

EPCR SHORT JUDGMENT FORM

Match	SU Agen	Vs	Grenoble
Club's Country	France	Competition	European Rugby Challenge Cup
Date of match	14/12/2018	Match venue	Stade Armandie
Rules to apply	EPCR Disciplinary Rules 2018/19		

PARTICULARS OF OFFENCE

Player's surname	JACQUELAIN	Date of birth	22/04/1994
Forename(s)	TEIVA	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Grenoble		
SELECT:	Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	9.12		
Summary of Sanction	Citing dismissed		

HEARING DETAILS

Hearing date	19/12/2018	Hearing venue	Sheraton Hotel, CGD Airport, Paris
Chairman/JO	Jennifer Donovan	Panel member 1	Anthony Wheat
Panel member 2	Nigel Williams	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:

Mr. Romain David, Rugby Operation Manager, Grenoble	Maria Gyorcsos EPCR Judicial Panel Administrator Lilian Saseras (Teammate also cited in respect of incident)
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List of documents/materials provided to player in advance of hearing:

Correspondence dated 17/12/2018, Mr. McTiernan to Mr. Mike Hamlin Notice of Hearing Citing Report of Alberto Recaldini (ITA) Match footage Statement of Craig Evans, Referee Statement of Mike English, Assistance Referee Statement of Rhys Jones, Assistant Referee Medical Statement of Dr. Martial Lousteau, Agen Team Doctor Written Submission on behalf of Player Player's Playing Schedule Statement of Phillipe Sella re review of player by neurologist Disciplinary Officer's Directions Statement Statement of Timilai Rokoduru, SU Agen
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SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE

The Report of the Citing Commissioner, Alberto Recaldini, indicated that the player was cited for an offence contrary to Law 9.12 which, he reported, occurred in the 72nd minute on the match, immediately prior to the scoring of a try by the Mr. Rokoduru (Agen 13). The Citing Commissioner reported that Agen 13 was struck between the neck and the chin by the right shoulder of the Player. It was reported that this had resulted in a concussion injury to Agen 13.

The report stated that Agen 13 had remained on the ground and had required medical assistance. The report outlined that Agen 13 had walked from the pitch but did not return to play as, according to the report, "...this was his second concussion in this game and he had to be replaced". The Citing Commission reported that he spoke to the Agen Team Doctor after the match and was told that Agen 13 would, in the following days, be referred to a neurologist for review.

The Referee and Assistant Referees submitted statements advising that they did not see any act of foul play or what had caused the injury to the victim player.

In terms of match footage, there was one camera angle only available to the Committee. The footage begins just one second before the incident the subject of the citing takes place. The footage shows Agen 13 in possession, carrying the ball under his right arm and approaching the opposition try line at speed. The Player is to the right of Agen 13 as Agen 13 approaches the try line. A tackle is made on the victim player by Grenoble 19 which begins at the victim player's waist and moves downwards. This tackle is still in progress when a tackle is also made by the Player on Agen 13. Both players are in upright positions. An attempted tackle is made by the player which fails to halt the progress of Agen 13 who proceeds to score a try. In the process of doing so he is tackled by Grenoble 21, Lilian Saseras. Following the act of scoring Agen 13 remains on the ground. The match footage shows that he is attended to the team medic. Agen 13 remains on the ground for approximately one minute whilst receiving attention. He then gets to his feet and leaves the pitch.

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

A statement was received from the Agen Team Doctor, Dr. Martial Lousteau. Dr. Lousteau confirmed that he attended to the Agen 13 on the pitch. He confirmed that Agen 13 was aware and responded well to questions asked of him. Dr. Lousteau reported that as he had already carried out a concussion protocol on that player and "...fearing a trauma" he made the decision to permanently remove the Agen 13 from play as a precaution. A HIA2 was carried out post match which was normal. Agen 13 attended for assessment by a neurologist who reported no injury and passed the victim player fit to play.

Agen 13 submitted a brief statement in which he said "...I have seen the neurologist and everything is Ok, I didn't any pain or anything else during the game. Everything was a usual, I'm perfectly fine"

Mr. McTiernan presented the case on behalf of EPCR. He reminded the Committee that the onus of proof in respect of the citing complaint lay with him. It had been decided prior to hearing, by the Chairperson, that the citing hearings in respect of this player and in respect of his team-mate Lilian Saseras should be heard together and Mr. McTiernan was of the view that, although unusual, it was the appropriate way in which to proceed in these cases. Mr. McTiernan expressed the view that the cases were evidentially challenging and that it had been difficult for the Citing Commissioner to establish which, if either, of the players had been responsible for the apparent injury to the victim player. He submitted that the Citing Commissioner had, correctly in his view, cited both players in order to afford the best possible opportunity to the Committee to consider the incident whilst having both players present.

Mr. McTiernan pointed out to the Committee the main elements of the Citing Commissioner's Report. He asked the Committee to bear in mind that English not the native tongue of the Citing Commissioner and would in fact be his third language. With that in mind, he suggested to the Committee that any reference made by the CC to concussion or to Agen 13 having been concussed should be interpreted as meaning a broad reference to a head injury event.

Mr. McTiernan made reference to the match footage. He submitted that the Player was upright and that the tackle was high. He pointed to the rocking back of Agen 13's head as contact is made. Mr. McTiernan conceded that the video footage was probably not conclusive as to the point of contact but suggested that the footage broadly supported the citing report. It was his submission that the Player crouched, planted his feet and drove upwards into contact. He suggested that the Player was in a fully upright position at the point of contact and that Agen 13's head whips backwards, consistent with a strike to the chin or jaw. Mr. McTiernan argued that the match footage and the medical evidence that was available at the time of the citing were sufficient to prove, on the balance of probabilities that the act on foul play had occurred.

Mr. McTiernan explained that the match was not televised and that the only footage available was that of the home club. This would not have been available to the CC until some time after the match.

SUMMARY OF PLAYER'S EVIDENCE

Written submissions were made on behalf of the player in advance of the hearing and the player also have his own evidence at the hearing. The Player denied that he had committed any act of foul play. The Player explained that he was on the wing, in the defensive line, as Agen 13 approached with the ball. He said that the opposition winger had called for the ball and that his focus was on that player. He was aware of a gap in the defence and realised also that Agen 13 was not going to pass to his winger. The player explained that from his point of view, at that point his only option was to try to stop or block the ball. Agen 13 was tackled low by the Player's team-mate, Agen 19, and so the Player submitted that this only option was to go high to attempt to dispossess Agen 13. The Player made reference to the match footage in support of his explanation. The Player denied that any contact had been made by him with the neck or head of Agen 13. He had tried and failed to block the ball and said that he was beaten by the strength and pace of Agen 13. When asked about where his right arm had made contact with Agen 13, the Player indicated that his right arm had made contact with the ball. The Player suggested that other players "are the first judge when there is something wrong" and pointed out that there had been no reaction to the tackle by any of the Agen players. The Player also made reference to the post match medical evidence and the statement of Agen 13 which confirm that no injury had been sustained.

FINDINGS OF FACT

The Committee found the match footage to be inconclusive and that same did not show any clear contact between the shoulder, or any other part, of the Player and the head of Agen 13. The Committee found the Player's explanation of his actions to be credible. The Committee found therefore that the Player did not commit the act of foul play the subject of the citing report and the citing was therefore dismissed. The parties were advised of the right of each to Appeal.

DECISION

Breach admitted <input type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input checked="" 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
Gravity of player's actions – R 7.8.32 (c)
Nature of actions – R 7.8.32 (d)
Existence of provocation – R 7.8.32 (e)
Whether player retaliated – R 7.8.32 (f)
Self-defence – R 7.8.32 (g)
Effect on victim – R 7.8.32 (h)
Effect on match – R 7.8.32 (i)
Vulnerability of victim – R 7.8.32 (j)
Level of participation/premeditation – R 7.8.32 (k)
Conduct completed/attempted – R 7.8.32 (l)
Other features of player's conduct – R 7.8.32 (m)

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks	Mid-range	Weeks	Low-end	Weeks
<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 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)
Need for deterrence – R 7.8.34 (b)
Any other off-field aggravating factors – R 7.8.34 (c)

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)
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Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)

Number of weeks deducted:

Summary of reason for number of weeks deducted:

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	Weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences		
Sanction concludes		
Free to play		

Signature (JO or Chairman)	Jennifer Donovan	Date	20/12/2018
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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