

EUROPEAN RUGBY CUP
DECISION OF THE DISCIPLINE COMMITTEE
IN RESPECT OF A HEARING HELD AT THE
ERC HEADQUARTERS, ST. STEPHEN'S GREEN, DUBLIN
ON THURSDAY 4TH JUNE 2009
IN RESPECT OF THOMAS GENEVOIS
CLUB – BOURGOIN

Red Card Offence for Infringement of Law 10.4(a) “Strike another player with a hand, arm or fist”

Members of Discipline Committee:

H Pat Barriscale, Chairman (IRFU)

John West (IRFU)

Simon Thomas (WRU)

Decision of the Committee

1. The Player was guilty of the offence under Law 10.4(a) which warranted a red card. He pleaded guilty.
2. The Player is suspended from taking part in the game of rugby between the following dates:
22nd May 2009 to 12 midnight on the 7th June 2009 and from the 31st July 2009 to 12 midnight on the 7th August 2009. This represents a three weeks suspension commencing 22nd May 2009.
3. The Committee make an award of costs against the Player in respect of 50% of the costs associated with the hearing on this date.

Introduction

The Committee was convened by Professor Lauren D. Crerar, the Chairman of the ERC Discipline Panel pursuant to the Discipline Regulations of the ERC in respect of the ordering

off of the Player during the ERC Match played between Northampton Saints and Bourgoïn on the 22nd May 2009 at the Stoop in London by Mr George Clancy, Referee for an offence contrary to Law 10.4(a) striking a player with a hand, arm or fist.

Present at the hearing on the 4th June 2009 in addition to the Members of the Committee were:

Mr Roger O'Connor, Disciplinary Officer, ERC

Thomas Genevois, The Player

Mr Guy Laborie, Bourgoïn

Mr Paul Duffy, Interpreter

Hearing

At the commencement of the hearing, the Chairman confirmed the identities of all present and established the nature of the offence for which the Player was ordered off. The Chairman outlined the procedure to be adopted by the Committee for the hearing and that the provisions of the ERC Disciplinary Regulations would apply. The Player and all present agreed to proceeding on that basis.

The Chairman established what evidence was to be placed before the Committee prior to the hearing and enquired as to whether all present had received the same in good time. The Chairman then confirmed what additional evidence was to be presented before the Committee and all present were satisfied that they had received all of the documentation in good time. There were no preliminary issues arising and the Chairman asked the Player whether he had admitted committing the act of illegal and/or foul play or whether or not he wished to contest the ordering off. The Player admitted committing the offence and stated that he did not wish to contest the Referee's decision.

The Committee then considered all of the documentation before it and viewed the video evidence which was presented by Mr O'Connor. They considered at his request the matters which should be taken into account as far as the sanction was concerned. It was noted that the injured player did not suffer any form of laceration but that the side of his face was sore for a number of days after the striking offence. No treatment was necessary.

The Committee then heard from the Player and Mr Laborie on his behalf. He had a previously unblemished record and had pleaded guilty and regretted his actions on the day. There was no final submission on behalf of either party.

The Committee retired to deliberate in private in respect of what, if any, sanction would be appropriate in the circumstances. The Committee considered all of the evidence which had been placed before it and based on this the Committee fixed an entry point of 5 weeks as being appropriate namely the mid range level. They did so by reason of the fact that the offence was essentially premeditated and at the time of the striking the injured player was unsighted/defenceless. There were no aggravating factors to be considered in the circumstances.

By way of mitigation, the Player had pleaded guilty from the outset, he had no previous convictions and the Committee were impressed by his honesty at the hearing. In those circumstances, it was considered that a reduction of two weeks was appropriate by way of reduction in respect of the mitigating factors.

In the circumstances, the Committee determined that the appropriate sanction was the imposition of a period of suspension of 3 weeks commencing 22nd May 2009 until 12 midnight on the 7th June 2009 and from 31st July 2009 until 12 midnight on 7th August 2009.

The parties are reminded of the right to appeal against this decision within a period of 72 hours of receipt of this written decision.

Signed: _____
H. Pat Barriscale
Chairman

Dated: 12/06/2009