

EPCR SHORT JUDGMENT FORM

Match	Wasps	Harlequins	
Competition	Champions Cup 2017-18		
Date of match	22/10/2017	Match venue	Ricoh Arena

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PARTICULARS OF OFFENCE

Player's surname	MARLER	Date of birth	Click here to enter date.
Forename(s)	Joe	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Harlequins	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
Offence	10.4(a) - Punch or strike		

HEARING DETAILS

Hearing date	25/10/2017	Hearing venue	Sofitel, London Heathrow
Chairman	Jeremy Summers	Secretary	Click here to enter text.
Panel member 1	Frank Hadden	Panel member 2	Rhian Williams
Decision	Proven <input checked="" type="checkbox"/> Not proven <input type="checkbox"/> Other disposal (please state) <input type="checkbox"/>		Click to enter other disposal.

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

Present at the hearing in addition to the Panel were:

- The Player
- Sam Jones, counsel for the Player
- Graeme Bowerbank, Head of Rugby Operations, Harlequins
- Liam McTiernan, EPCR Disciplinary Officer
- Mike Hamlin, Chairman, EPCR Discipline Panel – observing.

The Citing Commissioner's Report ("the Report") filed by Murray Whyte of Ireland alleged an offence contrary to Law 10.4 (a) – striking an opponent. The particulars of that offence as set out on the Report were as follows:

"No 1 Harlequins is being held by No 5 Wasps. No 1 strikes No 5 on the head with his elbow"

The Report noted that the Referee issued a yellow card and further noted that there was no injury and no treatment required on or off the field.

The incident had occurred in the 8th minute of the second half at which point Wasps led Harlequins 21-3.

The Yellow Card report submitted by the Referee (Mathieu Raynal) stated:

"After a TMO call, we saw a Wasps player holding Joe Marler on a clean out and a retaliation of Marler with his right forearm. He hits the player on the ground with a medium intensity. The forearm slide first on the head and hit the shoulder after. For this reason we decide to award a PK and a yellow card against Marler."

Neither assistant referee had anything to add. The TMO had not been asked to assist.

A statement from Wasps number 5, Will Rowlands, read:

"I was involved in an incident with Joe Marler where I was holding onto his leg and as a result he elbowed me in the head. It was a glancing blow which I did not really feel at the time. I did not require any treatment on the pitch, nor have received any subsequently."

The available video footage of the incident had was considered. It showed W3 in possession the ball, being tackled by H7. W3 continues to move forward towards the Player who places his hands on W3's shoulders. As W3 falls to the ground with the ball, W5 propels himself towards the Player and ends in a sitting position holding the Player's left leg with both arms. The Player looks down and, with his right leg off the ground, brings down his right forearm onto the head of W5.

In response to the standing directions, Mr Jones, on behalf of the Player, had confirmed:

“The Player does not accept that the description in the citing complaint is an accurate account of the Incident that resulted in the citing. The Player will assert that the description of him making contact with W5 on the head ‘with his elbow’ is factually incorrect. He accepts making contact with W5 on the head, but, with his forearm.”

The Player confirmed that this act of foul play warranted a red card albeit for a strike with the forearm rather than a strike with an elbow.

FINDINGS OF FACT

The offending consisted of a single strike to the head of W5.

The Panel found that contact had been made by the Player’s forearm and not his elbow as set out in the Report.

The Player had reacted, albeit inappropriately, to having been illegally held by W5

The strike had been delivered with some degree of force, but the contact that resulted had been a glancing blow to top/side of the head.

No injury had resulted.

DECISION

The player admitted the act of foul play as set out in the citing report (but for the substitution of ‘forearm’ for ‘elbow’). The Player further accepted that the offending had warranted the issue of a Red Card. The citing was therefore upheld.

Decision

Proven Not Proven

ASSESSMENT OF SERIOUSNESS

Assessment of Intent	
<p style="color: red; margin: 0;">PLEASE TICK APPROPRIATE BOX</p> Intentional/deliberate <input checked="" type="checkbox"/> Reckless <input type="checkbox"/>	
State Reasons	
Although the Player was reacting to the action of W5 in holding his leg, the footages showed that the Player had stopped, turned towards W5 and then knelt into him before delivering the strike.	
Gravity of player's actions	Nature of actions
The strike to W5's head was a downward motion, described by W5 as a "glancing blow" which he "did not really feel at the time."	The Player, from a standing position, knelt down towards W5 and then struck him to the top/side of the head with his forearm
Existence of provocation	Whether player retaliated
The Player had been provoked by the actions of W5 who, by his own admission, had been holding onto the Player's leg.	No.
Self-defence	Effect on victim
The conduct did not constitute self-defence.	W5 confirmed that he had not required any treatment on the pitch, nor had he received any subsequent treatment.
Effect on match	Vulnerability of victim
There was no player reaction.	The Player was on the ground looking away from the Player and therefore would not have anticipated the strike, despite his actions which led to it.
Level of participation/premeditation	Conduct completed/attempted
The Panel was satisfied that the Player had acted on the spur of the moment in response to the actions of W5 and that there was accordingly no premeditation.	The conduct was completed.
Other features of player's conduct	
None	

Entry point	Top end* Click weeks <input type="checkbox"/>	Mid-range 4 weeks <input checked="" type="checkbox"/>	Low end Click weeks <input type="checkbox"/>
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*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 entry point:

The act of foul play was assessed at mid-range taking into account World Rugby direction that a strike to the head shall result in at least a mid-range entry point. This is reflected at Appendix Three to the EPCR Disciplinary regulations.

There were no factors present that required the assessment to be above the mid-range entry point.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the game

The Player has received three previous suspensions for acts of foul play, two in 2011 for 2 weeks and 1 week respectively and the most recent suspension in 2016 for a breach of 10.4(c).

The Panel determined that this record did not require an increase from the entry point.

Need for deterrent

N/A

Any other off-field aggravating factors

N/A

Number of additional weeks: weeks

<p>Acknowledgement of guilt</p> <p>The Player had accepted that he had committed an act of foul play which warranted a red card</p>	<p>Player's disciplinary record/good character</p> <p>The Player's disciplinary record is mentioned above.</p> <p>Mr Bowerbank spoke in positive terms of the Player at the hearing. Highly positive references to the Player's character were received from Eddie Jones, England's Head Coach, Graham Rowntree, Harlequins' Forwards Coach and Steve Borthwick, England's Forwards Coach.</p>
<p>Youth & inexperience of player</p> <p>Not relevant.</p>	<p>Conduct prior to and at hearing</p> <p>The Player's conduct was as to be expected from a Player of his standing and is to be commended.</p>
<p>Remorse & timing of remorse</p> <p>The Panel was told that the Player and W 5, had shaken hands at the end of the match and that there had been no hard feelings.</p>	<p>Other off-field mitigation</p> <p>N/A</p> <p>The Panel very gave careful consideration to the Player's Playing schedule as required by Regulation 7.8.44.</p> <p>It rejected a submission on behalf of the Player that the England training camp in Portugal over the weekend of 4/5 November should count as a meaningful period of suspension.</p> <p>In the alternative it was submitted that the Player should be deemed as being available and expected to play in the LV Cup game that weekend.</p> <p>No evidence was submitted in support of that submission at the time of the hearing.</p> <p>The Panel accordingly determined that the weekend of 4/5 November should be viewed as a fallow weekend and not be included within the period of suspension.</p> <p>However, the Panel indicated that it would consider further evidence in relation to the composition of the England squad once it was selected.</p> <p>On 26 October evidence was provided to the Panel confirming that the Player had not been included in the England squad. A letter was further received from the Director of Rugby at Harlequins confirming that, in light of that position, the Player would be selected for the club's games on 5 and 12 November. Having regard to that additional evidence, and taking account of the fact that the Player had been rested at the start of the season following his Lions duty and noting the acute injury position Harlequins is labouring with at present, the Panel was satisfied that the weekend of 4/5 November should be included within the period of suspension.</p>

	The Panel's attention was also drawn to the period of suspension ordered in the case of <i>Hughes</i> . For the avoidance of doubt, the Panel would <u>not</u> have altered its determination as to the appropriate period of suspension in light of that decision.
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Number of weeks deducted: weeks

NOTE: SUBJECT TO REGULATION 19.11.13, A DISCIPLINARY PANEL CANNOT APPLY A GREATER REDUCTION THAN 50% OF THE RELEVANT ENTRY POINT SUSPENSION

SANCTION

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

Total sanction	3 weeks	Sending off sufficient <input type="checkbox"/>
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Banned from	21/10/2017	Banned to	12/11/2017
Ban split from	Click here to enter a date.	Ban split to	Click here to enter a date.
Free to play	13/11/2017		
Signature (Chairman)	Jeremy Summers	Date	26/10/2017

NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE RELEVANT BODY