

EPCR SHORT JUDGMENT FORM

Match	Exeter Chiefs	Vs	Castres Olympique
Club's Country	France	Competition	Heineken Champions Cup
Date of match	13 January 2019	Match venue	Sandy Park, Exeter
Rules to apply	EPCR Disciplinary Rules 2018/19		

PARTICULARS OF OFFENCE

Player's surname	STROE	Date of birth	6 September 1993
Forename(s)	Tudor	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Castres Olympique		
SELECT: Red card <input checked="" type="checkbox"/>	Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	Striking with any part of the arm (including stiff arm tackles), contrary to Law 9.12		
Summary of Sanction	3 weeks		

HEARING DETAILS

Hearing date	16 January 2019	Hearing venue	Sheraton Paris Airport Hotel
Chairman/JO	Gareth Graham	Panel member 1	Frank Hadden
Panel member 2	Leon Lloyd	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:

Matthias Rolland, Director of Castres Olympique	n/a
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List of documents/materials provided to player in advance of hearing:

<ul style="list-style-type: none"> - Notice of hearing - Red card report - Statement of Sean Gallagher, AR1 - Statement of Mark Patton, AR2 - Statement of Olly Hodges, TMO - Medical report from Exeter Chiefs - Video footage of the incident
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SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE

The red card report of George Clancy, Referee, reads as follows:-

"Castres Olympique were defending a ruck. While standing, Castres Olympique No.17 swung his forearm and made contact with the head of an opponent. This incident was brought to my attention by the TMO, Olly Hodges, and I reviewed the incident with him on the Big Screen. In consultation with the TMO, I issued a red card to Mr. Stroe."

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

The medical report by Jamie Fulton, Lead Physiotherapist, Exeter Chiefs, for the victim player (Ollie Devoto) states:

“Ollie Devoto reported no medical issues linked to the red card incident in post-match screening or at injury review.”

SUMMARY OF PLAYER’S EVIDENCE

The Player accepted the red card at the outset of the hearing.

The Player stated that he was reacting to what he thought was an inappropriate clear out by the Exeter 12 on the Castres 14. He candidly stated that he was not attempting to challenge for the ball but was retaliating in order to signal to the Exeter 12 that he was unhappy with the clear out. The Player accepted during the hearing that, on viewing the video footage, the clear out of his team mate by the Exeter 12 was legitimate.

The Player’s intention was to use his arm to strike the Exeter player’s shoulder. It was accepted on behalf of the Player that there may have been a glancing blow to the cheek of the Exeter 12.

The Player reiterated a number of times that he had not intended to strike the head and that he had apologised to the Exeter 12 after the match.

FINDINGS OF FACT

The Panel found the following facts on the balance of probabilities:

1. The Player swung his arm intentionally to strike the Exeter 12 at a ruck.
2. That strike was a spontaneous reaction to what the Player perceived at the time to be a dangerous clear out of his team mate by the Exeter 12.
3. The Player’s arm made contact with the side of the Exeter 12’s head.
4. There was no injury to the Exeter 12.

DECISION

Breach admitted Proven Not proven Other disposal (please state below)

The Player accepted that he had committed an act of foul play which passed the red-card threshold.

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)
PLEASE TICK APPROPRIATE BOX Intentional/deliberate <input checked="" type="checkbox"/> Reckless <input type="checkbox"/>
State reasons
This was, as the Player had candidly admitted, an intentional strike. However, the Panel accepted the Player's evidence that he had not intended to strike the Exeter 12's head. The Player was entirely credible on the point when giving his evidence before the Panel.
Gravity of player's actions – R 7.8.32 (c)
The Player struck the Exeter 12 to the side of the head with moderate force.
Nature of actions – R 7.8.32 (d)
As described above, this was a strike with the arm.
Existence of provocation – R 7.8.32 (e)
There was none.
Whether player retaliated – R 7.8.32 (f)
The Player retaliated to what he perceived at the time to be a dangerous clear out of his team mate.
Self-defence – R 7.8.32 (g)
n/a
Effect on victim – R 7.8.32 (h)
There was no injury to the Exeter 12.
Effect on match – R 7.8.32 (i)
There was no effect on the match, aside from the sending off itself.
Vulnerability of victim – R 7.8.32 (j)
The Exeter 12 was supporting his weight on his arms at the material time. His head was exposed and he was not able to protect himself.
Level of participation/premeditation – R 7.8.32 (k)
This was a spontaneous reaction.
Conduct completed/attempted – R 7.8.32 (l)
The conduct was completed.
Other features of player's conduct – R 7.8.32 (m)
n/a

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point						
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	6	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" 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
<p>This was a deliberate strike, where contact was made to the side of the victim player's head. No injury was caused.</p> <p>For an offence of this nature, where there is contact to the head, the mandatory entry point is at least a mid-range sanction.</p> <p>In the circumstances the Panel found that this offence warranted a mid-range entry point.</p>

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
n/a
Need for deterrence – R 7.8.34 (b)
n/a
Any other off-field aggravating factors – R 7.8.34 (c)
n/a

Number of additional weeks: 0

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 7.8.35(a) The Player pleaded guilty at the earliest opportunity.	Player’s disciplinary record/good character – R7.8.35 (b) The Player received a 1-week ban in 2013/14 for having received 3 yellow cards in a short period of time. This ban is of some age and is of an entirely different category to the offence with which the Player had been charged on this occasion. The Panel considered that it would not be appropriate to reduce the maximum reduction available by way of mitigation in the circumstances and thus he would be treated as being of good character.
Youth and inexperience of player – R 7.8.35 (c) The Player is 25 years old and in the third season of rugby at the highest level.	Conduct prior to and at hearing – R 7.8.35 (d) The Player’s conduct at the hearing was exemplary.
Remorse and timing of remorse – R 7.8.35 (e) The Player had apologised to the Exeter 12 at the match as well as to his Club and team mates. It was plain that he was very remorseful for his actions.	Other off-field mitigation – R 7.8.35 (f) n/a

Number of weeks deducted: 3

Summary of reason for number of weeks deducted: The Panel considered that the Player was to be treated as being of good character for the reasons given above. He had pleaded guilty at the earliest opportunity, was relatively inexperienced and had demonstrated genuine remorse. In all the circumstances, the Panel had no hesitation in finding that he was eligible for the full 50% reduction by way of mitigation.

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	13 January 2019	The Panel noted that Castres are not due to play any fixtures on the weekends of 2/3 and 9/10 February 2019. In order to ensure the sanction is meaningful, the period of suspension therefore incorporates the following fixtures: 1. Castres v Gloucester, 19 January 2019 2. Castres v Clermont Auvergne, 26 January 2019 3. Pau v Castres, 16 February 2019.
Sanction concludes	17 February 2019	
Free to play	18 February 2019	

Signature (JO or Chairman)	Date

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