

DISCIPLINARY DECISION



Match	Connacht Rugby v Leinster Rugby		
Player's Club	Connacht Rugby	Competition	Guinness PRO14
Date of match	29 Sept. 2018	Match venue	The Sportsground, Galway
Rules to apply	Guinness Pro 14 2018/2019 Disciplinary Rules		

PARTICULARS OF OFFENCE

Player's surname	Robertson-McCoy		
Forename(s)	Dominic		
Referee Name	John Lacey	Plea	X Admitted <input type="checkbox"/> Not admitted
Offence	9.12 – Stamping or Trampling	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:	
Summary of Sanction	Top end – 12 weeks reduced on mitigation to 6 weeks. Player free to play from 18 November 2018		

HEARING DETAILS

Hearing date	3 October 2018	Hearing venue	BT Murrayfield, Roseburn St, Edinburgh EH12 5PJ, UK
Chairman/JO	Sheriff Kathrine EC Mackie		
Other Members of Disciplinary Committee	Beth Dickens Robert Milligan QC		
Appearance Player – by video conference	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		

Player's Representative(s)	Tim Allnutt, Barry Gavin	Disciplinary Officer and/or other attendees	Amy Monaghan, PRO14 Rugby
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> - Referee Report (2) - TMO Report (2) - Assistant Referees Reports - Statement from Josh van der Flier, Leinster Rugby - Statement from Prof John Ryan, Leinster Rugby Team Doctor - Hawkeye footage of incident - 2018/19 PRO14 Disciplinary Rules 		

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

After a ruck the referee's attention was drawn by the ARs and the TMO to possible serious foul play. He was invited by the TMO to view the passage of play on the pitch side screen. On the screen he saw the player stamp on the head of an opposition player (Blue 7). He advised the TMO that his decision was to issue a red card. The TMO did not disagree. The reports from all match officials were in similar terms.

With agreement of the player the match footage was played at full speed and the view from cameras 8 and 9 at half speed. The latter clearly shows Blue 7 lying at the foot of the ruck holding the player's right lower leg. As the player stepped back and pulled his right leg free he stamps on the right side of the neck of Blue 7. Blue 7 immediately rolls over placing his left hand on his neck.

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

Blue 7 stated that he was lying on the ground after clearing out a player. He was facing back towards his teammates. He admitted "grasping" an unidentified player's leg. He felt a boot come down on his neck. It was "quite sore" although he did not think there was a "huge" degree of force. He received treatment and was able to continue to play. After the game he had no issues with his neck.

Blue 7 was attended to during a stoppage in play by his team doctor and physiotherapist. He sustained a soft tissue injury to the right side of his neck. He was further examined by the team doctor after the game. Marks were observed on the neck with some tenderness. This resolved during the course of the evening.

SUMMARY OF PLAYER'S EVIDENCE

The player explained that he had just come onto the pitch and the ruck was the first play he had been involved in. He was anxious to join the defensive line, but he was being held into the ruck by his foot. He struggled to free himself. He was frustrated and acted instinctively. He realised immediately that he had reacted badly. He had no intention to injure but acknowledged he had acted deliberately. He was ashamed and had apologised to Blue 7 as soon as he was able at the end of the match.

FINDINGS OF FACT

1. Blue 7 was lying on his side on the Green side of a ruck facing towards the ruck and his teammates.
2. He was holding the right lower leg and foot of the player.
3. The player struggled to free his foot in order to join his team's defensive line.
4. After he freed his right foot he stamped with that foot on the right side of Blue 7's neck.
5. Blue 7 received treatment on the field and continued to play.
6. Blue 7 suffered a soft tissue injury with some marks to his neck and tenderness. The injury resolved during the course of the evening with no lasting sequelae.
- 7.

DECISION

Breach admitted x	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 x Reckless <input type="checkbox"/>
State Reasons
Player admitted he was acting deliberately. He knew Blue 7 was lying at foot of ruck and was retaliating for his foot having been held preventing him from joining defensive line.
Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)
Potential for very serious injury to vital parts of anatomy – cervical spine, larynx, veins and arteries.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)

Stamp to neck
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Foot held preventing him joining defensive line.
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
He retaliated to his foot being held by Blue 7 preventing him from joining the defensive line.
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
N/A
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
Soft tissue injury to his neck with some marks and tenderness. Resolved during evening post match.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
None
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Victim was vulnerable, lying on ground facing away from player. Neck exposed.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
Player only participant
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
Action completed
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)
N/A

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point			
<u>Top end*</u>	<u>Mid-range</u>	<u>Low-end</u>	<u>Weeks</u>
<u>Weeks</u>	<u>Weeks</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> 12	<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
The panel determined not to select an entry point above top end because of element of provocation.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
N/A
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
N/A
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
N/A

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 acknowledged culpability prior to hearing	Player has clean record
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)
N/A	Exemplary
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)
Remorse expressed to Blue 7 immediately post match, subsequently through Team Manager and Chief Executive and at hearing.	None

Number of weeks deducted

Summary of reason for number of weeks deducted:

The panel considered that taking into account all the factors identified above the player should receive full 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 17.14.5(f) (or equivalent Tournament rule)

Total sanction	6 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	5/10/2018	
Sanction concludes	18/11/2018	
Matches/tournaments included in sanction	6	

Costs

	None
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Signature (JO or Chairman)	Kathrine EC Mackie _____	Date	4 October2018 _____
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NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule) (see Page 6)

[Standard Appeal Directions to appear on this page]