

EPCR SHORT JUDGMENT FORM

Match	Leinster Rugby	Vs	Exeter Chiefs
Club's Country	Ireland	Competition	Champions Cup
Date of match	16 December 2017	Match venue	Aviva Stadium, Dublin
Rules to apply	EPCR Disciplinary Rules 2017/18		

PARTICULARS OF OFFENCE

Player's surname	HEALY	Date of birth	7 October 1987
Forename(s)	Cian	Plea	Admitted <input type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Leinster Rugby		
SELECT: Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>			
Offence	Law 10.4(h) – Charging into a Ruck or Maul		
Summary of Sanction	3 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:

Derek Hegarty, Solicitor

Guy Easterby, Director of Rugby Operations, Leinster Rugby
 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
 Citing Commissioner Report
 Statements from Pascal Gauzere (Referee), Jean-Luc Rebollal (Assistant Referee), Eric Gauzins (Television Match Official)
 Statements from Rob Baxter (Director of Rugby, Exeter Chiefs) and Luke Cowan-Dickie (Exeter Chiefs)

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

The Citing Commissioner's Report ("the Report") filed by Patrice Frantschi (of France) alleged an offence contrary to Law 10.4(h) – Charging into a Ruck or Maul.

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

"During a ruck formed by Exeter team, Leinster's no.1 deliberately charged Exeter no.2 player with his shoulder and hit the Exeter player's head with his forearm."

The Report noted that the Referee issued a yellow card and further noted that there was no treatment required on or off the field. The incident occurred in the 16th minute of the first half at which point Exeter led Leinster 7-3.

The video footage showed the Exeter player ("Ex2") binding onto a ruck with the ball at the back of that ruck on the Exeter side. The Player was opposite him, standing next to the ruck in an onside position. The Exeter scrum half was setting up to kick the ball from the back of that ruck. As he was about to pick the ball up, the Player moved directly towards Ex2 and drove into him, leading with his left hand and right forearm. The forearm made contact with Ex2's head.

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

The Referee stated that he did not see the incident live but was informed of the incident by the TMO. Having reviewed the footage on the screen in the stadium, the Referee said he awarded a yellow card for the incident which he said carried no force and no speed.

The evidence from Exeter Chiefs (both that of Mr Baxter and Ex2) was that Ex2 was not treated at the time and has not suffered any injury.

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 in evidence that his intention was to counter-ruck the Ex2 and to push him back onto the Exeter scrum-half to disrupt their exit from the 22. He added that Leinster had discussed disrupting the Exeter ruck in the preceding week, noting that the Leinster view was that Exeter tended to set-up for a kick-exit in a linear fashion without any depth.

The Player's intention was, he said, to drive under the Ex2, lifting him up with his hands to the Ex2's chest, thereby allowing him to destabilise the Ex2, who was in a strong, crouched, defensive stance. He added that his intention was to carry out a legal counter-ruck but that he executed the move poorly. He said that he regretted his poor accuracy and that he was not looking to hurt players; he had not intended to make contact with Ex2's head.

FINDINGS OF FACT

The Committee found that the Player was attempting to disrupt the Exeter kick-exit by driving Ex2 onto his own scrum-half as the scrum-half picked the ball up at the base of the ruck.

The Player carried out the counter-ruck poorly, with his right arm across his chest. The Committee rejected the Player's assertion that he had tried to lift the Ex2 using his hands and found that the Player had intended to use his forearm to drive the Ex2 backwards.

The Committee found that the contact was as set out in the Report, whereby the Player's forearm struck the head of the Ex2. The Committee also found that Ex2 had looked back towards his scrum-half at precisely the same time that the Player drove into him.

The glancing blow, which was to the side of Ex2's head, was delivered with low force. There was no reaction by Ex2 and no injury suffered.

DECISION

Breach admitted <input type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state below) <input type="checkbox"/>
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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
This was an intentional charge into the ruck with the forearm from a standing start. However, the Committee accepted that the contact to the Ex2 head was not intentional but that the Player acted recklessly as to where contact was made.
Gravity of player's actions – R 7.8.32 (c)
The contact to the head was a glancing blow, delivered with low force.
Nature of actions – R 7.8.32 (d)
As described above.
Existence of provocation – R 7.8.32 (e)
There was none.
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.
Effect on victim – R 7.8.32 (h)
The Ex2 confirmed that he had not suffer any injury as a result of the incident.
Effect on match – R 7.8.32 (i)
There was no player reaction.
Vulnerability of victim – R 7.8.32 (j)
The Ex2 was in a strong, crouched, position and had set up as a "pillar" to the Exeter ruck. However, at the time that the Player drove in to him, he was looking backwards and was thereby vulnerable.
Level of participation/premeditation – R 7.8.32 (k)
The Player took the opportunity to counter-ruck when it presented itself to him. There was no premeditation in terms of making contact with Ex2's head.
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>	<u>Weeks</u>	<u>Low-end</u>	<u>2 Weeks</u>
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

*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 low-end. Although the Player had intended to charge into the ruck leading with his forearm, thereby committing the act of foul play, there was no intention to make contact with Ex2's head. The glancing blow was delivered with low force that caused no injury.</p> <p>The act of foul play plainly warranted a red card, as accepted by the Player. However, the reckless contact to the head, combined with the low force and no injury suffered, caused this to be a low-end rather than a mid-range offence.</p>

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
<p>The Player has a poor disciplinary record and the Committee determined that an increase from the entry point was required.</p> <p>The Committee was informed that the Player received a three-week sanction in 2013 for an offence contrary to law 10.4(b) – stamping; a two-week sanction in 2015 for an offence contrary to law 10.4(g) – dangerous charging; and a two-week sanction in April 2017 for an offence contrary to law 10.4(h) – charging into a ruck or maul.</p>
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: 1

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 7.8.35(a) The Player pleaded guilty at the earliest opportunity.	Player’s disciplinary record/good character – R7.8.35 (b) The Player does not have a good disciplinary record.
Youth and inexperience of player – R 7.8.35 (c) The Player has considerable playing experience, having played for Ireland and the British and Irish Lions.	Conduct prior to and at hearing – R 7.8.35 (d) The Player’s conduct was entirely in keeping with a player of his standing and experience.
Remorse and timing of remorse – R 7.8.35 (e) The Player did not express any remorse to the Ex2 for the contact made to the Ex2’s head.	Other off-field mitigation – R 7.8.35 (f) There was none.

Number of weeks deducted: 0

Summary of reason for number of weeks deducted: The Committee noted that, in accordance with EPCR Disciplinary Rule 7.8.36, in assessing the level of reduction from the entry-point suspension, it must start at 0% and work up to the maximum 50%. The Committee determined that the Player was entitled to a reduction of 25% of the entry-point of two weeks (i.e. 50% of one week), primarily on account of his guilty plea. However, the lack of remorse to the Ex2 and poor disciplinary record prevented the reduction being any higher in this case. In accordance with EPCR Disciplinary Rule 7.8.38, where the period of suspension would ordinarily amount to a fraction of a week (as the effect of a 25% reduction of two weeks would be), the period of suspension must be rounded up to the next full week, i.e. three weeks, where the mitigation of less than one week is applied to the ‘aggravated’ sanction of 3 weeks suspension.
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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	3 Weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	16 December 2017	It is noted that the Player will miss three meaningful fixtures in this period of suspension: - v Munster (26.12.17) - v Connacht (1.1.18) - v Ulster (6.1.18)
Sanction concludes	Midnight, 7 January 2018	
Free to play	8 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