

EPCR SHORT JUDGMENT FORM

Match	La Rochelle	Vs	Sale Sharks
Club's Country	England	Competition	Heineken Champions Cup
Date of match	10 January 2020	Match venue	Stade Marcel Deflandre
Rules to apply	EPCR Disciplinary Rules 2019/20		

PARTICULARS OF OFFENCE

Player's surname	Morozov	Date of birth	21 September 1994
Forename(s)	Valery	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Sale Sharks		
SELECT: Red card <input checked="" type="checkbox"/>	Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	9.12 – striking with the shoulder		
Summary of Sanction	3 weeks' suspension		

HEARING DETAILS

Hearing date	16 January 2020	Hearing venue	Bird & Bird LLP offices, London
Chairman/JO	Pamela Woodman (Scotland)	Panel member 1	Nigel Williams (Wales)
Panel member 2	Val Toma (Romania) – by videolink	Disciplinary Officer	Liam McTiernan (EPCR)
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> By videolink	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> By videolink

Player's Representative(s):

Other attendees:

Steve Diamond, Director of Rugby, Sale Sharks

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

1. Letter from the Disciplinary Officer to the chair of the EPCR Disciplinary Panel
2. Notice of hearing
3. Red card report from the referee, Mike Adamson, ("**Red Card Report**")
4. E-mail statement from the television match official, Neil Paterson ("**TMO Report**")
5. E-mail statement from the assistant referee, Sam Grove-White ("**AR1 Report**")
6. E-mail statement from the assistant referee, Finlay Brown ("**AR2 Report**")
7. Player's responses to the standing directions and supplementary confirmations ("**Player's Responses**"), all provided by the Player's Representative by e-mail on the Player's behalf
8. E-mail statement from Lopeti Timani, La Rochelle player number 19 ("**LR19**")
9. Video clips of the incident in the Match provided by the Disciplinary Officer
10. E-mails confirming the Player's (lack of) disciplinary record

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

Law 9.12 is in the following terms:

"A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm (including stiff-arm tackles), shoulder, head or knee(s), stamping, trampling, tripping or kicking."

The Red Card Report stated that the Player had been shown a red card for a contravention of Law 9.12 (striking with the shoulder) in the 65th minute of the Match when the score was La Rochelle 25 – Sale Sharks 16. The report of the incident was in the following terms:

"During the second half, a ruck was formed in the La Rochelle 22m. La Rochelle 19 pulled Sale 17 to the floor by his head/neck and then held him on the ground. Sale 17 then struck La Rochelle 19 in the head with his shoulder while they were both on the floor."

The TMO Report was in the following terms:

"It was a ref led TMO check . I saw what everyone saw at home . I knew with the likelihood of cards Mike would want it on the big screen.

As per my communication I agreed with exactly how Mike described the incident !"

It was confirmed in both the AR1 Report and the AR2 Report that the AR1 and AR2 did not have a clear view of the incident live.

The statement from LR19 confirmed that he received no injury in the incident. It was also confirmed on behalf of LR19 by Arnaud Dorier that, with regard to where the Player made contact with LR19, the Player "didn't touch" LR19's body and "didn't touch his head".

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

It was confirmed in the Player's Responses that:

1. The Player accepted the Red Card Report was a true and accurate account of the incident that resulted in the showing of the red card and the facts surrounding the incident, except that the Player "was unaware of which part of his upper body hit the La Rochelle player as [the Player] was in a state of shock having been in a violent Head Lock for 6 seconds". The Player accepted that "he struck the La Rochelle player with his upper body" and that he had struck LR19 in the head.
2. The Player accepted that he had committed an act of foul play and that this had warranted a red card.

In addition, during the Hearing, the Player's Representative confirmed that the Player accepted that he had committed an act of foul play and that that act of foul play warranted a red card and so confirmed that he was not seeking to challenge the issue of the red card. It was also confirmed that the Player had made contact with LR19's head.

SUMMARY OF PLAYER'S EVIDENCE

During the Hearing, submissions were made by or on behalf of the Player which were (in summary):

1. The Player was initially elbowed in the face around 7-8 seconds before the incident with LR19.
2. There was much in the build up to this incident.
3. LR19 had the Player in a head lock for 7 seconds and twisted the Player left and right by the neck.
4. The Player was trying to release himself from LR19's hold.
5. The Player did not intend to make contact with LR19's head. He inadvertently made contact with LR19's head and his sole intention was to free himself. He did not intend to hurt/damage LR19 but the Player considered that LR19 had been trying to hurt him.
6. In attempting to free himself, the Player projected himself towards LR19.
7. It was accepted that the upper body of the Player made contact with the head region of LR19.
8. This was more than a rugby incident.
9. There was severe provocation.

The Player's Representative accepted that the Referee was in a good position to see the incident.

FINDINGS OF FACT

It had been accepted by the Player that he had committed an act of foul play which warranted a red card. Therefore, the Disciplinary Committee was required to consider what further action should be taken as a result of the Player being shown the red card in respect of a contravention of law 9.12.

The Disciplinary Committee found that the Player was severely provoked by LR19 and had been the "victim" of a prolonged neck/throat grab and roll. Notwithstanding this, the Disciplinary Committee found that the Player struck LR19 and committed an act of foul play which warranted the issue of a red card.

It had been accepted by and on behalf of the Player that the Player had made contact with the head of LR19. The Disciplinary Committee found, on the balance of probabilities, that this was consistent with the sharp backwards movement of LR19's head during the incident following the strike.

Given that the Disciplinary Committee was satisfied, on the balance of probabilities, that the Referee had direct sight of the incident, immediately blew his whistle and described the incident in the Red Card Report as a strike to the head of LR19 by the Player with his shoulder, the Disciplinary Committee also gave significant weight to the Referee's account.

The Disciplinary Committee also noted that LR19's statement did not appear to be consistent with what could be seen on the video footage.

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/> Not proven <input type="checkbox"/> Other disposal (please state below) <input type="checkbox"/>
	<p>In determining the appropriate entry point, it was relevant for the Disciplinary Committee to consider whether or not the direction from World Rugby (contained in appendix 1 to regulation 17 – World Rugby Sanctions for Foul Play) that "any act of foul play which results in contact with the head and/or neck shall result in at least a mid-range sanction" ("World Rugby Direction") was applicable in the particular circumstances of this case and so if the World Rugby Direction would <u>automatically</u> require the Disciplinary Committee to determine an entry point of <u>at least</u> mid-range.</p> <p>Given that the Player had accepted that he had committed an act of foul play which warranted a red card and that he had made contact with the head of LR19, the Disciplinary Committee determined that the World Rugby Direction applied and so it was required to determine an entry point of at least mid-range.</p>

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 checked="" type="checkbox"/>
State reasons
The Disciplinary Committee accepted that the Player did not deliberately target the head of LR19 in committing the act of foul play contrary to law 9.12.
Gravity of player's actions – R 7.8.32 (c)
The head is a particularly vulnerable area of the body and so any contact with it is potentially dangerous and, where this occurs as a result of foul play, is serious. The Player's actions were grave in that he made contact with the head of LR19.

Nature of actions – R 7.8.32 (d)
The Player made contact with the head of LR19 with his shoulder or upper body.
Existence of provocation – R 7.8.32 (e)
As noted above, there was significant and severe provocation by LR19.
Whether player retaliated – R 7.8.32 (f)
When the Player struck LR19 (while both were on the ground), LR19 had released the Player's neck but was still holding onto his jersey. The Player had been described by the Player's Representative to project himself forward at this time in an attempt to have LR19 release him. The forward movement of the Player could be seen from the video footage. The Disciplinary Committee was not satisfied, on the balance of probabilities, that this was an attempt to release and was more likely to be a form of retaliation.
Self-defence – R 7.8.32 (g)
When the Player struck LR19, LR19 had released the Player's neck and so the Player could not be considered to be acting in self-defence or, as submitted on behalf of the Player, for self-preservation.
Effect on victim – R 7.8.32 (h)
Given the extent of provocation, it is disingenuous to describe LR19 as a "victim". LR19 was the antagonist. LR19 suffered no injury and was yellow carded for his actions.
Effect on match – R 7.8.32 (i)
There was no effect on the Match, other than that Sale Sharks were down to 14 men (and at one point 13 men, following a yellow card to another player) as a result.
Vulnerability of victim – R 7.8.32 (j)
LR19 was not vulnerable and was the instigator and provocateur in what preceded the red card incident.
Level of participation/premeditation – R 7.8.32 (k)
The Player fully participated and there was no other player involved in the act of foul play. There was no premeditation.
Conduct completed/attempted – R 7.8.32 (l)
The conduct was completed.
Other features of player's conduct – R 7.8.32 (m)
There were no other features of the Player's conduct which were relevant.

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		X	6	<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
This was not applicable.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
This was not applicable in the circumstances of this case.
Need for deterrence – R 7.8.34 (b)
This was not applicable in the circumstances of this case.
Any other off-field aggravating factors – R 7.8.34 (c)
There were 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)
The Player accepted the red card at the earliest opportunity and did not seek to contest it.	As noted above, the Player has a "clean" disciplinary record.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
The Player has played 5 seasons of professional rugby and represented Russia at Rugby World Cup 2019. Therefore, he could not be said to be inexperienced.	The conduct of the Player and his representative throughout the Hearing was excellent. They remained courteous and polite throughout.
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
This was not discussed during the Hearing. However, in light of the extent of provocation involved, the Disciplinary Committee was satisfied that, if there was no apology to LR19 (which was not known), this would not have been unreasonable in the circumstances.	None.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
In considering any reduction from the entry point suspension (as permitted in terms of clause 7.8.36 of the Rules), the Disciplinary Committee was required to start at 0% and work up from there to a maximum of 50%. As noted above, the Disciplinary Committee was satisfied that significant mitigating factors were present (including the Player's early acceptance of the red card, his "clean" disciplinary record and his conduct at the Hearing), and so applied a reduction of 50% (i.e. 3 weeks), giving a total sanction of 3 weeks.

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)	3 weeks, including the following matches: 18 January 2020 Sale Sharks v Glasgow Warriors 25 January 2020 Exeter Chiefs v Sale Sharks 1 February 2020 Russia v Spain	Sending off sufficient <input type="checkbox"/>	
Sanction commences	At the conclusion of the Hearing	Costs	EUR 750 payable by the Player
Sanction concludes	Midnight on Sunday 2 February 2020		
Free to play	Monday 3 February 2020		

Signature (JO or Chairman)	Pamela Woodman	Date	17 January 2020
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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