

EPCR SHORT JUDGMENT FORM

Match	USA Perpignan	Vs	Connacht Rugby
Club's Country	France	Competition	Challenge Cup
Date of match	14 December 2018	Match venue	Stade Aime Giral
Rules to apply	EPCR Disciplinary Rules 2018/19		

PARTICULARS OF OFFENCE

Player's surname	COCAGI	Date of birth	
Forename(s)	Adrea	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	USA Perpignan		
SELECT: Red card <input checked="" type="checkbox"/>	Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	Law 9.12 – striking with the shoulder		
Summary of Sanction	9 week suspension ending on 3 March 2019		

HEARING DETAILS

Hearing date	19 December 2018	Hearing venue	Sheraton CDG, Paris
Chairman/JO	Jeremy Summers (England)	Panel member 1	Rory Bannerman (Scotland)
Panel member 2	Val Toma (Romania)	Disciplinary Officer	Liam McTiernan
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):

Other attendees:

Pierre Becque – club official and lawyer

Maria Gyolcsos - EPCR

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

1. Notice of Hearing dated 17.12.18;
2. The Red Card Report dated 15.12.18;
3. Statement of Adam Leal, Assistant Referee 1 (email dated 17.12.18);
4. Statement of Anthony Woodthorpe, Assistant Referee 2 (email dated 17.12.18);
5. Medical Statement from John O' Donnell, Connacht Rugby Team Doctor (email dated 17.12.18);
6. Statement from Matthew Healy, Connacht Rugby player (email dated 17.12.18); and
7. The match footage.

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

The incident arose in the 58th minute of the match at which point the score was 18-22.

The Red Card report submitted by the Referee (Ian Tempest) read:

Perpignan 14 had just been tackled by a Connacht player. The Connacht player was slow to roll away effecting the quality of ball for Perpignan so I signalled advantage. It at this point I observed Perpignan 13 who was approximately 5-6m away from the tackle area charge into the breakdown off his feet. He made no attempt to grasp and his shoulder came into direct contact with force, to the head of the Connacht player on the ground.

I immediately blew my whistle to stop the match. At this point a number of players from both teams became involved in a altercation which was just a bit pushing. I split the teams up and spoke to my AR who was in close proximity to the incident, who also agreed with my version of events.

As such I sent Perpignan 13 off from the field of play.

The Connacht player received medical assistance but was able to continue playing.

A short report from AR1 read:

I had a good view. P13 charged into the ruck with no attempt to grasp and connected with the head of the player on the ground.

Ian led the conversation with the same facts and this was more to check I didn't have anything to add from the ensuing scuffle.

AR 2 was on the far side of the pitch and did not see the incident.

The Panel viewed, and carefully considered, the match footage (without sound).

The footage showed the Player carrying the ball and attacking into the Connacht 22 close to the 15 meter markings on the right hand side of the pitch.

The Player is tackled and goes to ground and the ball is then recycled right to the next phase of play.

The Player re-joins play following the tackle and takes up a position as a support player about 5m behind the ensuing ruck.

By analysis, the ball can be established as being at the back of the ruck to the left hand side and available to the Perpignan scrum-half to distribute.

Shortly before P9 moves to pick up the ball a Connacht player, who is on the ground having helped effect an earlier tackle, is seen to attempt to get up and re-join play. As he does so he is facing forwards towards the Perpignan line with his head and face fully exposed whilst still partially sitting on the ground.

The Player comes in at pace from about 5m. Although his feet do not fully leave the ground, he angles his body with force down and into the Connacht player who is still prone. Almost immediately after contact P9 picks up the ball, which is on the ground to the left of where the Connacht Player had been positioned.

From the footage there appears to be no attempt to wrap around the Connacht player (who is bound in the ruck but not in possession of the ball).

The precise point of contact cannot be established from the footage but the Player is seen turning his head notably to the right just before/at the point of contact, which appeared to cause his left shoulder to lead into the contact. The Connacht player is forced backwards to the ground through the force of the impact and can be seen lying fully prone on the pitch holding the right hand side of his head. He then sits up still holding his head.

A scuffle develops between both teams which is stopped through the intervention of the match officials and the Connacht player is seen to receive on field medical attention as that melee unfolds.

This narrative was provided to the Player in advance of the hearing, who confirmed that he agreed with it save that his position was that he had attempted to wrap round the Connacht player, and in any event disputed that there had been any unlawful contact.

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

The Panel received and considered medical evidence from Connacht.

The victim player (C11) reported:

I was lying at the bottom of the ruck and was struck on the right side of my face. I had some pain in the right side of my face but got up a few minutes after and continued to play on.

That evidence was augmented by a report from Connacht team doctor as follows:

During the Connacht v Perpignan match I saw that Mat Healy was on the ground following a tackle and was holding the right side of his face. He was moving and sat up but did not get to his feet straight away. I did not see the actual impact as there were players in the way.

I ran out to attend to him and he was alert and orientated and answered Maddock's questions fine. He had some tenderness of his right temporal area on palpation but he was happy to continue playing and I was happy for him to do so.

SUMMARY OF PLAYER'S EVIDENCE

The Red Card Report was read to the Player at the outset of the hearing who, at that stage, indicated that he disputed that an act of foul play had occurred (and so it followed that the Referee had been wrong to issue a Red Card). It was a matter of concern that the Player had not provided responses to the Standing Directions with an indication of that position in advance of the hearing as required by the DR. The Player's failure in that regard was however not considered by the Panel when making its determination.

In summary, on behalf of the Player it was asserted that the Player had effected a legitimate clear out of an opponent who was slowing down the release of the ball. There had been no contact between the Player's shoulder and the head of the Connacht player and accordingly no act of foul play.

In light of that position, the Referee was contacted and was able to give evidence by telephone. He was clear that his view had been unobstructed and that he had seen the Player's left shoulder strike the head of a Connacht player and that there had been no attempt to wrap. The Panel records its gratitude to the Referee for making himself available at very short notice.

He was asked by the Player why, if he had seen contact with the head, he had not invoked the HIA protocol. The Referee advised that it was not his responsibility to do so. He noted that, having not had the benefit of a TMO, he had been very careful before issuing a Red Card. He had been immediately clear in his view that foul play had occurred but, reflecting his care, he had also consulted with his AR. Having done so, he was "sure" that the Player's shoulder had struck an opponent's head unlawfully.

The Player gave evidence. His position was that the Connacht player had been preventing quick ball and he had therefore tried to clear him out. He denied that his shoulder had struck the Connacht player as alleged or at all. His case was that his chest had in fact contacted with the body of Perpignan 7 who was next to the Connacht player (in a horizontal position on the ground).

He stated that he had not been aware that the Referee had already awarded a penalty against Connacht (for not rolling away).

He considered that, had he struck the Connacht player as alleged, there would have been significant injury. He was referred to the medical evidence (as above) but did not challenge this.

He stated that he had been able to see the ball before he started his run (towards the breakdown). He confirmed that he had seen the Connacht player's head come up, but he had not intended to hit it or cause injury. He knew it was wrong to strike an opponent but had simply been trying to move him away from the ball.

He had no response to a question from the Panel pointing out that he had not, in any event, joined the ruck lawfully having not bound on to any other player and having gone off his feet.

He asserted that the Referee had been influenced by the comments of other Connacht players and because of that had been wrong to have issued a Red Card.

In submissions on behalf of the Player, M Becque reiterated that there had been a lawful clear out and that there had been no contact with the head and so no act of foul play.

FINDINGS OF FACT

The Panel carefully considered all the evidence and submissions and reminded itself that the burden of proof was on the Player to establish, on the balance of probabilities, that the Referee's decision to issue a Red Card had been wrong (DR 7.2.2).

Having done so the Panel made the following findings:

1. The Player ran in from a distance of some 5m and illegally joined a ruck having not bound onto another player and having gone off his feet.
2. He impacted with a Connaught player who, whilst on the wrong side (for which he had been penalised), was not preventing release of the ball, nor was he in a realistic position to do so.
3. The Player's left shoulder struck the head of the Connacht player.
4. The nature and force of the contact carried the clear risk of injury, and potentially catastrophic injury.
5. Fortuitously, in the event (only) transient injury was sustained (for which treatment was administered), but the Connacht player was thereafter able to continue the game.
6. The Player's position that there had been no unlawful contact was rejected. In this regard the Panel noted the clear evidence given orally by the Referee, and the additional evidence from the AR and the Connacht witnesses.
7. The Panel rejected the Player's claim that any significant contact had only been made with P7.
8. The Panel rejected any suggestion that the Referee's decision had been influenced by (wholly unspecified) comments from other Connacht players.
9. There had been an immediate reaction to the offending by other Connacht players that led to a brief scuffle between the teams.

In light of the above, the Panel concluded that the Player had not established any basis to show that the Referee's decision to issue the Red Card had been wrong, and the Red Card decision was accordingly upheld.

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 Reckless

State reasons

The Player ran in at pace and with force and had a clear line of sight. As he accepted, he had seen the Connacht player come up. At that point, the footage showed that the Player was still at least a metre way from the breakdown but the Player did not alter his line in any way. In fact he angled down and into the Connacht player coming partially off his feet as he did so.

Whilst the Panel accepted that Player had not intended to cause injury, in its finding the Player had been highly, and dangerously,

reckless in relation to the risk of injury.
Gravity of player's actions – R 7.8.32 (c)
This was found to be a very serious act of foul play. The Player (who is plainly a strongly built outside centre) propelled himself at speed at an opponent who could not realistically take evasive action and made contact, with force, with his head. The offending carried with it the risk of very serious and potentially catastrophic injury. In this regard the Panel could not fail to note that the offending had occurred a week after the third tragic incident to befall the game during the course of the current season. This was however not a factor that the Panel considered when reaching its determination.
Nature of actions – R 7.8.32 (d)
Striking an opponent's head with a shoulder, having unlawfully charged into a ruck as detailed above.
Existence of provocation – R 7.8.32 (e)
Not relevant to the offending.
Whether player retaliated – R 7.8.32 (f)
Not relevant to the offending.
Self-defence – R 7.8.32 (g)
Not relevant to the offending.
Effect on victim – R 7.8.32 (h)
Fortunately, only transient injury as above.
Effect on match – R 7.8.32 (i)
The offending prompted a reaction which led to a brief scuffle.
Vulnerability of victim – R 7.8.32 (j)
The Connacht player, whilst in an offside position, was partially trapped and therefore had reduced ability to take evasive action.
Level of participation/premeditation – R 7.8.32 (k)
No premeditation found.
Conduct completed/attempted – R 7.8.32 (l)
Completed.
Other features of player's conduct – R 7.8.32 (m)
None.

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks 10</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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 selecting Entry Point above Top End
<p>As noted, the Panel found that this had been an intentional act that had targeted a prone opponent in a highly dangerous way. Whilst, no significant injury had ultimately resulted, the Panel concluded that this was fortuitous and that very significant injury could well have resulted. As noted, a scuffle ensued which in itself was detrimental to the image of the game.</p> <p>These factors led to Panel to assess the offending as being at Top End but' taking the offending as a whole, the Panel did not consider it necessary to increase the entry point further. Had additional injury occurred, such an increase might however have been likely.</p>

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS
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Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
The Player has a previous disciplinary record, but not such as to require an increase from the entry point.
Need for deterrence – R 7.8.34 (b)
Not relevant.
Any other off-field aggravating factors – R 7.8.34 (c)
None.

Number of additional weeks: 0

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)
None apparent.	The Player had received one previous Red Card (kicking an opponent) in 2016/17.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
Not relevant.	Good.
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
Regrettably, given the risk of serious injury, no remorse was shown.	None.

Number of weeks deducted: 1

Summary of reason for number of weeks deducted:
Whilst the Player challenged the allegation, as is his right, he did so in a constructive manner and without undue criticism of third parties. His conduct at the hearing was otherwise befitting of a professional player.
In imposing the sanction, the Panel had regard to the need to impose a meaningful period of suspension. The Player has no games over the weekends of 2 and 9 February 2019, and these periods were accordingly excluded from the suspension. The suspension comprises 7 Top 14 games and 2 in the EPCR Challenge Cup.

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	9 Weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	14 December 2018	
Sanction concludes	Midnight on Sunday 3 March 2019	
Free to play	4 March 2019	

Signature (JO or Chairman)	<i>Jeremy Summers</i>	Date	20 December 2018_____
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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