

DISCIPLINARY DECISION



Match	Toyota Cheetahs v Isuzu Southern Kings		
Player's Club	Isuzu Southern kings	Competition	Guinness PRO14
Date of match	02/02/2019	Match venue	Toyota Stadium
Rules to apply	Guinness PRO14 Disciplinary Rules		

PARTICULARS OF OFFENCE			
Player's surname	Velleman		
Forename(s)	Cyril John		
Referee Name	Stuart Berry	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Law 9.11 - Players must not do anything that is reckless or dangerous to others.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>	If "Other" selected, please specify:
Summary of Sanction	Suspension for 3 games effective from 12 February 2019 to 3 March 2019.		

HEARING DETAILS			
Hearing date	07/02/2019	Hearing venue	Phone Conference
Chairperson	Adv Tokkie van Zyl SC		
Other Members of Disciplinary Committee	Adv Maria Mokhoaetsi and Stefan Terblanche		
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)	Mr A Heyns (legal) Mr Z Hela (Super Kings)	Disciplinary Officer and/or other attendees	Ms A Monaghan
List of documents/materials provided to Player in advance of hearing	1. Pro 14 Red Card letter. 2. Match referee statement. 3. TMO statement. 4. Medical statement Toyota Cheetahs 5. Player statement Toyota Cheetahs 6. Disciplinary rules. 7. Video footage of incident.		

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

Player transgressed Law 9.11 by diving on opposing player on the ground after opponent scored a try and Player making direct contact with his elbow on the head of the opposing player.

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

1. Medical report to the effect that except for usual on-field assessment, no other treatment required.
2. Opposing player reported he got a knock on the head which was painful , however did not cause much harm.
3. Video footage shows that assistant referee saw incident but did not point out as foul play.
4. Match referee made decision to show red card after viewing incident on big screen and consultation with TMO.

SUMMARY OF PLAYER'S EVIDENCE

1. In essence the player's version is that he was in the line of defence and expected that the opponent would attempt to score in the corner, but changed direction by stepping inside. The player decided that he would attempt to dislodge the ball from the opponent's hands by making contact with the opponent's upper body(torso). The opponent however did not dive when scoring the try but went to ground before the try line. This caused the player to make contact with opponent's head. It happened very quickly and he had no intention to commit foul play. He saw on the big screen what happened and initially thought the opponent was faking an injury. If the opponent had dived for the try line as he expected, he would have connected with the opponent's upper body. He knows the opponent and apologised after the match and there were no hard feelings.

FINDINGS OF FACT

The player admitted he breached Law 9.11 and that a red card was justified.

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/> Not proven <input type="checkbox"/> Other disposal (please state) <input type="checkbox"/>
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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)	
Intentional/deliberate <input checked="" type="checkbox"/>	Reckless <input type="checkbox"/>
State Reasons	

The player's explanation that he intended to dislodge the ball is improbable. He dived on the opponent with his right fore-arm leading and making contact with the opponent's head. At the moment he started diving the opponent had already placed the ball to score the try. Though it is accepted that it happened very quickly, we find on a balance of probabilities that it was deliberate.
Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)
It is accepted that it happened quickly and no serious injury was caused.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
The player dived on opponent and his fore-arm made contact with the opponents head.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
None.
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
No
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
No
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
Slight injury to head but continued to play after on-field assessment.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
Southern Kings had to play with 14 men for approximately the last quarter of the match.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Victim was vulnerable as he was lying flat on the playing field.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
It happened quickly--- on the spur of the moment.
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
Completed
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)
None.

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"/>		<input checked="" type="checkbox"/> Appendix 7	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

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ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

None

Player's status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
One previous offence in 2019, being a yellow card for collapsing a maul after a team warning. No previous sanction or card for foul play. Player is 23 yrs of age.
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
This type of incidents require deterrence as the opponent is vulnerable.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
None.

Number of additional weeks:

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
Player apologised to opponent and admitted guilt at hearing. Player did not contest or argue with referee’s decision to show red card.	Good. No previous transgressions of foul play.
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)
Still fairly young but has experience as he has been playing for a number of years at a high level.	Good and commendable.
Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)
Player clearly admits wrongdoing and the apology to the opponent after the match indicates remorse.	None.
Number of weeks deducted: 3	
Summary of reason for number of weeks deducted: 1. Off–field mitigation-the remorse shown and a clean record. 2. There was no serious injury. 3. In view of all the facts the committee finds that a period of suspension for 6 weeks would be wholly disproportionate to the level and type of offending.	

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	3 weeks suspension	Sending off sufficient <input type="checkbox"/>
Sanction commences	12 February 2019	
Sanction concludes	3 March 2019	
Matches/tournaments included in sanction	3 Matches	

Costs	None
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Signature (Chair)	MMW van Zyl	Date	7 February 2019.
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NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIR TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – DISCIPLINARY RULES 8.1 (PAGE 4-32)