

EPCR SHORT JUDGMENT FORM

Match	Scarlets	Vs	Benetton Treviso
Club's Country	Wales	Competition	European Rugby Champions Cup
Date of match	09/12/2017	Match venue	Parc y Scarlets
Rules to apply	EPCR Disciplinary Rules 2017/18		

PARTICULARS OF OFFENCE

Player's surname	MINTO	Date of birth	20/05/1987
Forename(s)	Francesco	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Benetton Treviso	Referee/CC name	Mathieu Raynal
SELECT: Red card <input checked="" type="checkbox"/>	Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	10.4(j)		
Summary of Sanction	3 Weeks	Insert number of weeks OR select No Sanction as appropriate	

HEARING DETAILS

Hearing date	13/12/2017	Hearing venue	Sofitel, London Heathrow and by Skype
Chairman/JO	Jean Noel Couraud (France)	Panel member 1	Frank Hadden (Scotland)
Panel member 2	Nigel Williams (Wales)	Disciplinary Officer	Liam McTieman
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):

Marius Goosen, Defense Coach- Benetton Treviso

Other attendees:

Mike Hamlin, Chairman, EPCR Discipline Panel-observing.

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

- Red Card Report from Mathieu Raynal, Referee;
- Statement of Mathieu Noirot, Assistant Referee;
- Statement of Tual Trainini, Assistant Referee;
- Statement of Graham Hughes, Television Match Official;
- Statement of David Bulbring, Scarlets player;
- Statement of Matthew Rees, Scarlets physiotherapist;
- Statement Letter from The Player (responses to the pre-hearing directions)

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

The Referee's Report on Red Card stated: "TREVISO n6 lifted, returned and drove to the ground the Scarlet's player. Landing dangerously on the head".

The Report on red card from the Assistant Referee read as follows(traduction): " I confirm to Mathieu that for me it is a tackle by turning with a clear action of the arms of 6 GREEN, moreover the player falls on the head. The red card is confirmed for me."

The Report on red card from the other Assistant Referee stated (traduction):

" In the video, I challenge Mathieu Raynal following an exchange between him and the TMO and the decision to award a yellow card
o by offering to look at another angle (camera in-goal)
o because from my point of view, the player fans on shoulder-> head)".

The TMO's Report read as follows: "I was asked to informally review the tackle and duly confirmed it was illegal. The on-field officials decided that, from the views shown, the Scarlets' player was lifted and driven dangerously to ground, landing on his head. I did not disagree with this view."

The video footage showed:

- * The incident occurred in the 23th minute of the Match just near Benetton Treviso try line;
- *The Player and Benetton Treviso #7tackle Scarlets # 5;
- *The Player lifts Scarlets # 5 with his right arm;
- *The Player continues this lifting action such that Scarlets # 5 has both of his legs above the horizontal;
- *Benetton Treviso # is involved in the tackle and plays a part in Scarlets # 5 being dropped;
- *Then the Player falls on his neck and head.

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

The Victim Player stated:

"As I remember the incident I took contact and on the way to ground I felt myself being tipped over onto my head area. At the time I felt like I landed on my head but did not think it was that dangerous. I sustained no injuries. I did not speak to the opposing player after the incident".

Scarlets physiotherapist certified:

"I can confirm that Dave did not sustain any injury or complaint that will result in a time loss injury following the incident that resulted in the Treviso red card".

SUMMARY OF PLAYER'S EVIDENCE

The Club had provided responses to the pre-hearing directions for the Player; it was stated and submitted :

- a) We confirm that Francesco Minto is the Player who was shown the red card
- b) We will not argue any preliminary matters
- c) We feel that the official report is not an accurate report of what really happened
- d) Francesco Minto does not accept that he committed an act of foul play as set out in the Official Report however because of player welfare he does except that his part in the tackle was careless.
- e) We do not feel that the act warranted a red card
- f) We will explain why we think the decision did not merit a red card
- g) We feel that the decision from the referee to give Francesco Minto a red card was wrong because there was another Benetton player involved in the tackle. We will show in the video that it is Benetton 7 that drives the player to the ground and not Benetton 6 and that the player lands on his arm and then on his shoulder and not directly on his head as stated in the referee report.
- h) Our Defense Coach Marius Goosen will be attending the hearing together with the player Francesco Minto and read us in copy".

The Player confirmed these submissions. He submitted that it was a combination of two separate actions of the Player and Benetton Treviso # which has caused the Victim Player to be lifted, and tipped and dropped to the ground.

FINDINGS OF FACT

The Disciplinary Committee determined that the Player's challenge to the referee's decision to order him off should not be upheld.

The Disciplinary Committee was satisfied, on the balance of probabilities, that the Player committed an act of foul play who warranted a red card:

- * Scarlets # 5 was clearly lifted off the ground and tipped and dropped to the ground;
- * he had fallen on his neck and head;
- * Benetton Treviso # 7 contributed to the downward movement but it's the Player who lifted and at minimum dropped Scarlets # 5 to the ground in a manner contrary to law 10.4 (j).

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 checked="" type="checkbox"/>
State reasons
The offence was not intentional but the Player knew (or should have known) there was a risk of committing an act of Foul Play and exposed his opponent to a risk of serious injury.
Gravity of player's actions – R 7.8.32 (c)
The Player clearly lifted his opponent but Benetton Treviso # 7 played a part in Victim Player being dropped to the ground. The Victim Player fell on neck and head.
Nature of actions – R 7.8.32 (d)
Existence of provocation – R 7.8.32 (e)
There was no provocation.
Whether player retaliated – R 7.8.32 (f)
The Player did not act in retaliation or in self defense.
Self-defence – R 7.8.32 (g)
Effect on victim – R 7.8.32 (h)
No injury was caused.
Effect on match – R 7.8.32 (i)
There was no effect on the match
Vulnerability of victim – R 7.8.32 (j)
The Victim Player was vulnerable.
Level of participation/premeditation – R 7.8.32 (k)
The offending was not premeditated.
Conduct completed/attempted – R 7.8.32 (l)
The offending was complete.
Other features of player's conduct – R 7.8.32 (m)
There were no other relevant features.

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"/>		6	<input checked="" 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 above Top End

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
none
Need for deterrence – R 7.8.34 (b)
None
Any other off-field aggravating factors – R 7.8.34 (c)
None

Number of additional weeks:

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 7.8.35(a)	Player's disciplinary record/good character – R7.8.35 (b)
The Player challenged the red card because it was a difficult case for him. The incident involved Benetton Treviso # 7.	The Player has a good disciplinary record.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
The Player is an experienced player.	The Player's conduct at the hearing was very good.
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
The Player expressed remorse and was honest with the Disciplinary Committee.	There was no other off-field mitigating factor

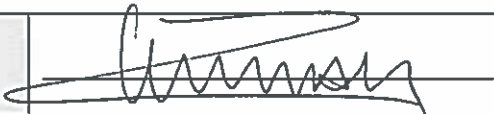
Number of weeks deducted:

Summary of reason for number of weeks deducted:
 On those circumstances , the Disciplinary Committee was prepared to allow a reduction of 50 %,i.e. 3 weeks for mitigating factors.

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	09/12/2017	
Sanction concludes	31/12/2017, midnight.	
Free to play	01/01/2018	

Signature (JO or Chairman)		Date	14/12/2017
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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