

EPCR SHORT JUDGMENT FORM

Match	Calvisano	Vs	Heidelberger RK
Club's Country	Italy	Competition	EPCR Continental Shield
Date of match	20 January 2018	Match venue	Calvisano
Rules to apply	EPCR Disciplinary Rules 2017/18		

PARTICULARS OF OFFENCE

Player's surname	Biancotti	Date of birth	25 April 1993
Forename(s)	Rudy	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Calvisano		
SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	9.15 – Off the ball hold, push, charge or obstruction (except in a scrum, ruck, maul)		
Summary of Sanction	1 week		

HEARING DETAILS

Hearing date	23 January 2018	Hearing venue	Sofitel, London Heathrow
Chairman/JO	Pamela Woodman (Scotland)	Panel member 1	Antony Davies (England)
Panel member 2	Graham Quinn (Ireland)	Disciplinary Officer	Liam McTiernan
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):

Deane McKinnel
(also acting as translator for the Player)

Other attendees:

None

List of documents/materials provided to player in advance of hearing:

1. Red card report issued by the referee (Inigo Atorrasagasti) dated 22 January 2018
2. Notice of hearing issued on 22/23 January 2018 (in e-mail form)
3. Letter to chairman of EPCR Disciplinary Panel from Disciplinary Officer dated 22 January 2018
4. Player's responses to standing directions (via e-mail from Deane McKinnel) dated 23 January 2018
5. Video clip - link provided by the Disciplinary Officer (via e-mail) on 23 January 2018

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE

The red card report, in respect of an incident contrary to law 9.15, which was stated to have occurred in the 80th minute of the Match, was in the following terms:

"Number 18 of Calvisano charged with the shoulder in the face of the number 10 of Heidelberg (without the ball)"

In the Player's responses to the standing directions, it was noted that the Heidelberg player involved was number 15 ("H15"), rather than number 10. Otherwise, the referee's red card report was accepted by the Player.

The video clip evidence has been taken into account in the "FINDINGS OF FACT" section below.

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

The Disciplinary Officer made submissions with regard to sanction which were, in summary:

1. Rule 7.8.32 sets out the features which the Disciplinary Committee must take into account.
2. The Disciplinary Committee should make such finding as it considered appropriate with regard to whether the offending was intentional, deliberate or reckless.
3. There was no evidence of provocation, retaliation, self-defence or premeditation.

4. The offending was completed but was not particularly serious and was not overly aggressive.
5. The offending occurred in the 80th minute of the Match. There was no effect on the Match and no breakdown of order.
6. To the extent that H15 was injured, there was no evidence that it was as a result of the offending. Based on the video evidence, it appeared that H15 went down with cramp.
7. H15 was somewhat vulnerable as he was not carrying the ball and so would not expect contact to be made.
8. He was not urging the Disciplinary Committee to find that there were any aggravating factors.

SUMMARY OF PLAYER'S EVIDENCE

The Player accepted that the incident amounted to an act of foul play and that it warranted the giving of a red card.

The submissions made by the Player, or on his behalf by his representative, were, in summary:

1. This incident should be categorised as low end offending.
2. The Player apologised for the incident a number of times. He confirmed that he had said sorry to H15 when he was on the ground and had tried to look for H15 at the after match function but did not know who he was.
3. The incident was not intentional and there was no intention to injure.
4. Calvisano were in possession of the ball and the Player was trying to block the defence when he collided with H15. Contact was made by the Player with his chest and he connected with H15 above the shoulder. He thought on the neck. The Player's left arm was also out. As the 2nd guard, he was too wide and had stepped in to close the gap and, in doing so, had caught H15.
5. The Player did not think that there had been a hard collision but it had involved two people running in different directions. The Player did not consider that he had driven with force into H15 but rather he had remained fixed and had not been moving against H15 at any point.
6. The Player accepted the referee's decision and made no protest on the field. The Player had been on the field for about 10 minutes at the time of the incident.
7. There was no injury to H15. H15 got up and continued playing.
8. The Player had not previously received a red card or been the subject of a citing complaint. He coaches the under 16 team 3 afternoons a week.

FINDINGS OF FACT

Law 9.15 states "Except in a scrum, ruck or maul, a player who is not in possession of the ball must not hold, push, charge or obstruct an opponent not in possession of the ball."

Based on the Disciplinary Committee's review of the video evidence (taking into consideration the submissions made by, or on behalf of, the Player), the Disciplinary Committee found that:

1. Following the breakdown, Calvisano were in possession of the ball very close to the left hand touchline (relative to the try line which Calvisano were attacking) at or around the 22m line. The Calvisano player acting at scrum half (number not known) passed the ball from the base of the breakdown, behind the Player and another Calvisano player who were both running forwards but apparently not at any significant speed. The Player appeared to be looking at the "scrum half" until the ball was passed, at which point he appeared to look forwards and towards the Heidelberger players running forwards in defence. This was all consistent with the Player's submission that he was acting as a guard or blocker.
2. H15 was running forwards in defence with his head turned to watch the "scrum half". He appeared to be running at a faster pace than the Player. The Player appeared to step closer to his outside man (from Calvisano) to close the gap between them. This was also consistent with the Player's submission. At the same time as he did so, H15 appeared to change his line of running as the ball was passed behind the Player and so H15 moved more in the direction of the Player to follow the direction in which the ball had been passed.
3. This was then when the incident occurred. There appeared to be contact between the left shoulder of the Player with the left shoulder of H15 and between the Player's outstretched left arm and the neck of H15. This resulted in H15 looking as if he had been "clothes-lined" with his head and neck area appearing to stop, while his body and legs kept moving forward, and his left leg then coming up off the ground approximately to mid-thigh height of the Player. H15 then landed on his right hand side, hip and thigh first. The Player had accepted that he had made contact above the line of the shoulder and that he thought that contact had been made on the neck of H15. The Player did not appear to make contact using a "swinging arm".

4. The contact between the Player and H15 did not appear to cause any injury but H15 did appear to suffer cramp in one/both of his legs immediately afterwards.

DECISION

Breach admitted Proven Not proven Other disposal (please state below)

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)

PLEASE TICK APPROPRIATE BOX Intentional/deliberate Reckless

State reasons

To quote the appeal committee in the appeal by Francois Steyn on 1 February 2017 in the EPCR Champions Cup match between Leinster Rugby and Montpellier Herault (pages 11-12 of the decision):
 “Offending, for the purposes of Law 10.4, comprehends offending which occurs in circumstances where the offending is (i) intended, that is where a player intends to commit the act which constitutes the Foul Play; that is not the same as intending to commit Foul Play, the issue is whether the act which constitutes the Foul Play was committed intentionally”.
 The Disciplinary Committee was satisfied that the Player intentionally made contact with H15 with a view to stopping or slowing H15 down but, in doing so, was reckless with regard to where contact was made.

Gravity of player’s actions – R 7.8.32 (c)

The action of the Player was not particularly grave but had the potential to cause injury.

Nature of actions – R 7.8.32 (d)

As described above in the “FINDINGS OF FACT” section, there appeared to be contact between the left shoulder of the Player with the left shoulder of H15 and between the Player’s outstretched left arm and the neck of H15, causing H15 to be stopped and fall to the ground.

Existence of provocation – R 7.8.32 (e)

None.

Whether player retaliated – R 7.8.32 (f)

No.

Self-defence – R 7.8.32 (g)

No.

Effect on victim – R 7.8.32 (h)

None.

Effect on match – R 7.8.32 (i)

None.

Vulnerability of victim – R 7.8.32 (j)
H15 was not particularly vulnerable but was running at speed, did not have the ball and would not have been braced for (or expected) contact.
Level of participation/premeditation – R 7.8.32 (k)
The Player participated fully but there was no evidence of premeditation.
Conduct completed/attempted – R 7.8.32 (l)
Conduct was completed.
Other features of player's conduct – R 7.8.32 (m)
None.

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
					2

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
Not applicable.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
Not applicable.
Need for deterrence – R 7.8.34 (b)
Not applicable.
Any other off-field aggravating factors – R 7.8.34 (c)
Not applicable.

Number of additional weeks: 0

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 7.8.35(a) The Player accepted the referee's red card report at the earliest opportunity. The Player did not protest when awarded the red card.	Player's disciplinary record/good character – R7.8.35 (b) The Disciplinary Committee was told that the Player had not previously received a red card or been the subject of a citing complaint and so had a "clean" record.
Youth and inexperience of player – R 7.8.35 (c) Not applicable.	Conduct prior to and at hearing – R 7.8.35 (d) The Player's conduct was exemplary.
Remorse and timing of remorse – R 7.8.35 (e) The Disciplinary Committee was told that the Player had immediately apologised to H15 and, in addition, expressed his remorse a number of times during the hearing.	Other off-field mitigation – R 7.8.35 (f) The Player coaches the under 16 team 3 afternoons a week.

Number of weeks deducted: 1

Summary of reason for number of weeks deducted: Taken together, the Disciplinary Committee assessed that the mitigating factors should result in a reduction in the sanction of 50% of the entry point, being 50% of 2 and so a reduction of 1 week.
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SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 7.2.5

Total sanction	1 week	Sending off sufficient <input type="checkbox"/>
Sanction commences	Saturday 20 January 2018	
Sanction concludes	Midnight on Sunday 28 January 2018	
Free to play	Monday 29 January 2018	

Signature (JO or Chairman)	Pamela Woodman	Date	24 January 2018
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NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 8.1 AND 8.2 OF THE EPCR DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 8.2.1 TO 8.2.4 OF THE REGULATIONS