

EPCR SHORT JUDGMENT FORM

Match	Racing 92	Vs	Castres Olympique
Club's Country	France	Competition	Champions Cup
Date of match	16 December 2017	Match venue	Racing 92
Rules to apply	EPCR Disciplinary Rules 2017/18		

PARTICULARS OF OFFENCE

Player's surname	IMHOFF	Date of birth	11 May 1988
Forename(s)	Juan	Plea	Admitted <input type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Racing 92		
SELECT: Red card <input checked="" type="checkbox"/>	Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	Law 10.4(a) - Punching or Striking		
Summary of Sanction	5 week ban		

HEARING DETAILS

Hearing date	20 December 2017	Hearing venue	Sofitel, London Heathrow
Chairman/JO	Gareth Graham	Panel member 1	Rod McKenzie
Panel member 2	Leon Lloyd	Disciplinary Officer	Liam McTiernan
Appearance Player	Yes <input type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):

Other attendees:

Francois Berbinau, Attorney

Julien Albinet, Sporting Director, Racing 92
 Danny Rumble, EPCR Regulations and Compliance Executive
 Mike Hamblin, EPCR Judicial Chairman

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

Notice of Hearing
 Match Official Red Card Report
 Statement from Rowan Kitt, Television Match Official ("TMO")
 Statements from Paul Dix (Assistant Referee) and Matthew Carley (Assistant Referee)

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

The Match Official Red Card Report ("the Report") filed by the Referee, Wayne Barnes (England), alleged an offence contrary to Law 10.4(a) – punching or striking.

The particulars of that offence as set out in the Report were as follows:

"In the 64th minute of the game, the Racing 21 broke away from a tackle situation, he ran towards the Castres 9 who then grabbed him around the waist and lifted him so that both of his feet were pointing upwards. I blew my whistle immediately to ensure that the player was returned to ground safely. Numerous players from both teams then ran in towards the situation.

Once I had separated the players, I issued a yellow card to Castres 9 for a dangerous tackle. My TMO, Rowan Kitt, told me that he had witnessed foul play by Racing 15. I then viewed the incident on the big screen and saw the Racing 15 bring his head back and then make contact with the head of Castres 9. I therefore issued a red card to Racing 15."

The Committee viewed footage of the incident which showed the incident as described by the Referee in his report.

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

The TMO confirmed that he had reported the matter to the Referee. Neither AR saw the act of foul play live.

SUMMARY OF PLAYER'S EVIDENCE

The Player accepted that he had committed the act of Foul Play as set out in the Report and that the act warranted a red card.

The Player said that he was concerned for his own player who was being held upside-down and that he moved in and was trying to get the Castres player to put his teammate down by shouting for him to stop. The Player said that he was acting to get the attention of the Castres player with his head rather than as a form of retaliation.

The Player repeatedly said that he was sorry for the incident and that he had brought shame on him, his club and his family. He accepted that he had acted poorly and that he should have reached out to assist his own player rather than target the Castres player. However, it was submitted on the Player's behalf, that he had reacted to the situation and that it was a situation he was not accustomed to seeing. It was asserted that there was no premeditation or provocation and that the Player was simply trying to convince the Castres player to put his teammate down.

FINDINGS OF FACT

The Committee found that the Player intended to use his head to strike the head of the Castres player.

The Committee found that the contact was to the side of the Castres player's head and that the force used was not significant, largely on account of the limited range that the Player had available to him when moving his head.

On the balance of probabilities, the Committee rejected the explanation that the Player acted in the manner described to persuade the Castres player to put his teammate down. Far from helping his teammate, the Committee found that the Player made the situation more dangerous for his teammate because he increased the likelihood that his teammate would be dropped to the ground while upside-down.

The Committee found that the contact to the Castres player's head did not cause injury, but noted that he was vulnerable (as his hands were being used to hold the Racing 92 player up at the time) and that he had no way to defend himself from the attack.

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 <input type="checkbox"/> Reckless <input type="checkbox"/>
State reasons	
The Player accepted that this was an intentional act of foul play and that he intended to strike the head of the Castres player.	
Gravity of player's actions – R 7.8.32 (c)	
The contact to the head was not of significant force but the incident was potentially very grave, because the attack on the Castres player who was holding a Racing 92 player upside-down at the time increased the likelihood that the Player's teammate would be dropped to the ground.	
Nature of actions – R 7.8.32 (d)	
As described above.	
Existence of provocation – R 7.8.32 (e)	
Contrary to the Player's assertions, there was some provocation.	
Whether player retaliated – R 7.8.32 (f)	
There was no retaliation.	
Self-defence – R 7.8.32 (g)	
The conduct did not constitute self-defence or defence of his teammate.	
Effect on victim – R 7.8.32 (h)	
There was no injury suffered.	
Effect on match – R 7.8.32 (i)	
There was player reaction to the incident but it cannot be attributed to the Player's actions.	
Vulnerability of victim – R 7.8.32 (j)	
The Castres player was in a vulnerable position.	
Level of participation/premeditation – R 7.8.32 (k)	
This was a spontaneous reaction to the situation in front of the Player.	
Conduct completed/attempted – R 7.8.32 (l)	
The conduct was completed.	
Other features of player's conduct – R 7.8.32 (m)	
There was none.	

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	10	<u>Weeks</u>	<u>Low-end</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>			<input type="checkbox"/>
					<u>Weeks</u>

*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
<p>The act of foul play was assessed as mid-range. As the Player accepted, this was an intentional strike with his head to the head of an opposition player. The attack increased the likelihood of the Player's teammate being dropped from the position in which he was being held by the Castres player and could have had very serious consequences.</p> <p>However, the force used was not significant, no injury was suffered, and the strike was to the side of the head rather than to the face. These factors stopped the matter being a top-end entry point.</p>

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
N/A
Need for deterrence – R 7.8.34 (b)
N/A
Any other off-field aggravating factors – R 7.8.34 (c)
N/A

Number of additional weeks: 0

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 7.8.35(a) The Player pleaded guilty at the earliest opportunity and in fact had accepted to the Referee after the match that the incident warranted a red card.	Player’s disciplinary record/good character – R7.8.35 (b) The Player has a good disciplinary record.
Youth and inexperience of player – R 7.8.35 (c) The Player has considerable playing experience,	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 Player’s remorse was palpable. He apologised to the Referee after the match and to the Castres player. The Committee also saw text messages between the two players in which the Player apologised again.	Other off-field mitigation – R 7.8.35 (f) There was none.

Number of weeks deducted: 5

Summary of reason for number of weeks deducted:

The Committee had no hesitation in giving the Player the maximum 50% reduction by way of mitigation, given the Player’s acknowledgment of guilt, the evident remorse and the previous good character.

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	5 Weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	18 December 2017	It is noted that the Player will miss five meaningful fixtures in this period of suspension: - v Toulouse (22.12.17) - v Oyonnax (30.12.17) - v Clermont (7.1.18) - v Munster (13.1.18) - v Leicester (20.1.18)
Sanction concludes	Midnight, 21 January 2018	
Free to play	22 January 2018	

Signature (JO or Chairman)	Gareth Graham	Date	28 December 2017
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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