other 19 Welsh Open matches played on the same day put together;
  - c) That the Perry match generated '*correct score*'<sup>8</sup> betting turnover of EUR 28,550 (of which EUR 28,416 was for Mr King to lose 4-0 or 4-1, with the most profitable outcome for those placing the relevant bets being a 4-0 win to Mr Perry). The

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<sup>8</sup> i.e. bets placed on the final frame score in the match

average 'correct score' betting turnover per match during the 2022/23 World Snooker Tour was EUR 160;

- d) That the Perry match generated betting turnover in the '*frame handicap*' market of EUR 113,063, of which EUR 95,865 was wagered on Mr King losing by at least three frames and EUR 15,719 was wagered on Mr King losing by at least two frames, with the most profitable outcome for those placing the relevant bets being Mr King losing by at least three frames. The average '*frame handicap*' betting turnover per match during the 2022/23 World Snooker Tour was EUR 985; and
- e) That the Perry match generated betting turnover in the '*total frames*' market of EUR 38,220, of which EUR 30,029 was wagered on fewer than six frames in total and a further EUR 8,069 on fewer than five frames in total. The average '*total frames*' betting turnover per match during the 2022/23 World Snooker Tour was EUR 288.

40. As well as investigating the nature and volume of bets placed on the Perry match Sportradar investigated:

- a) When those bets had been placed, and
- b) Who had placed those bets.

41. As regards the first of those matters, betting had started on 11 February 2023, continued on 12 February 2023 and continued on 13 February 2023, before and during the Perry match itself. That, the WPBSA contended, was significant given that (as set out below) the only explanation offered by Mr King during the course of the WPBSA's investigations as to why anyone might have considered him likely to under-perform in the Perry match was the revelation of a health issue just before (and on the day of) the Perry match. We consider that below.

42. As regards the second of those matters, the Betting Operators and the Gambling Commission have provided data as to who bet online on the Perry match. Thirty-three (33) bettors were so identified. Of those 33 bettors the WPBSA identified 19 bettors:

- a) Who were said to be located in the same geographical area (East Sussex)<sup>9</sup> as one another. Mr King did not challenge the WPBSA's evidence as to the whereabouts of those individuals;
- b) Who were said by the WPBSA to be connected directly or indirectly to one another. Once again, Mr King did not seriously challenge the WPBSA's evidence as to the connections between those individuals or to the suggestion that they were (at least in very large part) all connected with one another; and
- c) Who were said by the WPBSA either to be known to Mr King or to be indirectly connected to Mr King through
  - (i) Person A. Person A owns a sports bar in [REDACTED], East Sussex at which Mr King had played exhibitions and matches. Mr King and Person A had had dealings with one another during 2021 and 2022, and/or [REDACTED]
  - (ii) Person B. Person B is a professional gambler who resides in East Sussex.

Person A and Person B were also said by the WPBSA to be connected to one another. Mr King did not challenge that position, although his submission (in the light of evidence given by each of them) was that there had ceased to be any contact between them in about November 2022.

43. We address Mr King's position as regards paragraph 41(c) in detail below. For present purposes it suffices to record that Mr King:

- a) Agreed that he knew Person A as a result of having played a small number of exhibitions and matches at Person A's bar and as a result of having had some commercial dealings with him in 2021 and 2022. However, his position was that their dealings had petered out during 2022 and that (aside from a short exchange at the start of December 2022 in which he tried to sell some pool balls to Person A) he had no contact with Person A between autumn 2022 and March 2023;

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<sup>9</sup> Similar in-shop betting also occurred in East Sussex from 12 February 2023 onwards. CCTV images from those shops enabled the WPBSA to identify some of those bettors. As with online bettors, the WPBSA was able to establish (1) connections between those bettors and certain other bettors, and (2) indirect connections between those bettors and Mr King.

b) Accepted that he might have played snooker with Person B many years ago as a junior, but denied any more recent connection with Person B.

44. Analysis of the betting accounts of those bettors who had placed significant bets on the Perry match also revealed that a number of the accounts used to place bets on the Perry match:

- a) Had been opened shortly before the Perry match;
- b) Did not have a prior history of being used for betting on snooker at all;
- c) Had not been used to bet on snooker matches other than the Perry match (and in some instances the Higgins match – see below); and
- d) Showed a history of the bettor staking far smaller sums than were subsequently staked on the Perry match.

45. The evidence also demonstrated that it could not be said with confidence that each individual bettor who used an online account to bet on the Perry match was in fact betting:

- a) On his or her own behalf, or
- b) With his or her own money.

The evidence before us demonstrated that certain of the individuals who were involved or apparently involved (to use a neutral term for the time being) in betting on the Perry match were experienced in establishing betting accounts in ‘*clean*’ third party names (i.e. names not previously known to the relevant bookmaker) and then either using those accounts themselves for their own bets or offering those accounts to third parties for use by those third parties. The evidence did not enable us to reach any conclusion as to which bettors might have been betting on the Perry match on their own behalf and which might have been betting on the Perry match on behalf of others. From the evidence before us though, we concluded that the bets placed on the Perry match likely comprised both types of bets.

46. Mr Carmichael's conclusion was that, in the light of the above matters, there was a *'disproportionate level of betting interest in the [Perry match] compared to that usually bet'* on comparable snooker matches. That appeared to us to be something of an understatement. The opinion expressed in the 16 February 2023 Match Report – that the betting patterns on the Perry match were *'highly suspicious'* – is in our view entirely apt. The betting evidence led us to conclude:

- a) That the betting patterns on the Perry match were wholly at odds with what would be expected of a first round match in a World Snooker Tour Event. The Perry match was in our view plainly targeted as a match by bettors;
- b) That the nature and volume of the particular bets on which the bettors focussed in the Perry match – which would return a profit only if Mr King lost the Perry match 4-0 or 4-1<sup>10</sup> and the greatest profit if Mr King lost the Perry match 4-0 – demonstrated a degree of confidence that the outcome of the Perry match would be 4-0 or 4-1 to Mr Perry. This was, once again, wholly at odds with what one would have expected to see in a match such as this;
- c) That the manner in which betting accounts were created/activated and used for the purpose of betting on the Perry match in the manner summarised above was only consistent with the bettors (or those directing the bettors) having had:
  - (i) a desire to target the Perry match, and
  - (ii) a degree of confidence in the outcome of the Perry match wholly at odds with what one would have expected to see in a match such as this; and
- d) That the existence and nature of the connections between so many of the bettors demonstrated that the betting patterns summarised above were the result of a pre-ordained, co-ordinated and directed scheme to try to profit from the outcome of the Perry match.

47. That then begs two questions:

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<sup>10</sup> Although bets in the *'total frames'* market would presumably have also returned profit had Mr King won 4-0 or 4-1.

- a) Why was the Perry match targeted by those bettors in the first place ?
- b) Why did those bettors have such confidence that the outcome of the Perry match would be 4-0 or 4-1 to Mr Perry ?

These are questions to which we return below.

## II. **Betting patterns on the Higgins match**

48. Unlike the Perry match, Sportradar did not provide any alert to the WPBSA following the Higgins match. Although Sportradar did investigate the betting patterns on the Higgins match, that step was taken at the request of the WPBSA, not because of any concerns on the part of Sportradar.
49. Sportradar's investigations led it to conclude:
  - a) That there had been no notable pre-match betting on the Higgins match;
  - b) That no strong or irregular betting was witnessed during the Higgins match;
  - c) That levels of betting turnover were not excessive for the Higgins match; and
  - d) That although bettors targeted outcomes that focussed on Mr Higgins beating Mr King heavily, there were no strong or irregular observable betting patterns on the Higgins match – *'after analysis of the relevant betting and sporting factors surrounding the [Higgins match], there is a reasonable explanation for the market behaviour'*.

The principal feature of note for present purposes about the betting on the Higgins match was that a number of the connected bettors who bet on the Perry match also bet on the Higgins match, either directly or indirectly through others.

50. We also draw attention to one further matter relating to the betting on the Higgins match. According to a bar graph of bets placed on various outcomes of the Higgins match exhibited by Mr Mawer, the bettors on the Higgins match:
  - a) Profited from Mr King losing the Higgins match 1-4, but

b) Would have profited even more had Mr King lost the Higgins match 0-4.

We explain our views on the possible significance of that further below.

## **(F) Association evidence**

51. As we have set out above, the WPBSA's case was that
- a) The investigations carried out on its behalf established that there were direct and indirect connections between many of the various bettors who bet on the Perry match (and some of whom also bet on the Higgins match), and
  - b) There were connections between Mr King and those bettors through Person A and/or Person B (who also had connections with one another).
52. The evidence did not in our view establish that there was any relevant direct connection between Mr King and Person B. Person B's evidence was that they had played snooker together as juniors many years ago. Mr King had no recollection of that but did not dispute that. Each gave evidence to the effect that there had been no direct contact between them for many years. There was no evidence to contradict that.
53. The position was however very different as between Mr King and Person A. We have already alluded above to the fact that Person A owns a bar in [REDACTED], East Sussex and that Mr King (1) had played a small number of exhibitions and other matches there, and (2) had had certain financial dealings with Person A. However, that does not tell the whole story.
54. Mr King was introduced to Person A in about 2021, apparently by Mr Perry. That introduction was to explore whether Person A would produce, and Mr King would promote, '*player cards*' to sell to snooker fans on terms that would benefit each of them financially. That developed into an invitation to Mr King to play exhibition matches at Person A's bar. Mr King was paid by Person A for those matches, although messages passing between them suggest that Person A was not a prompt payer and that Mr King had to chase payment.

55. Person A's failure to make payments to Mr King during 2022 when they fell due was symptomatic of Person A's wider financial difficulties at that time. Certainly, by late 2022, and almost certainly well before that time, Person A's financial position appears to have been desperate:

a) Person A was very substantially in debt to numerous third parties. Those parties included:

(i) Mr Perry

(ii) At least one individual whose anger at not being paid was resulting in threats being made

(iii) Certain individuals who had connections with Person B that were sufficiently close that, when Person A failed to pay those third parties, Person B cut off contact with Person A; and

b) A number of sizeable County Court judgments had been registered against Person A.

56. As Person A accepted in evidence before us:

a) At the times relevant to the Charges, he had no realistic way of repaying his substantial debts without external investment into his bar, and

b) Lengthy and extensive efforts to secure such investment had proved fruitless.

He was in very serious financial difficulties.

57. WhatsApp and Apple messaging communications between Person A and Mr King demonstrate that as time passed in 2021 and 2022:

a) Their relationship became a friendly one, and

b) They discussed a number of schemes that might be of financial benefit to each of them – for example:



- (i) Mr King offered to supply, and did supply, counterfeit designer clothing to Person A for resale;
- (ii) Mr King offered to supply various snooker-related equipment to Person A; and
- (iii) Mr King proposed the Arrangement whereby, in return for a fixed monthly payment from Person A to Mr King, Person A would receive a percentage of Mr King's snooker earnings in the 2022/2023 season (***'the Arrangement'***).

58. Both Mr King and Person A accepted that the Arrangement was something that was discussed between them during 2022. However, each denied that the Arrangement was in fact ever agreed between them or came to anything, or that any money changed hands. Both were cross-examined on those denials by reference to contemporaneous WhatsApp and Apple messages that passed between them. Those messages in our view demonstrated:

- a) That discussions about the Arrangement were detailed: see the WhatsApp and Apple messages that passed in the first fortnight or so of March 2022;
- b) That the Arrangement did in fact crystallise into an agreement between them at or around that time. So for example (1) on 2 May 2022 Mr King chased Person A for *'our monthly agreement payment'* (2) on 7 June 2022 Mr King messaged Person A *'are you going to pay the monthly balance or are we just going to leave it because its getting silly now it takes too long all the time and I'm not gonna drive you mad every month for it so you have to do it or we don't do it at all'* (3) on 11 June 2022 Mr King messaged Person A *'I need the money pal as it's the quiet time of season that was the whole point of it'*; and
- c) That money did indeed pass from Person A to Mr King, pursuant to the Arrangement, albeit that payments were slow and Mr King repeatedly had to chase for payment.

59. Why does it matter ? In our view it matters in two respects:

- a) First, it demonstrates that the relationship between Mr King and Person A was, at least for a period, closer than either was willing to accept. That led us to ask ourselves why, before us, each of them sought to portray their relationship as having

been more distant and as having less of a financial focus than in fact was the case;  
and

b) Secondly, it indicates a need for us to exercise caution when considering evidence given by each of Mr King and Person A which is not corroborated by contemporaneous documentary or other reliable evidence. In fact:

(i) as we have said above, we concluded that we frequently could not accept evidence given by Mr King that was not so corroborated, and

(ii) we reached the same conclusion as regards the evidence given by Person A. We did not in general find him to be a reliable witness.

60. We return to the chronology. The messages between Mr King and Person A became less frequent in the second half of 2022, although the tone and wording of those messages that were before us during that period suggested:

a) That Mr King and Person A were also using other means to communicate with one another; certain messages make no sense if that was not the case, and

b) That Mr King and Person A remained on good terms.

61. The messages between Mr King and Person A that were in evidence before us stopped altogether on 1 December 2022. The manner in which the messages ceased is somewhat odd. During the course of that day Mr King had messaged to try to sell some pool balls to Person A. They then messaged back and forth repeatedly for three hours. At 20.09 Person A messaged a question '*To me ?*', asking implicitly whether Mr King would give him a discount on the price that Mr King had quoted. Despite the possibility of a sale taking place – and so profit accruing to Mr King – there is no message in evidence showing any sort of a response from Mr King.

62. There was an issue as to whether that was:

a) Because Mr King and Person A ceased messaging each other (and indeed communicating with one another) altogether from that point in time. That was what

Mr King and Person A said in their evidence, although they acknowledged that they might have spoken on the phone on 1 December 2022; or

- b) Because subsequent messages between them had been deleted and/or they had switched to some other form of communication. That was the WPBSA's position.

63. For reasons which are set out below, we concluded that the latter explanation – that messages between Mr King and Person A had been deleted, and intentionally deleted, and/or that Mr King and Person A had likely switched to some other form of communication – was by far the more likely explanation. We therefore disbelieved Mr King's and Person A's evidence:

- a) That they had simply ceased to communicate with one another by message after that date, and
- b) That the next occasion on which they had contact with one another after 1 December 2022 was when Mr King visited Person A's bar out of the blue on Sunday 26 March 2023.

64. Mr King was first interviewed by the WPBSA on 18 March 2023. That interview took place in two parts, with a short (six minute) gap in between. The audio of the interviews was available to us, and we were also provided with transcripts of the interviews.

65. We consider what was discussed in the two parts of that interview below. However, before we do so we address two criticisms made by Mr King of Mr Mawer and the interviews that he conducted:

- a) First, Mr King alleged that he had not been told by Mr Mawer that the first interview on 18 March 2023 was being recorded, and
- b) Secondly, Mr King alleged that:
  - (i) During each of the interviews that the WPBSA conducted with Mr King, alternatively
  - (ii) In the break between the two interviews that took place on 18 March 2023,

Mr Mawer of the WPBSA '*stopped the interview and continually asked me to confess*'.<sup>11</sup>

66. As to the first of those matters we find as follows:

- a) The audio of the first interview does record Mr Mawer saying in a quiet voice, in all probability to Ms Leverton and apparently before Mr King enters the room, that he is recording the interview. That statement is not then repeated when Mr King enters the room;
- b) Early in the interview Mr Mawer explains that anything that Mr King says during the interview can be used in any subsequent disciplinary proceedings. It is implicit within that statement that a record is being made of what Mr King says during the interview;
- c) The first interview ends by Mr Mawer saying '*I am going to terminate the recording*'. There is no reaction from Mr King to that statement;
- d) When the interview restarts six minutes later there is no complaint by Mr King that he had been unaware that the first part of the interview had been recorded or query as to whether the second part was also being recorded; and
- e) We cannot see that Mr King suffered any prejudice by the interviews being recorded.

Accordingly, whether or not Mr King was told at the very start of the first part of the interview that it was being recorded is in our view an irrelevance.

67. As to the second criticism made of Mr Mawer's conduct during the various interviews conducted with Mr King, we reject Mr King's evidence in that regard:

- a) The position that Mr King originally took in his witness statement (on which he had signed a statement of truth and the accuracy of which he confirmed in his evidence in chief) was that Mr Mawer had repeatedly stopped interviews (plural) for that purpose. That position was simply not borne out by the contemporaneous records of the interviews, some of which had been conducted remotely. That evidence was

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<sup>11</sup> Mr King was not consistent as to when these requests were said to have been made by Mr Mawer. The contents of his witness statement, his Opening Note and his oral evidence all told different stories in that regard.

also flatly contradicted by the evidence (including unchallenged evidence) of individuals who had been present during the interviews conducted with Mr King. The extent of the inaccuracy in Mr King's written evidence caused us to doubt the accuracy of the remainder of Mr King's evidence on this issue;

b) The position that Mr King subsequently took – that Mr Mawer had acted in that way during the break between the two parts of the interview on 18 March 2023, when no recording was being made of anything that was being said – appeared to us to be inherently unlikely:

(i) It was put to Mr Mawer by Mr Baker that he had made such requests of Mr King both in the room in which the 18 March 2023 interview was taking place and in the corridor outside that room. Those questions no doubt reflected Mr King's instructions to Mr Baker

(ii) Mr King's oral evidence however was that Mr Mawer's requests had been made in the doorway of or the corridor outside the interview room on two (or possibly one) occasions i.e. not in the interview room itself. By that time Ms Leverton had confirmed that she had been in the interview room throughout both parts of the interview on 18 March 2023 and during the break between the two parts of that interview and had heard nothing of the nature alleged by Mr King (albeit that she confirmed in cross-examination that she had no recollection of exactly what had been said in the break). We saw no reason to doubt Ms Leverton's evidence

(iii) It is difficult to know what Mr Mawer might have had to gain by asking Mr King to '*confess*' during the break. The WPBSA investigation was in its infancy and (as Mr Mawer explained) the WPBSA was yet to even consider whether there was a case to answer against Mr King

(iv) Mr Mawer began the second part of that interview by encouraging Mr King to be '*honest from the outset*' and '*tell us what's what*' if Mr King had been involved in fixing the Perry match. Mr King's response was not to suggest that in the minutes before that Mr Mawer had made any inappropriate request that he confess;

- c) We saw no reason to disbelieve Mr Mawer (who denied that he had acted in the way asserted by Mr King). While we agreed with Mr King's assertion that the investigation that Mr Mawer conducted into the Matches might have been more thorough in certain respects – for example, by attempting to interview Person B once he had made contact with the WPBSA<sup>12</sup> – we rejected any suggestion that Mr Mawer had acted improperly during the course of the investigation; and
- d) Although slightly out of chronological order, we confirm in that regard that we accepted Mr Mawer's evidence that a note made by him of a telephone conversation that took place with Person A in August 2023
  - (i) Had been made contemporaneously by Mr Mawer (i.e. a few minutes after the relevant telephone conversations had taken place), and
  - (ii) Was an accurate record of those conversations.

Person A's evidence was to the contrary – that what had been said on the telephone was not reflected by the contents of Mr Mawer's note – was incorrect and in our view was plainly an attempt to distance himself from aspects of what he had said in those conversations.

- 68. During the first part of the 22 March 2023 interview Mr Mawer asked Mr King about his relationship with Person A. Mr King referenced how, having been introduced by Mr Perry, he had played some exhibition matches at Person A's bar. When asked when he had last been in contact with Person A, Mr King described events in summer 2022. He explained that the only contact since that time had been '*odd messages, like here and there*' and recalled that he had messaged Person A '*a while back*' to try to sell him some pool balls.
- 69. At the end of the questions and answers that elicited that information, Mr Mawer explained to Mr King that the reason he had asked about Person A was because

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<sup>12</sup> We were surprised that Mr Mawer took the decision that he did not to interview Person B on receipt of his email in August 2023. But ultimately the criticism that Mr King sought to make of Mr Mawer and the WPBSA's investigation in that regard went nowhere given that Mr King chose to call Person B as a witness on his behalf.

- a) *'it is fairly clear from the betting data that [Person A] has organised the betting on the 4:0 score outcome for [the Perry match]', and*
- b) *'we have got a load of people who are linked back to [Person A] ... who have bet on these highly liquid unattractive markets which gives a very clear indication that they knew the outcome of [the Perry match] ...'*

Mr King purported to express shock at that suggestion.

70. Person A was interviewed by Mr Mawer a few days later on 30 March 2023, having contacted Mr Mawer to offer himself for interview. However, in between Mr King's interview and Person A's interview, Mr King had met with Person A at his bar in [REDACTED]. That meeting had happened on the afternoon of Sunday 26 March 2023. Mr King's witness statement made no mention of that meeting. When asked about it in cross-examination Mr King explained:

- a) That he had decided to drive from his home in Essex to [REDACTED] to speak with Person A;
- b) That that decision had been prompted by what he had been told by Mr Mawer four days earlier; but
- c) That he had not phoned in advance or otherwise alerted Person A to the fact that he wished to speak with him or was intending to visit him - he wanted to take Person A by surprise and to ask him about what Mr Mawer had said about him being the common denominator in the betting that had taken place on the Perry match. Person A's evidence was also that Mr King's visit had been unexpected; and
- d) That he had wanted Person A to give him information which would *'get him off the hook'*.

71. We found those aspects of Mr King's evidence puzzling in a number of respects:

- a) There was no explanation as to why, if his decision to visit Person A had been triggered by anger or concern at what he had been told by Mr Mawer in interview, he waited four days before visiting Person A; and

- b) The drive from Mr King's home in Essex to Person A's bar in [REDACTED] was not a short one; it would have taken Mr King hours rather than minutes. We found it incredible that Mr King would make that drive on a Sunday without being confident that Person A – with whom he had told Mr Mawer (and he confirmed in evidence) he had had no contact since the start of December 2022, a period of more than three months – would be at the bar when he arrived.

In our view it is far more likely that Mr King told Person A that he would be coming to the bar on that day and that Person A knew full well that Mr King was coming. We therefore disbelieved their evidence on this issue. And having asked ourselves why they might lie about such matter, we concluded that it was part of the wider pattern of false evidence that they each gave in these proceedings with a view to concealing the true nature of their dealings in late 2022/early 2023.

72. The evidence given by Person A and Mr King about aspects of that meeting itself was also puzzling in a number of respects.
73. During the second part of his interview on 30 March 2023 (having made no reference to the same in the first part of the interview, which had taken place that morning over more than an hour), Person A described to Mr Mawer how, when he arrived at the bar, Mr King had asked to see Person A's phone and had then examined it by scrolling through Person A's WhatsApp messages before handing it back to Person A. Mr King's evidence was that either the phone was already unlocked or Person A gave him the code to unlock it.
74. Person A's evidence as to how long Mr King's examination of his phone had taken varied over time. Initially in interview he said '*2 or 3 minutes*'. That quickly became '*not even a minute*'. In his oral evidence he said '*about 10 seconds*'.
75. For reasons which we found inexplicable, Person A asserted that he had not challenged Mr King's request to see his phone (despite allegedly being wholly unaware why Mr King had even come to the bar) and that, when he had asked why Mr King wished to see his phone, he had simply been told (and had accepted the answer) '*I want to check something*'. Neither Mr King nor Person A suggested in their evidence that Mr King had



offered any explanation as to why he wished to look at Person A's phone or what he wanted to look at on Person A's phone.

76. In his interview Person A described that incident on 26 March 2023 as '*bizarre*'. We agree. We also find it most odd that Person A did not make any reference to the '*bizarre*' incident when describing during the interview what had happened during Mr King's visit only four days previously.
77. Mr King's evidence before us was that he wished to look at Person A's phone because Mr Mawer had told him that Person A had been responsible for betting accounts which had bet on the Perry match. In fact, as set out above, what Mr Mawer had told Mr King was that Person A had '*organised*' or '*co-ordinated*' the betting on the Perry match with '*a load of people ... associates*'. Mr Mawer had not however given Mr King the names of any of those individuals.
78. What then was Mr King looking for on Person A's phone ?
- a) If he was unaware of the identity of any third parties with whom Person A might have co-ordinated betting on the Perry match six weeks previously, he could not have been searching for communications between Person A and such individuals. In any event, given the length of time that he had Person A's phone, he could not have checked for communications with each and every one of the connected individuals;
  - b) There was no suggestion that he was attempting to look at Person A's own betting history;
  - c) He must have been looking for something else.
79. Despite their protestations to the contrary, in our view the answer to the question '*what was Mr King looking for on Person A's phone ?*' was plain. Having learned from Mr Mawer;
- a) That the WPBSA was looking into whether the Perry match had been fixed, and
  - b) That Person A had been identified by the WPBSA as being at the heart of the betting on the Perry match

Mr King wished to satisfy himself that there was nothing on Person A's phone which might incriminate him (Mr King) in the fixing of the Perry match or in the betting patterns. That in our view was the reason why he examined Person A's phone.

80. And that then begs the question –

- a) If there really had been no contact between Mr King and Person A since early December 2022, and
- b) If there really had been no contact between them whatsoever which might implicate Mr King in a scheme to profit from the Perry match (because Mr King had had no such involvement)

why would Mr King be concerned to see what was on Person A's phone in either regard? Once again, in our view the answer was plain. There had been contact between Mr King and Person A after early December 2022, and Mr King was concerned that there might be evidence in those communications on Person A's phone which would incriminate Mr King in the fixing of the Perry match and/or in the betting patterns on the Perry match.

81. Of course

- a) When the contents of Mr King's phone were downloaded on 18 February 2023, and
- b) When the contents of Person A's phone were downloaded on 30 March 2023

nothing relating to the Perry match was found on either phone in the messages exchanged between Person A and Mr King. That in our view is because the messages between Mr King and Person A after 1 December 2022 had already been deleted before Mr King's first interview. Even though that interview took place relatively soon after the Perry match, being summoned to attend that interview was unlikely to have been a surprise to Mr King. The day after the Perry match Mr King was receiving messages – we saw such messages from Mr Selt – alerting him to the fact that the Perry match was being investigated.<sup>13</sup> Mr King had ample opportunity to delete anything incriminating

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<sup>13</sup> And as we set out below, the fact that suspicious betting patterns had been observed on the Perry match was being reported on social media within a matter of minutes of the Perry match concluding, something that we concluded Mr Perry himself learned very shortly after the end of the Perry match.

from his phone and our conclusion is that he took steps to do so. It is also in our view likely that he had already discussed with Person A the deletion of any incriminating material from Person A's phone and that Person A had similarly deleted messages between them.

82. At the 22 March 2023 interview Mr King learned two matters. First, he had been told that the WPBSA had concluded that Person A had had a central role in the betting patterns on the Perry match. Secondly, he had been told that the investigation into the Perry match was to be escalated; Mr Mawer had ended that interview by informing him that he would be sending *'the papers'* to the Disciplinary Chairman. Our conclusion is that, having been told of such matters, Mr King's visit to Person A was likely to have been for two broad purposes:

- a) First, to satisfy himself that Person A had indeed deleted from his phone any messages between them that might incriminate Mr King in the betting scheme surrounding the Perry match. That is what Mr King did by examining Person A's phone; and
- b) Secondly, having done so, to persuade Person A to offer his *'co-operation'* to Mr Mawer with a view to persuading Mr Mawer/the WPBSA that Mr King had had no involvement with the betting surrounding the Perry match, let alone fixing the Perry match. That was to be achieved by (and was achieved by)
  - (i) Mr King telephoning Mr Mawer and putting Person A on the phone to speak with Mr Mawer while he (Mr King) was still at the bar. Person A also telephoned Mr Mawer again that day after Mr King had left the bar, and
  - (ii) Person A offering to meet with Mr Mawer despite not being under the jurisdiction of the WPBSA.

83. Person A's interview took place on 30 March 2023. Person A denied any involvement in or knowledge of wrongdoing in connection with the Perry match. By the end of the interview he was agreeing that *'the narrative'* – which he clarified to mean *'he is going to lose 4:0'* – *'can only have come from [Mr King]'*.

84. The interview covered a variety of subjects. One subject was the extent to which Person A knew individuals whose betting accounts had been used to place relevant bets on the Perry match. Person A confirmed his connections with the majority of those individuals, including Person B (whom he described as a '*massive gambler, that is what he does for a living ...*'). Another subject that it covered was betting and Person A's own betting habits. In interview Person A:

- a) Explained that he had only one betting account (with [REDACTED]) which he used to bet on darts, snooker, horse racing and (mainly) football. His bet of choice was '*massive accumulators*' (which we took to mean multi-leg accumulators which might generate a large return from a small stake rather than accumulators on which he had placed '*massive*' stakes);
- b) Explained that he had not bet on the Perry match; and
- c) Asserted ignorance of the possibility of '*donor accounts*' being used by individuals to place bets through accounts held in the name of another.

85. We rejected Person A's evidence that he had not bet on the Perry match. Given our conclusions as regards the fixing of the Perry match, Person A's desperate need for money, the connections of the bettors to one another and to Person A and Person A's connections to Mr King, it is fanciful to believe that he did not do so. All that we cannot say is through which accounts Person A placed '*his*' bets.

86. Person A's feigned ignorance about '*donor accounts*' is also difficult to reconcile with the fact that:

- a) In 2022 Person A was in communication with Person B offering use of a [REDACTED] account that Person A had set up. Messages between the two of them also demonstrate Person A offering to provide '*tips*' to Person B (something which he accepted in evidence he had done in the past); and
- b) Also in 2022 Person A was making a similar offer to Bettor A ('**Bettor A**'). Bettor A was a longstanding friend of Person A. Bets were placed on the Perry match through an account in the name of Bettor A's sister, Bettor B. Bettor A was also connected

to numerous other holders of accounts through which bets were placed on the Perry match.

In our view Person A was attempting by his answers to give a misleading impression as regards his own familiarity and involvement with gambling, betting sites and the ability of an individual to disguise his or her own betting on an event. Again, one has to ask – why do that if he had nothing to hide ?

87. In evidence before us were a series of messages exchanged between Person A and Mr Perry on 1 April 2023 – and so two days after Person A's interview:

- a) Person A to Mr Perry: *'... all this crap with MK [Mr King] isn't helping my mind 3 fucking hour last night'*
- b) Mr Perry to Person A: *'I don't think you was involved at all with the king stuff ... 3 hours talking to kingy?'*
- c) Person A to Mr Perry: *'I wasn't involved [I] ain't that stupid ... Yes 3 hours of the same thing'*
- d) Mr Perry to Person A: *'So did he admit to anything, admit to telling anyone down that way or still denying everything ?'*
- e) Person A to Mr Perry: *'Nope he randomly apologised to me said he not spoke to Nigel [Mawer] and did they have sticched him up ... Didn't even ask me the names if Nigel asked me !'*
- f) Mr Perry to Person A: *'Who has stitched him up ? He lost 4-0 ... the ones who bet must have known he was going to lose 4-0 ??'*
- g) Person A to Mr Perry: *'I thought that but I couldn't be bothered to argue it was very strange he called me to say sorry !'*

We make reference to that exchange in part to record a relevant part of the narrative but also in part because in his evidence Person A denied that he had spent three hours on the phone at the end of March with Mr King; his evidence was that he had been on the phone (with whom he did not say) for three hours about Mr King. We reject that evidence;

the contemporaneous messages clearly show that Person A had been on the phone with Mr King.

88. Three consequences follow from that conversation. First, it shows Person A and Mr King communicating with one another by phone i.e. not by messaging. Secondly, it shows that very shortly after he met with Mr Mawer, Person A was having a lengthy and detailed conversation with Mr King. We had no doubt that that conversation would have been about the Perry match and the WPBSA's ongoing investigations. Thirdly, it shows once again Person A trying to downplay the strength of his connection with Mr King.
89. Person A did not then have any further involvement with the investigation until 13 August 2023. On that date:
- a) Person A telephoned Mr Mawer at 10.44, apparently because he was concerned that his perceived role in the betting surrounding the Perry match might impact his ability to obtain a licence to represent professional darts players.<sup>14</sup> Person A's recollection of what was said on that call was not good in his evidence before us. There is however a note of that call made by Mr Mawer which, as we have said above, we accept is an accurate and contemporaneous record of what was said on that call:
    - (i) That note records that Person A denied any involvement on his part in the betting surrounding the Perry match. Person A confirmed in his evidence before us that he had indeed maintained that position to Mr Mawer
    - (ii) That note records that Person A said '*MK [Mr King] definitely done it*'. While Person A denied in evidence that he had said that, we rejected that evidence; we conclude that Person A did say that to Mr Mawer. Of course, it does not follow that what Person A said in that regard to Mr Mawer is true or correct
    - (iii) That note records that Person A said '*MK [Mr King] knows [Person B], believed [Person B] had delivered the betting for MK [Mr King]*'. Person A once again denied in evidence that he had said words to such effect and once again we

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<sup>14</sup> Since (1) Person A has in the past represented professional darts players, and (2) on Person A's understanding, Mr Mawer is responsible for '*signing off the licences*'.

rejected that evidence and conclude that Person A did say words to such effect to Mr Mawer. Once again of course that does not mean that what Person A said in that regard to Mr Mawer is true or correct.

We also record that we reject Person A's evidence to the effect that, during that conversation, Mr Mawer made threats or suggestions to him in the terms set out in paragraph 11 of his witness statement;

- b) Following that call Person A apparently spoke by telephone with Person B. According to Person A: [REDACTED] [REDACTED]
  - (i) he made that call in order to try to persuade Person B to speak with Mr Mawer and to confirm that he (Person A) had not been involved in the betting surrounding the Perry match or the fixing of the Perry match, and
  - (ii) during that call Person B agreed to speak with Mr Mawer; and
- c) At 12.45 Person A telephoned Mr Mawer again and provided him with a phone number for Person B. According to Mr Mawer's note, Person A also said that he thought '[Person B] and MK [Mr King] arranged the fix'. Once again, we accept that the note accurately records the gist of what Person A said to Mr Mawer, although not that what Person A said was necessarily true. We also record that we very much doubted that Person A had said anything in such terms to Person B; after all, why would Person B have agreed to speak to Mr Mawer if he had been told that Person A was alleging that he (Person B) and Mr King had agreed to fix the Perry match ?

90. We now turn from Person A to Person B. As already set out above, Person B's name came up relatively early in the investigation as being a professional gambler in the East Sussex area who had connections with Person A and others connected with the betting patterns on the Perry match.

91. On 6 April 2023 Person B contacted Mr King via Facebook. In that message Person B

- a) Reminded Mr King that they had played together as juniors,
- b) Introduced himself as a professional gambler, and

- c) Explained that he felt that he 'owed [Mr King] a message to explain what may have been the cause of the unusual betting patterns in [the Perry match]'. That explanation was in the following terms:

*'I'm not going to reveal my sources as I don't wish to get anyone in trouble, but I heard you were carrying an injury. Coupled with your poor form recently and pressure of staying on the tour I decided to get bets placed on 4-0 4-1 and -2.5 handicap etc as I thought those were the most likely results. The bookmakers have banned me from betting in my own name so I have people that help me get bets on. [REDACTED]*

*Again I'm not prepared to say who they are but I imagine several thousands would have gone on locally here in [REDACTED].*

*I'm sorry that I may have been at least partly responsible for your suspension and I hope you'll be exonerated of any blame.*

*If it helps you, show this message to world Snooker, however I don't wish to have any dealings with them myself.*

92. Person B later emailed Mr Mawer at the WPBSA on 15 August 2023. The prompt for that email appears to have been the conversation with Person A on 13 August 2023 in which he (Person A) had apparently been 'very upset'. In that email Person B:
- a) Repeated much of what he had told Mr King in the 6 April 2023 message;
  - b) Identified the contact who had given him the information before the Perry match that Mr King was injured as being '*another gambler*';
  - c) Stated that he had received that information '*the day before the [Perry match]*' i.e. 12 February 2023; and
  - d) Suggested that he had been '*a little careless with the information*', which had resulted in '*many of my friends/friends of friends locally in the [REDACTED] area*' placing the bets which were under investigation.

Person B also stated in the email:



(i) that '[Person A] *had no part in the bets being placed. I haven't spoken to him since November 2022 after deciding to take a step back from my friendship with him ... The point of getting in contact with you is just to clarify that [Person A] had [no] part in this and has been caught up by chance, just because King has played matches/exhibitions at his club. I do feel bad that unintentionally my actions have dragged him [Person A] into this*

(ii) that he had '*had no contact with Mark King previous to [the Perry match]*'.

93. Mr King served a witness statement from Person B and called Person B to give evidence before us. Person B's evidence was to the effect:

- a) That before the Perry match Person B had received a tip that Mr King was injured. He declined to identify the source of that tip;
- b) That he had arranged for bets to be placed on the Perry match by a number of individuals, including three of the individuals whose betting accounts had been identified by the WPBSA as placing suspicious bets;
- c) That those bets had been for Mr Perry to win 4-0 or 4-1; and
- d) That his message to Mr King and email to the WPBSA had been prompted by a desire '*to explain and apologise for my part in the unfortunate events that have unfolded*'.

94. Person B was cross-examined by the WPBSA:

- a) He was unable to recall what he had been told about Mr King's injury – his evidence was that it had been '*something to do with his hand I think*';
- b) He continued to refuse to disclose the source from which he had allegedly learned before the Perry match that Mr King was injured, although he stated that the source had opined that Mr King was unlikely to win more than a frame;
- c) He revised his recollection of when he had been given that information. It had been '*in the days leading up to the [Perry match]*', perhaps '*a couple of days*' before;

- d) His evidence was that he had formed the view that the injury '*might*' affect Mr King's performance in the Perry match; he went no further than that;
- e) He maintained that he had caused bets to be placed on his behalf around [REDACTED] on the Perry match, although his evidence was that those bets had not exceeded '*a few thousand*'; and
- f) He had no records whatsoever of what bets he placed or what bets were placed on his behalf on the Perry match, or of the profits made from those bets.

95. We accepted only limited parts of Person B's evidence:

- a) We accepted:
  - (i) That he had received information prior to the Perry match from a third party
  - (ii) That he had caused bets to be placed on the Perry match in the light of that information
  - (iii) That those bets represented only a small fraction of the total bets placed on the Perry match that resulted in the suspicious betting patterns that we have described above. Person B appeared genuinely shocked when told of the volume and amount of the total bets that had in fact been placed on the Perry match
  - (iv) That those bets had been for Mr Perry to win 4-0, 4-1 and/or by more than 2½ frames;
- b) Aside from that however we concluded that much of Person B's evidence lacked credibility and that we needed to treat his evidence with considerable caution. In particular:
  - (i) His refusal to identify the source from which he had received '*information*' meant that his evidence as to what information he had been given, and when he had been given it, could not be tested or corroborated;

- (ii) The vagueness of his evidence about the information that he claimed to have been given about Mr King's injury (i.e. about what had been the key '*prompt*' that had led him to bet as he did) and why he considered that information to make a 4-0 or 4-1 outcome such a strong bet led us to doubt that that was in fact the information that Person B had been given about the Perry match; and
- (iii) His claim to have no records whatsoever of the sums that he had bet (or that had been bet on his behalf) or of the profits that he had made on the Perry match – despite being a professional gambler whose taxable income is derived from gambling – was very surprising.

96. Ultimately therefore Person B's evidence did little to assist Mr King's position. In our view his evidence simply served to underline the fact that:

- a) The Perry match was being discussed and targeted amongst a connected group of individuals in the East Sussex area in the days before the Perry match, and
- b) There was '*information*' available at that time amongst those individuals that the outcome of the Perry match could be predicted with sufficient certainty that sizeable bets could be placed with exceptional confidence.

The key question is – what was that information? Was it as Person B asserted that Mr King was injured? Or was it that the Perry match had been fixed and its outcome pre-ordained?

### **(G) Performance Evidence**

97. Three broad strands of evidence were potentially relevant to any assessment of Mr Perry's performance in the Perry match:

- a) His form in the period before the Perry match;
- b) His health at the time of the Perry match; and
- c) The experts' opinions of Mr King's performance during the Perry match.

The first and third of those evidential strands applied equally to the Higgins match.

**I. Mr King's form prior to the Perry match (and prior to the Higgins match)**

98. Mr King considered himself to be '*out of form*' before the Perry match. As well as his own evidence, he also relied on

a) The results that he had achieved in matches that he had played in the months before the Perry match, and

b) Evidence from a practice partner, Sydney Wilson.

99. Due to our concerns over his credibility we felt unable to place any significant weight on Mr King's own assessment of his form prior to the Perry match. We also felt unable to place any significant weight on Mr Wilson's evidence, as:

a) His evidence was that he had been asked to provide character evidence on behalf of Mr King. However, the focus of his evidence was on Mr King's performance in practice '*in the period leading up to [the Perry match]*' and the fact (1) that Mr King '*was not playing particularly well [in practice]*', and (2) that despite being unable to play any snooker for the previous six or so months due to injuries sustained in a motor accident, he was beating Mr King in practice; and

b) His evidence was however vague and in our view unconvincing. It was also inconsistent with how Mr King was performing in matches during January 2023.

And because we were not satisfied that we could place any significant weight on those aspects of Mr Wilson's evidence, we also placed little weight on the evidence that Mr Wilson gave as regards Mr King's state of health prior to the Perry match (see below).

100. The best evidence of Mr King's form at the relevant time was in our view to be found in the results being achieved by Mr King in the period before the Perry match:

a) In the months prior to the end of 2022 Mr King

(i) Had won a number of matches in qualification rounds for tournaments and in short-form tournaments, generally against players ranked below him/around him

in the world rankings, but on occasion against players rated higher than him in the world rankings, but

- (ii) Had on occasion failed to qualify for the main draws of tournaments (having lost in qualifying) or (having come through qualifying rounds) had lost in the first round of the main draw of tournaments; and
  - (iii) Had not progressed beyond the first round of any ranking tournament;
- b) While some of Mr King's losses had been to zero, in the vast majority of matches (including in each defeat in the first round of the main draw in the Gibraltar Open<sup>15</sup>, the Northern Irish Open<sup>16</sup>, the Scottish Open<sup>17</sup>, the German Masters<sup>18</sup> and in the English Open<sup>19</sup>) Mr King had won at least one frame; and
- c) In January 2023 Mr King had played three matches:
- (i) On 8 January 2023 he beat Mitchell Mann 6-4 in the 6 Reds World Championship Qualifiers. Mr Mann was ranked outside the top 64 players in the world at that time;
  - (ii) On 9 January 2023 he lost to Jimmy Robertson 4-6 in the 6 Reds World Championship Qualifiers. Mr Robertson was ranked in the top 32 players in the world at that time;
  - (iii) On 26 January 2023 he lost 0-1 to Jak Jones in the Snooker Shoot Out. Mr Jones was ranked in the top 50 players in the world at that time.

101. In our view those results were not consistent with Mr King playing below, and certainly not significantly below, the level of his then world ranking. His form both in the months before the Perry match and in the period immediately before the Perry match was consistent with Mr King:

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<sup>15</sup> Lost 2-4 to Gary Wilson, then ranked in the top 32 players in the world.

<sup>16</sup> Lost 2-4 to Lyu Haotian, then ranked in the top 50 players in the world.

<sup>17</sup> Lost 3-4 to Ricky Walden, then ranked in the top 32 players in the world.

<sup>18</sup> Lost 2-5 to David Grace, then ranked in the top 64 players in the world.

<sup>19</sup> Lost 1-4 to Mr Higgins, then ranked in the top 8 players in the world.

- a) Being well able to be competitive against (and beat) players around or below him in the world rankings;
- b) Being able '*on his day*' to beat players above him in the world rankings; and
- c) Being able to win frames in matches even against players ranked significantly higher than him in the world rankings.

That, in our view, represents a fair objective assessment of how, based on form alone, a reasonable follower of snooker who might have been minded to bet on the Perry match would have likely approached Mr King's chances against Mr Perry (who was at that time ranked in the top 32 players in the world and who had recently reached the quarter-finals of the UK Championships, the second round of the Scottish Open and the first round of the German Masters, but who had in December 2022 lost in qualifying in the English Open).

102. That begs the obvious question – would such a reasonable follower have concluded that, based on recent form alone:
- a) Mr King would likely lose the Perry match 4-0 or 4-1, and
  - b) He or she could be so confident of the outcome of the Perry match that they could bet as if any other result was unthinkable?

In our view the answer was plain – such a person would not have reached that view based on Mr King's recent form alone. They may well have concluded that Mr Perry would likely defeat Mr King, but any conclusion beyond that would (if based on recent form alone) have involved the uncertainties inherent in any gamble and so would not have justified the levels of exceptional confidence seen in the betting patterns that in fact occurred in relation to the Perry match.

103. And that in our view means that the bettors who bet on the Perry match as they did based their decisions to bet as they did on more than the mere '*recent form*' of Mr King.

## II. Mr King's state of health prior to and during the Perry match

104. In early 2021 Mr King developed soreness in the ring finger on his left hand<sup>20</sup>. We refer to that as *'the finger injury'* in these Written Reasons. In mid-2021 he sought medical advice for the finger injury through the WPBSA healthcare provider, who referred him to Mr [REDACTED], a Consultant Orthopaedic Hand and Wrist Surgeon. Although we were not provided with Mr King's medical notes, we were provided with a number of letters sent by Mr [REDACTED] to Mr King's GP following consultations with/treatment of Mr King. From those letters it can be seen that:

- a) Mr King first consulted Mr [REDACTED] in June 2021. He complained that his left ring finger had been *'triggering'* in recent months and that, since the snooker season was to start in August, he needed to *'get this sorted out so that he can play without pain or any problems'*. Mr [REDACTED] advised that *'treatment for trigger finger starts with splinting then to steroid injections and if not then trigger release'*. Mr King opted to have a steroid injection. That was performed on 6 July 2021 i.e. shortly before the start of the 2021/2022 season; and
- b) Mr King saw Mr [REDACTED] again on 15 June 2022. That visit was prompted by a return of the *'triggering'*. Mr [REDACTED]'s letter to Mr King's GP read *'I reviewed Mr King again in clinic today. Quite a while since I have seen him. I gave him an injection on 6th July 2021 and it lasted a good 10 months. It has come back and we were debating surgery vs another injection. In the end, we have decided to go with a second injection which I have given him in clinic today. If it does come back in the future, then surgery would be the next stage'*. Mr King thus had a second steroid injection for the finger injury shortly before the start of the 2022/2023 season.

105. According to Mr King, the soreness and triggering consequent upon the finger injury returned following the Higgins match and before the Perry match i.e. in very late 2022/early 2023, approximately seven to eight months after the second steroid injection:

- a) During that window:
  - (i) His evidence before us was that he was in a great amount of pain;

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<sup>20</sup> Mr King is left-handed. He thus holds his cue with his left hand.

- (ii) His evidence before us was that he continued to practise (including with Mr Wilson), albeit that his practice was limited by the finger injury; and
- (iii) Mr Wilson's evidence was that (in his view) the finger injury (of which he said he was aware) was affecting Mr King's performance in practice and was getting progressively worse as the Perry match approached;
- (iv) As we have recorded above, he played three matches:
  - (1) beating Mitchell Mann 6-4 and then losing 4-6 to Jimmy Robertson in the 6 Reds World Championship Qualifiers, and
  - (2) losing 0-1 to Jak Jones in the Snooker Shoot Out;
- b) Mr King's evidence was that during the Perry match itself he was consistently in pain and uncomfortable. That, he explained, contributed to certain shots that he played being executed poorly. He made reference in his evidence to the fact that:
  - (i) In the video of the Perry match he can be seen massaging his hand and showing signs of discomfort – something that he also referenced in his interview with Mr Mawer despite (he said) not having watched the video of the Perry match in the month that had passed between the Perry match and that first interview;
  - (ii) Immediately after the Perry match Mr Perry had asked him how he was and he had explained that the finger injury had impacted his performance. While Mr Perry confirmed in his evidence that such a conversation had indeed taken place after the Perry match (as he had in his interview with Mr Mawer), in cross-examination he clarified:
    - (1) that Mr King had not sought to use the finger injury as an excuse for poor play after the Perry match; and
    - (2) that his memory was simply that Mr King had said that his hand was '*a little bit uncomfortable*' and had affected him on some shots;



- c) As near-contemporaneous evidence of the fact that the finger injury had caused him pain and difficulty before and during the Perry match Mr King relied on the fact that he had attempted to contact Mr [REDACTED] immediately after the Perry match:
- (i) The Perry match finished at 11.13
  - (ii) Mr King attempted to message Mr [REDACTED] at 12.05. The message read '*I need an injection asap*'. That message did not however send and Mr King had to make a further attempt to contact Mr [REDACTED] later that day/week;
- d) In the days and weeks that followed
- (i) On 15 February 2023 Mr King emailed Mr [REDACTED]'s practice manager, probably following a telephone call. The email read '*Steroid Injection no 3 if possible*'
  - (ii) On 16 February 2023 Mr [REDACTED]'s practice manager emailed '*Mr [REDACTED] is happy with the plan; I have therefore booked your appointment with him on the next available clinic which is Saturday 25<sup>th</sup> February ...*'
  - (iii) On 25 February 2023 Mr [REDACTED] gave Mr King a further (third) steroid injection. Mr [REDACTED]'s letter to Mr King's GP read '*I reviewed [Mr King] back in clinic. The injection lasted for a while and it has slowly come back but it is not as bad as before. He is still not ready for the surgery as he has a few more tournaments lined up, but he understands that this will be the final injection as it is the third injection and the next step would be surgery. He will probably have the surgery done once his tournament season is over.*'
  - (iv) On 28 April 2023 Mr King underwent a trigger release operation. Mr [REDACTED]'s letter to Mr King's GP dated 19 May 2023 reads '*I reviewed Mr. King in the clinic today. He had some issues with the wound initially but that has all healed up and today he looks fantastic. He has almost got full range of movement. No pain and no triggering. He is quite happy with the outcome.*'

106. While we accept that as at February 2023 Mr King's finger was quite possibly not in perfect health, we concluded that both before and during the Perry match the finger injury was not anything like as debilitating or impairing as Mr King or Mr Wilson sought to make

out in their evidence before us. There were a number of reasons that led us to that conclusion:

- a) Mr King did not seek any medical advice or treatment in the period prior to the Perry match. Mr King had no credible explanation for that failure. The only explanation that he offered – that as at February 2023 he believed the only thing that could be done for the finger injury was an operation, that he was unwilling to have an operation at the time because it would rule him out for the rest of the season and so that it was pointless him seeking medical advice or treatment at that time – was in our view undermined by the messages that he sent to Mr [REDACTED] immediately after the Perry match. From those messages it can be seen that Mr King plainly did believe that it was open to him to ask for a third injection (and thus that surgery was not the only treatment option). Given that that was his belief at the time, there is no reason why (if the finger injury had really become so bad before the Perry match as to be adversely impacting his performance in practice and in matches) he would not have asked for that injection before the Perry match; after all, previous injections had (on his case) helped him – and as he emphasised during his cross-examination, had '*sorted [him] out quickly*';
- b) Mr King felt able to continue to play matches prior to the Perry match and to play the Perry match itself. While he explained that he played in the Welsh Open because (1) he considered that he needed ranking points to maintain his position in the top 64 players in the world rankings, and (2) he could not miss opportunities to obtain points in order to seek treatment for the finger injury, it is difficult to reconcile that explanation:
  - (i) With his failure to take any steps of any nature to try to maximise his prospects of obtaining those ranking points in the Welsh Open by addressing the finger injury – most obviously, by asking Mr [REDACTED] or another doctor whether there might be treatment that he could receive for the finger injury before the Perry match, or

(ii) With the decision that (on his evidence) he made after the Welsh Open to seek treatment despite a ranking tournament - the World Championships – still to be played that season, or

(iii) With the explanation that he gave to Mr Mawer in his 22 March 2023 interview to the effect that he had not sought treatment before the Perry match '*because I've still got three or four tournaments left ... I have still got competitions*'. That was of course just as much still the case after the Welsh Open as it was before the Welsh Open;

c) The words that Mr King was himself using to describe the finger injury at the relevant time - '*sore*' (in interview) and '*uncomfortable*' (to Mr Perry) – were not consistent with the finger injury being as severe or its consequences being as serious as Mr King sought to portray before us; and

d) When he did see Mr [REDACTED] on 25 February 2023 Mr [REDACTED] recorded that the finger injury had '*slowly come back*' but was '*not as bad as before*' (emphasis added). That is not consistent:

(i) With Mr King's evidence that the finger injury had returned relatively suddenly in the period between the Higgins match (when his evidence was that the finger injury was not an issue) and the Perry match – as he put it in interview on 18 March 2023, '*shortly before I played Joe Perry my hand was sort of, you know, it was locking*' and (when asked '*How long before ?*') '*probably about 5 to 6 days before ... probably 2 or 3 weeks ... shortly before I played Joe*', or

(ii) With Mr King's evidence that the finger injury had once again become a severe hindrance to his performance.

107. What of the fact that Mr King attempted to message Mr [REDACTED] within an hour or so of the Perry match finishing ? In our view the reason for that message being sent at that time was not a sudden and genuine realisation on the part of Mr King that the finger injury was serious and required treatment, but rather was something more devious:

a) There was no evidence to suggest that the state of the finger injury or Mr King's perception of its gravity had changed during the period immediately before or during

the Perry match; thus as at 12.05 on 13 February 2023 the finger injury was no better and no worse than it had been before the Perry match. A sudden, urgent need to seek medical advice and treatment had not arisen during the Perry match. If it had, doubtless Mr King would have sought to contact Mr [REDACTED] immediately after the Perry match finished. Instead, after the Perry match Mr King:

- (i) Changed out of his playing clothes, and
- (ii) Started to drive home.

It was an hour later, while he was still driving, that he attempted to message Mr [REDACTED];

- b) Almost immediately after the Perry match (1) bettors' accounts began to be suspended by bookmakers, and (2) postings began to appear on social media that there had been suspicious betting patterns on the Perry match. Mr Perry confirmed that he became aware of such postings once he had finished his press commitments after the Perry match – which would have been by about 12.00;
- c) Although he accepted that he used social media and operated social media accounts at the time, Mr King denied being aware in the immediate aftermath of the Perry match of the matters summarised in the previous sub-paragraph. We disbelieved that denial. While it is impossible to know for sure precisely how he became so aware – whether by viewing the same on social media himself or by learning about it indirectly from a third party - our firm view was that Mr King did become aware very soon after the completion of the Perry match that suspicions were being expressed about the Perry match and the betting patterns on that match;
- d) And in our view it was the knowledge that the Perry match was under suspicion that prompted Mr King:
  - (i) to contact Mr [REDACTED] when he did, and
  - (ii) to contact Mr [REDACTED] as he did (i.e. by message rather than by phoning).

By doing so Mr King was endeavouring to provide himself with a *'paper trail'* to support a response to any criticism of his performance in the Perry match that might subsequently be made. And once again, we therefore had to ask ourselves – why would he have been doing that if (to the best of his knowledge) there had been nothing suspicious about the outcome of the Perry match ?

- e) In reaching that conclusion we also bore in mind Mr King's response to a message that he received the following day from an individual identified as '*Chip 3*' (who was in fact Mr Selt) alerting him that '[the Perry match] *is being investigated mate with the bookies. not sure if you know but I thought I'd tell you*'. Mr King's response ('*Wtf*') might be said to indicate surprise on his part at learning that news. However, the response was not in our view a genuine expression of surprise about that information; Mr King was already aware of the suspicions surrounding the Perry match, and the surprise that he purported to express was in our view feigned.

108. Thus:

- a) The finger injury was not in our view as bad at the time of the Perry match as Mr King sought to make out before us, and
- b) We rejected the evidence to the contrary given before us by Mr King and Mr Wilson.

We concluded that Mr King's exaggeration of the finger injury and of the effect that the finger injury was having on his playing abilities at the relevant time was part of an attempt on his part to provide an *'innocent'* explanation as to why the bettors bet as they did on the Perry match. We address that below.

109. As well as the matters set out above, the WPBSA also relied upon the following to undermine Mr King's evidence that the finger injury was severe on the fact:

- a) That Mr King was obliged under the terms of his contract with World Snooker Limited
  - (i) to notify the Tournament Director before the start of any match in the event that he in any way considered himself to be unable to perform to the best of his abilities *'such as through feeling unwell'*, and

- (ii) to notify the Tournament Director before the start of a match or the Referee during a match if he considered that his performance in a match was or was likely to be affected by illness on his part; and
- b) That Mr King did not report (to the Welsh Open Tournament Director or the Referee of the Perry Match) that he was suffering from the finger injury.

These, the WPBSA suggested, showed that Mr King did not at the time consider the finger injury to be something that would or would likely affect his performance or his ability to perform to the best of his abilities.

110. That in our view went too far. When cross-examined about the terms of his contract with World Snooker it was plain that Mr King had no awareness of the obligations summarised above. We therefore concluded that we should not hold any *'failure to report'* against Mr King or draw any inferences from that *'failure to report'*.

### **III. A link between the finger injury and the betting patterns on the Perry match ?**

111. Although obviously no burden of disproving the WPBSA's case rested on him:
- a) Mr King's evidence was that the finger injury was known by a variety of people before the Perry match, and
  - b) Mr King accordingly theorised that knowledge of the finger injury, coupled with information that the finger injury was sufficiently serious that it would adversely affect Mr King's performance in the Perry match, was the likely reason for the betting patterns seen on the Perry match.

Person B's evidence (that he had decided to bet on the Perry match as he did because he had received a tip that Mr King was suffering from the finger injury) was, Mr King contended, consistent with that theory – although as we have set out above, we ultimately concluded that we did not accept Person B's evidence in that regard.

112. Addressing the matters set out in the previous paragraphs requires a consideration of two related questions:

- a) First, was it likely that those individuals responsible for the betting patterns on the Perry match knew (directly or indirectly) about the finger injury at the time that they placed the relevant bets ?
- b) Secondly, if those individuals did know about the finger injury at that time, is it likely that it was their knowledge of the finger injury that gave them such exceptional confidence to bet as they did on the outcome of the Perry match ?

a. How widely known was the finger injury ?

113. Mr King first referred to the finger injury in his 18 March 2023 interview. During that interview Mr Mawer asked Mr King:

- a) *'Did Joe [Perry] know [about the finger injury] before the match ?'* Mr King answered '[n]o';
- b) *'Did you tell anyone else ?'. Mr King answered 'I told one person before the game ... the fella that comes with Joe Perry, Ryan Thompson ... I speak to him, he said 'are you alright ?', I said 'I have got a bit of a sore hand', I said 'I've got this thing called Trigger Finger' and that was it. The only other person I told was [REDACTED], obviously my coach.'*
- c) *'What you are saying is there is nothing from your side that would make you think that people would think that you weren't going to play well enough ...'. To which Mr King responded '[n]o, even in the respect of if I had told somebody before the game that my hand was hurting and it affects the way I play, I didn't tell anyone. I did not tell anyone. All I probably might have said in passing comment was the guys I am playing golf with and they are not gamblers at all. ... They are just people I play golf with. ... From where I live. ... From Essex.'* And Mr King added, *'[a]s I said, no one would have known about my hand apart from myself and Ryan half hour before the [Perry match]'.*

114. Mr Mawer also specifically asked Mr King:

- a) Where he practised, and

b) *'Would anyone there have been aware [of the finger injury] ?'*

Mr King answered *'[n]o. I go there every day, they are just the normal run of the mill people. There's no gamblers in there, do you know what I mean ?'*

115. The matter of who might have known of the finger injury prior to the Perry match was revisited in Mr King's 22 March 2023 interview:

a) Mr King again referenced the fact that he had told only Mr Thompson of the finger injury before the Perry match;

b) In answer to Mr Mawer's question *'[i]s there anything else you want to say to me, you want to ask, is there anything else ?'* Mr King replied:

(i) *'As I said to you when we had this conversation [during the 18 March 2023 interview] about my hand, no one knew about my hand. I didn't advertise it. I didn't say 'Oh by the way my hand is really bad, I don't know whether I can play, it's a bit sore but I am going to go up there and try and play anyway'. I literally spoke to a couple [sic] of people in the club in the past couple of days and they said 'yeah you did say your hand was a little bit sore and you've got to get help and bla bla bla' and that was fine but nothing, like as in, anybody else would know', and*

(ii) *'I can quite easily turn around and said if I had any involvement in any of this 'Oh yeah, I've got a really bad hand and I've told a load of people and they will probably think fucking hell he ain't going to be able to play with one hand'. But as I said to you I never divulged that information in a big scale. I might have said it in conversation at the club, a carpet fitter or something who I was talking to you yesterday but that was it'.*

116. By the time of the hearing Mr King's evidence had evolved somewhat. Not only was Mr King asserting that the finger injury had had a far greater impact on his ability to practise and play snooker (as well as in his general life) than he had described in interview, he was also asserting that *'other people'*, over and above those individuals whom he had identified in interview, had known at the relevant time that he was *'injured and had issues with [his] hand'*. Those people included:



- a) His extended family;
- b) His close friends; and
- c) People around the club at which he practised, including practice partners.

During his cross-examination he further expanded on that evidence. He stated that he had had a number of conversations with Mr Wilson (before February 2023) about the finger injury and how he needed an operation. He stated that he had told others who frequented the snooker club at which he practised, including possibly some other professional and amateur players who had come to play or practise at the club.

117. Mr King sought to explain that change in his evidence on the basis that he had understood Mr Mawer to have been asking in interview about *'people on the tour who were at the Welsh Open venue on the day [of the Perry match] rather than my wider circle'*.
118. We disbelieved Mr King's explanation for the change in his evidence. While Mr King certainly did reference (in interview when answering questions about who would have known of the finger injury) individuals who would have been present at the Welsh Open venue on the day of the Perry match when answering questions about who would have known of the finger injury:
- a) He also identified others who obviously had not been there on that day, and
  - b) His answers demonstrate that he plainly did not interpret Mr Mawer's questions as being limited only to individuals who had been present at the Welsh Open venue on the day of the Perry match; he understood that the question went wider than that.
119. The more likely explanation in our view for Mr King's change of evidence is that Mr King appreciated as this hearing approached and the detail of the betting patterns became known to him that, unless the Disciplinary Committee could be persuaded that the fact of the finger injury could have become known directly or indirectly to those responsible for the betting patterns on the Perry match prior to them placing the relevant bets (i.e. days, not just hours, before the Perry match), there was no prospect of the Disciplinary Committee concluding that knowledge of the finger injury had been why those bettors

had bet on the Perry match as they had. And in order to maximise the prospects of us reaching such a conclusion, it would assist Mr King if:

- a) The circle of individuals who had knowledge of the finger injury before the Perry match was as wide as possible, and
- b) It could be shown that the finger injury had been known to individuals before the day of the Perry match (giving the timing of when certain bets were placed).

120. Of course, that still does not provide an answer to the question of whether the individuals responsible for co-ordinating and/or placing the relevant bets on the Perry match were or were not aware of the finger injury at the time that they placed such bets. The fact that Mr King told a wider circle of people simply increases the possibility that knowledge of the finger injury was disseminated more widely still in advance of the Perry match. Ultimately we concluded that the evidence simply did not allow us to reach an answer to that question. Some of them may well have been wholly unaware of the finger injury, some of them may have been aware of the fact and nature of the finger injury, some of them may have had some vague knowledge that Mr King was carrying an injury of some sort. But at the end of the day, for the reasons that we set out in the next section of this Decision and Written Reasons, we concluded that it did not really matter.

b) *Did knowledge of the finger injury lead bettors to bet as they did on the Perry match ?*

121. Suppose the fact of the finger injury had become more widely known than even Mr King suggested in the days before the Perry match. Suppose that the bettors, or someone with whom the bettors had a connection, learned of the finger injury in the days before the Perry match. Is it credible that, armed with knowledge of the finger injury, the bettors:

- a) Concluded that a 0-4, or possibly a 1-4, outcome to the Perry match was a near-certainty; and so
- b) Bet the extraordinary sums that they did with the exceptional levels of confidence that they showed ?

122. The view that we reached was that it was highly unlikely – so unlikely in fact as to be inconceivable – that knowledge of the finger injury alone (as that finger injury truly was,

rather than as Mr King sought at the hearing to have us believe it was) would have resulted in the betting patterns that occurred on the Perry match. Put bluntly, as many of the witnesses confirmed and as Mr King himself accepted in interview, it cannot sensibly be thought that hearsay information that Mr King was or might be suffering from some unspecified hand or finger injury would have caused bettors to act in the extraordinary way as they in fact acted in relation to the Perry match. No bettor armed with such information would have been so confident of the outcome of the Perry match that they would have bet as if any other result was unthinkable. As with information about form, a bettor may well have concluded that Mr Perry would likely defeat Mr King, but that conclusion:

- a) Would still have meant that betting on the Perry match would still involve the uncertainties inherent in any gamble; and so
- b) Would not have justified the levels of exceptional confidence seen in the betting patterns that in fact occurred in relation to the Perry match.

123. And that in our view means that the bettors who bet on the Perry match as they did based their decisions to bet on more than knowledge of the finger injury.

#### **IV. Mr King's performance during the Perry match**

124. The WPBSA's position was:

- a) That a number of the shots selected by Mr King during the Perry match were not what one would have expected from a professional snooker player of Mr King's experience and standing, and were unnecessarily risky;
- b) That a number of the shots played by Mr King during each match were executed far more poorly than one would have expected from a professional snooker player of Mr King's experience and standing; and
- c) That the inference to be drawn from such matters is that Mr King was playing the Perry match in such a way as to ensure that he lost each frame.

The WPBSA relied on the expert opinion evidence of Mr Dunn to support that position.

125. On behalf of Mr King evidence was given about Mr King's performance in the Perry match:

a) By Mr King himself. His evidence was to the effect:

- (i) That he was doing his best to win every frame;
- (ii) That his shot selection was appropriate. Although on occasion there were alternative, probably less risky shots, open to him, trying to win a frame required him to take on risky shots;
- (iii) That while he played some good shots, aspects of his performance were poor. That was in part because he was not playing well and in part because he was consistently in pain and uncomfortable during the Perry match;

b) By Mr Perry:

(i) When interviewed by the WPBSA on 31 March 2023 Mr Perry had stated:

- (1) That at the time of the Perry match *'I knew [Mr King] didn't play well, that was pretty plainly obvious, he didn't play well but he hadn't play well for a long time so I wasn't expecting to be like a all guns blazing Mark King because he is completely out of form and he is under pressure and bla bla bla'*; [sic]
- (2) That following the Perry match he had seen a YouTube montage of shots played by Mr King during the Perry match, to which his reaction had been *'... a bit of a 'whoa! I don't remember that ... Those didn't look good, didn't look good at all. I think it is hard to really take any notice of someone missing a pot even if it is by some distance. I don't really, I think the biggest thing is shot choices ...'*;
- (3) That until he saw the montage he had forgotten *'all the stuff leading up to and all the chances that he'd let go begging ...'*;

(ii) In his witness statement Mr Perry stated that he had not considered there to be anything *'untoward'* during the Perry match itself;

(iii) In cross-examination Mr Perry sought in our view to portray Mr King's performance in as positive a light as possible. We make no real criticism of him for that; it is understandable that he would wish to paint a professional colleague in a positive light. It did however mean that we treated his opinion evidence with some caution. He did however confirm:

- (1) that with hindsight certain shot choices by Mr King might have been better, and
- (2) that Mr King had missed some relatively straightforward shots during the Perry match.

Since that was consistent with evidence given by others, we felt able to accept those parts of Mr Perry's evidence.

c) By Mr Carter: Mr Carter gave expert opinion evidence in reply to the evidence given by Mr Dunn.

126. Before we consider the expert opinion evidence, we confirm that, as set out above:

- a) Despite Mr Dunn's historic and current connections with the WPBSA; and
- b) Despite Mr Carter having been a professional colleague and friend of Mr King for a number of years;

we were content for each of Mr Dunn and Mr Carter to give their expert opinions. Both gave their evidence in a straightforward manner. We concluded that the opinions that each expressed as to shot choice and execution represented their honest and genuine views.

127. There were however limits on the evidence that each could usefully give. Each was plainly able to express their expert opinions on:

- a) Aspects of shot choice – for example, whether the particular shot chosen by Mr King was the only real option open to him or whether other shot options were open to Mr King – and if so, the respective risks and rewards of available shot options and so

(ultimately) whether Mr King's shot choice had been reasonable/explicable or unreasonable/inexplicable to the tutored eyes of a professional snooker player;

- b) Shot execution – the likelihood of a professional snooker player of Mr King's level playing certain shots as badly as they were in fact played by Mr King

and we were grateful for the expert assistance that they gave us on such matters. It was however for us, and for us alone, to consider and reach conclusions on (1) why Mr King might in fact have chosen to play the particular shot that he did, (2) why a particular shot might have been poorly executed – perhaps as a result of injury, pressure, lack of form, or even merely because '*mistakes happen*' etc, and (3) ultimately whether behind Mr King's shot selection and/or shot execution lay a desire on his part to win or lose each frame in the Perry match. We therefore paid no heed to any view expressed by either expert in that regard.

128. Mr King sought to persuade us that we should place little, if any, weight on Mr Dunn's opinions about the Perry match because:

- a) When he had prepared his witness statement Mr Dunn had been unaware that Mr King had been suffering from the finger injury, and
- b) Mr Dunn accepted in his evidence that an injury such as the finger injury could affect performance, and so
- c) Mr Dunn's opinion as regards Mr King's execution of certain shots was accordingly unreliable.

While we kept that submission very much in mind when we were considering why in our view Mr King's execution of certain shots in the Perry match might have been sub-standard, it was not a criticism that impacted on the reliability of Mr Dunn's evidence, not least because there was in fact little between the experts as to how frequently they would have expected someone of Mr King's experience and ranking to have succeeded on the shots that he attempted. As we have said, it was not for the experts to opine on why shots were missed, only to opine on how likely it was, all other things being equal, that a snooker player of Mr King's level of ability would have succeeded in a particular shot.

a. The Perry match: Introduction

129. As set out in the Match Result Sheet:

- a) The Perry match began at 10.01 and finished at 11.13. The total match time was 1 hour 12 minutes. The first and second frames each lasted a little over 20 minutes. The third and fourth frames each lasted a little over 10 minutes;
- b) Mr King lost 4-0;
- c) The frame scores were 79-1, 57-48, 64-15 and 80-17.

130. Much was sought to be made before us of the fact that during the Perry match, Mr King on a number of occasions massaged or clasped his left hand. That, it was said, demonstrated that the finger injury was causing him difficulty during the Perry match.

131. We rejected that submission. We doubted whether the actions relied on by Mr King in that regard were genuine expressions of discomfort. Even if they were:

- a) The number of shots where Mr King evidenced no discomfort far outweighed those where he purported to evidence discomfort;
- b) The discomfort suffered over the course of 1 hour/4 frames cannot have been any worse than any discomfort he had been experiencing in practice (which had of course not prompted Mr King to seek any advice or treatment); and
- c) The discomfort was plainly not so bad as to lead to Mr King reporting the same to the match referee or even making comment.

b. Frame 1

132. In the first frame Mr Dunn (1) considered Mr King's shot selection to be '*as expected for a professional*', but (2) identified three shots that he considered to be worthy of comment.

133. Very early in the frame - at 01.07<sup>21</sup> on the frame timestamp- Mr King missed what Mr Dunn considered to be a relatively easy brown into the green pocket (which he

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<sup>21</sup> References below to timings within frames are to the time stamps on the videos that were in evidence before the Disciplinary Committee.

considered to be a '9 out of 10 pot'<sup>22</sup>) by some margin, sending the cue ball into the loosely packed reds (spreading the reds) and leaving Mr Perry with an easy opportunity to build a break. Mr Dunn considered that to be a 'careless and unexpected miss' and a 'pot [that] should not really have been missed':

- a) The shot was missed 'thin'. Mr Carter played at the Welsh Open and gave evidence that, due to the playing conditions at the venue, many players were missing shots 'thin', leading to pots being missed, the white ending up other than where intended, or both. That was however something of a red herring; Mr King confirmed that the playing conditions at the venue did not in his view affect his performance in the Perry match in any way.
- b) Mr King and Mr Carter each agreed that the pot was poor and should have been made by Mr King.

134. At 09.44 Mr King missed a 'tough' red along the black rail. Mr King was critical of himself for missing that pot. Mr Carter's view was that he would have expected Mr King to make the pot. Mr Dunn's view was that that miss was 'not that unusual in the first frame of a match'.

135. At 10.38 Mr King missed a long red into the bottom left-hand pocket badly, leaving an opportunity for Mr Perry. Mr Dunn described the shot as 'the only shot available to [Mr King]'; his criticism was thus only as to the execution of the shot. Mr King described it as a 'very poor' shot and Mr Carter did not disagree. While Mr Carter described it as a 'shot to nothing', that was not strictly right – the shot was so badly played that it did leave an opportunity for Mr Perry.

136. In our view the first and the third poor shots identified by Mr Dunn justified suspicion:

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<sup>22</sup> The experts were not always consistent in how they graded the difficulty of a potting opportunity. On occasion they would refer to a pot as being a '9 out of 10' opportunity (meaning that they would expect a professional of Mr King's standard to achieve the pot on 9 attempts out of 10) while on other occasions they graded a pot as having a '9 out of 10' level of difficulty, implying that they would expect a player of Mr King's standard to achieve such a pot on only 1 attempt out of 10. For consistency in this Decision and Written Reasons our references are to the likelihood of a pot being achieved – so an 'easy' opportunity might be '9 out of 10' while a difficult opportunity might be '1 out of 10'.



- a) The first (bad) miss happened early in the frame and resulted (1) in Mr King failing to build a lead that he might otherwise have been able to build, and so (2) in Mr Perry being able to stay in contention early in the frame; and
- b) The third shot happened at a time when Mr Perry was ahead in the frame, but the frame was certainly not yet lost. By playing the shot as he did, Mr King gave Mr Perry an opportunity to close out the frame.

137. By themselves those shots might not have led us to conclude that Mr King was taking steps to ensure that he lost the frame. However, when considered in the context of:

- a) The subsequent frames in the Perry match; and
  - b) Our conclusions on the issues in these proceedings as a whole
- we were satisfied that that was indeed what Mr King was doing.

c. Frame 2

138. Mr Dunn described the second frame as one which Mr King '*should have won*' and in which Mr King '*had many chances to do so*'. We agree. Mr Dunn identified seven shots in the frame which he considered to be worthy of comment.

139. At 23.53 Mr King missed a long pot by a considerable margin. It was a high-risk shot that left opportunities for Mr Perry at an early stage in the frame. Mr Carter agreed that although it was a difficult shot to take on, it was a bad miss. Mr King agreed it was a very poorly executed shot.

140. At 24.40 Mr King lost position after a relatively straightforward pot, bringing a break to an end. Mr Dunn described it as a poorly executed shot. Mr King and Mr Carter both described it as '*a poor positional shot*'. Mr Carter agreed that Mr King wasted a good opportunity to start a break.

141. At 26.20 Mr King missed a relatively straightforward pot. Mr Dunn was critical of Mr King's shot choice. Mr King described it as '*an awful shot*'. Mr Carter considered Mr King's shot choice to be explicable albeit that there was a less risky alternative open to Mr King. He

felt that the shot was simply badly executed, something he attributed to a longstanding flaw in Mr King's cue action.

142. At 30.27 Mr King played a safety shot instead of taking on an available red. There was not in our view anything suspicious about that shot selection – which Mr Dunn accepted in cross-examination was '*legitimate*' - and the execution of the shot was good.
143. At 32.23 Mr King missed by some margin a red to the bottom left-hand pocket when leading the frame by 36 points. Mr Dunn considered that to be a '*6 out of 10*' shot, and so a pot that would be missed almost as often as it went in. However, it was the manner of the miss that attracted attention. The shot was played so poorly that it broke open the reds for Mr Perry and gave him the opportunity to get back into the frame. Mr King and Mr Carter both agreed it was a bad miss.
144. Mr Perry was not however able to take advantage of the opportunity given to him, and so Mr King got back to the table. By 35.40 his lead had increased to 46 points. However, Mr King then under-hit a positional shot and missed a difficult pot, providing a further opportunity to Mr Perry to get back into the frame. That was, Mr King and Mr Carter both agreed, a bad shot. Mr Dunn's view was that Mr King had taken an unnecessary risk by playing the shot that he did.
145. Mr Perry was in fact once again unable to take advantage of the opportunity given to him, and at 39.20 Mr King returned to the table still in front, albeit with a reduced lead, needing a red, a colour and another red to likely win the frame. Mr King then however missed what Mr Dunn described as a '*9 out of 10*' pot. Mr King and Mr Carter both agreed that the miss was '*very poor*'. The miss gave Mr Perry a lifeline, which (after an exchange of safety shots) he took to win the frame by nine points.
146. Mr King's performance in that second frame of the Perry match was in our view the clearest example of Mr King making deliberate efforts to ensure that he did not win the frame. He positively ensured that his initial lead did not become so large that he would win the frame. He deliberately and repeatedly provided opportunities to Mr Perry to get back into the frame until Mr Perry was able to take sufficient advantage of those opportunities to take the lead and ultimately win the frame.

d. Frame 3

147. Mr King began the frame with a terrible break. All agreed that it was a bad shot which gave Mr Perry an immediate opportunity in the frame.
148. At 51.45 Mr King chose to play an aggressive safety shot which would inevitably open the reds rather than a simpler and less risky safety shot that would have left the reds more tightly bunched. Mr King sought to defend his shot choice; he hoped that, after he had opened up the reds and returned the white to baulk (which he failed to do), Mr Perry would play a poor safety shot, giving an opportunity to Mr King to then build a break. Mr Carter refused to criticise that logic; at 2-0, he suggested, a player was entitled to try to force a win. He described the outcome of the shot as '*unlucky*'. While Mr Dunn did not disagree with that word, his view was that the unfavourable outcome of the shot was not an unexpected one given the risk of reds scattering, of collisions occurring and so of opportunities being left for Mr Perry.
149. At 53.45 Mr King missed a green off its spot. Mr Dunn considered that shot to be straightforward. Mr King and Mr Carter agreed that it was a '*bad miss*'. The consequence of that miss was to present Mr Perry with an opportunity to win the frame, which he took.
150. Once again, considered in isolation one might conclude that there were innocent explanations for the three shots on which Mr Dunn focussed. But in our view:
- a) There was no innocent explanation for the poor break;
  - b) The second of those shots was played by Mr King not for the purpose of improving his prospects of winning the frame, but with a view to providing Mr Perry with opportunities to win the frame; and
  - c) The third shot was once again played to give the opportunity of victory to Mr Perry.

e. Frame 4

151. At 01.05.05 Mr King under-hit a positional shot after potting a black from the spot. From that poor position he found himself in a similarly poor position on the next black. He played that pot aggressively but missed it badly, sending the white into the pack of reds

and presenting Mr Perry with an opportunity to build a break. Mr Perry took that opportunity and went on to win the frame and the match. Mr King and Mr Carter each agreed that the positional shots that preceded the miss were '*poor*' shots. Neither contradicted Mr Dunn's suggestion that there was an easier, less risky alternative open to Mr King.

152. Once again, that short sequence of shots on its own might not appear suspicious or justify a conclusion being reached that is adverse to Mr King. But in the context of what had gone before in the Perry match and in the context of the other issues surrounding the Perry match, we had no doubt that by playing as he did, Mr King was engineering a situation whereby:

- a) His score did not progress; and
- b) Mr Perry was given the opportunity to win the frame and the match.

f. Overall conclusions on the Perry match

153. It was put to Mr King, and he agreed, that when considered objectively, his performance in the Perry match was either him '*having a bad day at the office*' or '*securing an outcome for his opponent*'. In our view it was most definitely the latter. While the video of the performance alone might not have enabled us to reach that conclusion with the degree of certainty needed in a case such as this, when viewed in the light of the numerous other strands of evidence relating to the Perry match and to the Charges to which we have referred above, we were perfectly satisfied (to well beyond the requisite standard of proof) that Mr King played as he did in the Perry match so as to ensure that Mr Perry won 4-0.

V. Mr King's performance during the Higgins match

a. Introduction

154. We were satisfied that Mr Dunn (once again) and Mr Selt:

- a) Were each expressing their genuinely and honestly held opinions as regards shot selection and shot execution; and

b) Were doing their best to help us.

155. Mr Higgins won the Higgins match 4-1. The frame scores were 134-0, 68-42, 136-0, 62-65 and 74-0.

b. Frame 1

156. Although Mr Dunn identified two shots played by Mr King as being worthy of attention, in our view only one (the attempted pot at 09.07) was of any potential relevance; during cross-examination Mr Dunn confirmed that the other shot (at 10.10) had been the correct shot to play and had been a very good effort by Mr King. As to the shot at 09.07:

a) No criticism was made of Mr King's shot selection and, while Mr Dunn was critical of its execution, he accepted that it was in the circumstances only a '6 out of 10' shot, particularly given that Mr King was 'cold' – i.e. having his first real potting opportunity in the frame – and was already by that time 49 points behind in the frame;

b) Mr Selt considered it was a '5 out of 10' shot. Mr King considered his execution of the shot to have been 'poor'. Mr Selt agreed; he called it a 'terrible' miss.

157. We did not consider that there was anything suspicious about Mr King's performance in the first frame. He made a genuine attempt at the only real potting opportunity that he had in the frame.

c. Frame 2

158. Mr Dunn was critical of a number of Mr King's shots in this frame, both as regards shot selection and shot execution. As a result, Mr Higgins was given a number of opportunities to win the (scrappy) frame, which he eventually took. However, Mr King also played a number of excellent shots in that frame. Mr King considered that those shots that he had missed in this frame had generally all been 'tough' shots albeit that he would have expected to have done better on some. Mr Selt also disputed aspects of Mr Dunn's criticisms.

159. We address below what we made of those shots in the context of the Higgins match as a whole.

d. Frame 3

160. Mr Dunn was critical of Mr King's shot selection at 44.30 and 50.00. However, in cross-examination:
- a) He accepted that Mr King's shot selection at 44.30 had been a legitimate option open to Mr King. Although he continued to maintain that the shot carried with it a degree of risk, he accepted that had it succeeded, it would have given Mr King a good break-building opportunity, and that it did not in fact leave too great an opportunity for Mr Higgins; and
  - b) He agreed that Mr King's shot at 50.00 was a shot that other players in Mr King's position would have played – it was a legitimate shot selection – although he took the view that many, perhaps most, players would have chosen a different shot.
161. Mr King disagreed with Mr Dunn's criticisms and explained why he had chosen to play the shots that he had. Mr Selt also disagreed with Mr Dunn; while there were alternatives open to Mr King, his shot choices were explicable and reasonable.
162. Ultimately Mr Higgins won this frame with a '*century break*' and Mr King had few opportunities to get into the frame. In our view there was nothing suspicious about the manner of Mr King's play in this frame.

e. Frame 4

163. In this frame – with Mr King 0-3 down in a best of seven frame match – the only criticism made of Mr King by Mr Dunn was that at 01.04.15 Mr King missed a '*7 out of 10*' pot which he ought to have made. Mr Selt agreed that it was a '*pretty bad*' miss, although Mr King did argue that the pot had not been an easy one.
164. It is however necessary to then consider with care what then happened in this frame. Having missed the pot, Mr Higgins came to the table. He made a 62 break to put himself well ahead in the frame. However, once back at the table Mr King cleared the four remaining reds and all of the colours to make a break of 55 and win the frame 65-62. Had he been trying to lose the Higgins match 4-0, he had every opportunity to lose the frame by deliberately missing a pot during that break. He did not however do so; he was

plainly trying to win that frame. There was thus nothing suspicious about Mr King's play in this frame. Mr King's play in this frame also provides context for the Higgins match as a whole.

f. Frame 5

165. There was in Mr Dunn's words '*nothing unusual*' about this frame. Mr King broke, and broke perfectly well. Mr Higgins potted a brilliant long red and compiled a break of 74 to win the frame and the match. There was thus nothing suspicious about Mr King's play in this frame.

g. Overall conclusions on the Higgins match

166. The second frame of the Higgins match was the only frame where we felt unable to say, based solely on analysis of Mr King's performance in the frame itself, that there was nothing suspicious about Mr King's performance in the Higgins match. To be clear, that was not because we approached our consideration of Mr King's performance with any pre-conceived suspicions; rather because it was not possible to say from the performance alone whether the poor shot selection and execution in that second frame:

- a) Was because Mr King was not playing well in that frame; or
- b) Was because Mr King was playing to lose.

167. However, when we stood back and considered the Higgins match in the round (both as regards the betting evidence and the overall performance evidence), it appeared to us unlikely that Mr King had deliberately played to lose in that second frame. In particular, why would he have done so only then to battle as he did to win the fourth frame ? Thus in our view any flaws in Mr King's performance in that second frame of the Higgins match were not the result of him playing to lose; they were simply mistakes on his part.

## (H) Conclusions

### I. The Perry match: Charges 3 and 4

168. For the reasons that we have set out in the body of our Written Reasons above, the WPBSA satisfied us to the requisite standard that, when considered as a whole, the Betting Evidence, the Association Evidence and the Performance Evidence demonstrated:

- a) That the outcome of the Perry match was fixed or contrived;
- b) That Mr King was a party to an agreement to fix or contrive the result or score of the Perry match at 4-0; and
- c) That Mr King provided information to another person (to be used for betting purposes) to the effect that he would contrive the score or outcome of the Perry match at 4-0 to Mr Perry.

169. The Betting Evidence and Association Evidence demonstrated (in our view beyond any real shadow of a doubt):

- a) That by no later than the days before the Perry match there existed a cohort of connected individuals who collectively intended to bet on the outcome of the Perry match being a 4-0 Perry victory (with '*saving*' bets on a 4-1 Perry victory); and
- b) That those individuals had a degree of confidence in the outcome of the Perry match that could only be justified by them (or the individual or individuals directing them) being in possession of information that was equivalent to knowing that the outcome of the Perry match was a certainty.

170. The suggestion that that degree of confidence might have been generated (1) by hearsay information that Mr King was injured in some way, or even that he was suffering specifically from the finger injury, or (2) by some other means is so unlikely as to be incredible. That is particularly so given what we have found to be the true nature and extent of the finger injury as at February 2023, namely:

- a) That it was less serious than Mr King sought to portray before us, and
- b) That it was not in fact inhibiting Mr King's performance to any material extent.



171. In our view the relevant confidence came from knowing that the outcome of the Perry match had been fixed in advance. Mr King was self-evidently a party to the fix. His actions and evidence from almost the very moment that the Perry match finished have in our view been calculated to disguise that fact.

172. The Performance Evidence relating to the Perry match was also consistent with and supportive of the WPBSA's case that the outcome of the Perry match had been fixed in advance. As we have said above, we are satisfied to the requisite standard that Mr King's performance during the Perry match was the result of him playing to lose each frame in the match and so to lose the match 4-0.

173. It is not necessary for present purposes for us to make any finding (1) as to how, when and with whom Mr King agreed to fix the outcome of the Perry match, or (2) as to why Mr King agreed to fix the outcome of the Perry match. The Charges do not require findings to be made as regards such matters in order to arrive at a conclusion on guilt or innocence. However, in our view the strong likelihood is that:

a) The agreement was reached by Mr King with Person A or with a third party through Person A:

(i) Person A had both motive and opportunity. He was in desperate need to find a way to make a significant amount of money quickly. He was well versed in betting. He had (directly and indirectly through others) connections through which to place the bets. He had experience of providing information to others to be used for betting purposes;

(ii) We will probably never know for sure whether Person A was the individual who in fact co-ordinated the betting on the Perry match or whether that was done by someone else – although given Person A's financial straits, it appeared to us likely that the funds used to place the bets must have come from someone else - but we had no doubt that Person A was at the very least a link in the chain between Mr King agreeing to fix the Perry match and the ultimate placing of the bets on the Perry match by the bettors;

- b) The possibility of the outcome of one of Mr King's matches being fixed was first raised sometime after the start of December 2022. That is consistent with:
  - (i) The absence of contemporaneous messages after that date, and
  - (ii) Our conclusions as to what became of those messages and why they were deleted and/or ceased;
- c) The Perry match was agreed on as the match to be fixed sometime before or on 11 February 2023; and
- d) Mr King's motive for agreeing to fix the Perry match was financial gain.

## **II. The Higgins match: Charges 1 and 2**

174. The WPBSA failed to satisfy us to the requisite standard:

- a) That the Higgins match was fixed or that Mr King was a party to any effort to fix or contrive the result or score of the Higgins match; or
- b) That Mr King had provided to any person information (to be used for betting purposes) to the effect that he would contrive the score or outcome of the Higgins match.

175. Unlike the Perry match:

- a) There was nothing particularly unusual or suspicious about the betting on the Higgins match; and
- b) We were not satisfied that there was anything untoward about Mr King's performance in the Higgins match.

176. At the end of the day, that left three planks to the WPBSA's case on the Higgins match:

- a) The anonymous tip off that Mr King had agreed to fix two matches – the Higgins match and the Perry match – in return for payment of £15,000;
- b) The fact that some, but not all, of the bettors who bet on the outcome of the Perry match also bet on the outcome of the Higgins match; and

c) The fact that messages between Mr King and Person A ceased from 1 December 2022, shortly before the Higgins match.

177. We placed no weight on the anonymous tip off. Without the ability to test:

- a) The strength of the information (if any) that lay behind that tip-off; and so
- b) Whether there was any evidential basis for that tip-off;

the tip-off was of no value to our deliberations.

178. While the fact that certain of the Perry match bettors also placed bets (correctly) on the outcome of the Higgins match:

- a) Did cause us concern; and
- b) Led us to consider whether the Higgins match might have been a *'test run'* for the subsequent Perry match so as to satisfy the bettors that Mr King could be relied upon to fix a match without them exposing themselves to too great an extent financially and/or to satisfy Mr King that a fixed match could go *'under the radar'* but

at the end of the day we concluded that there was simply not enough cogent evidence before us upon which we could safely conclude that that was the case. Suspicion alone is of course not enough to justify any findings in that regard.

179. And while the fact that messages between Mr King and Person A ceased to be available with effect from 1 December 2022 might suggest that discussions began at or around that date about fixing a match, it is impossible to know whether those discussions related to and resulted in the fixing of the Higgins match or simply began a process that ultimately resulted a few weeks later in agreement being reached to fix the Perry match and in the fixing of the Perry match.

180. There were also two matters that we considered weighed against Mr King having agreed to fix the Higgins match for the benefit of bettors:

- a) First, as we have said above, while bettors on the Higgins match profited from Mr King losing the Higgins match 1-4, they would have profited even more had Mr King lost the Higgins match 0-4. The fact that:
- (i) Mr King did not perform in the Higgins match so as to achieve maximum profit for the bettors; and
  - (ii) The bettors therefore (on the WPBSA's case) would presumably have been '*let down*' to a degree by Mr King winning one frame in the Higgins match

is inconsistent with the bettors later having absolute confidence in how Mr King would perform in the Perry match. That, at least arguably, suggests that the Higgins match had not been fixed and/or that the bettors did not expect Mr King to secure a particular outcome in the Higgins match, and that betting on the Higgins match was driven by factors other than a pre-ordained plan to fix the Higgins match.

Secondly, unlike the Perry match a significant proportion of the successful bets placed on the outcome of the Higgins match had (on the evidence before us) no connection (direct or indirect) with Mr King whatsoever; they were placed in a different part of the country by individuals with no evidenced connection to Mr King or any of the connected individuals in East Sussex. Once again, that at least arguably suggests that betting patterns on the Higgins match were driven by a factor other than a pre-ordained plan to fix the Higgins match.

## **(I) Outcome**

181. We find that Mr King:

- a) Acted in breach of Part 1 Section 2 Rule 2.1.2.1 and Rule 2.2 of the WPBSA Regulations as alleged in Charge 3; and
- b) Acted in breach of Part 2 Section 2 Rule 2.1.3.1 of the WPBSA Regulations as alleged in Charge 4.

We dismiss Charge 1 and Charge 2

**(J) Next steps**

182. In light of the findings that we have made

- a) Sanction [Regulation 12 of the WPBSA Regulations], and
- b) Costs [Regulation 14 of the WPBSA Regulations]

will need to be considered. We will give directions for the determination of those matters.

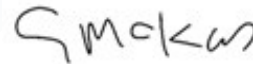
183. The attention of the parties is drawn to Regulations 10 and 11 of the WPBSA Regulations [Appeals].



Graeme McPherson KC (Chair)



Steven Flynn



Gordon McKay

30 July 2024  
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