

DISCIPLINARY DECISION



Match	Scarlets v Isuzu Southern Kings		
Player's Club	Scarlets	Competition	Guinness PRO14
Date of match	29 Sept. 2018	Match venue	Parc y Scarlets, Llanelli
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program		

PARTICULARS OF OFFENCE			
Player's surname	Cassiem		
Forename(s)	Uzair		
Referee Name	Sean Gallagher	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	9.12 – A player must not make contact with the eye/eye area	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>	If "Other" selected, please specify:
Summary of Sanction	2 weeks		

HEARING DETAILS			
Hearing date	3 October 2018	Hearing venue	BT Murrayfield, Roseburn St, Edinburgh EH12 5PJ, UK
Chairman/JO	Roddy Dunlop QC		
Other Members of Disciplinary Committee	Frank Hadden Iain Leslie		
Appearance Player – by video conference	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
Player's Representative(s)	Sara Davies, Wayne Pivac	Disciplinary Officer and/or other attendees	Jude Canniffe, PRO14 Rugby
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> - Citing Commissioner Report - Referee Report - TMO Report - Assistant Referees Report - Statement from Ruaan Lerm, Isuzu Southern Kings - Statement from Gershwin Kortje, team doctor, Isuzu Southern Kings - Hawkeye footage of incident - 2018/19 PRO14 Disciplinary Rules - Photographs of Ruaan Lerm's eye area - Audio recording of Ruaan Lerm speaking with Jeff Mark, citing commissioner, post-match 		

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

The citing commissioner reported that the player was seen to put his hand to the face of the Southern Kings no.8, making contact with the eye or eye area.

In the video footage, a brief altercation is shown, involving several players. On reverse angle 4 of the footage, the cited player is shown pushing the Southern Kings no.8 away, upon which he is made the subject of retaliation from other Southern Kings players. It can be seen that he is briefly subjected to first a "rabbit punch" to his face and then has an opposing hand hooked into his mouth. After the incident the player is seen to check his mouth area. The Southern Kings no.8 does not appear to react and in particular does not seem to check, or be concerned about, his eye.

A photograph of the face of the Southern Kings no.8 was produced, showing a white mark on his right eye lid.

Insofar as there can be seen, on the footage, to be any actual interaction with the Southern Kings no.8's eyes or the area around the eyes, this seems to be focused on the area of the *left* eye (and, accordingly, not the eye on which the white mark is seen.

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

An email was produced mentioning the marks on the right eyelid of the Southern Kings no.8.

SUMMARY OF PLAYER'S EVIDENCE

The player, by letter prior to the hearing, accepted contact with the eye area; that the citing was valid; and that the red card test was met. At the hearing, his representative (Mr Pivac) initially suggested that the actions of the Southern Kings players was such that the red card test was not, in fact, met. After further discussion, however, the player adhered to the position that he had adopted in the pre-hearing letter. His position was that he was provoked and subjected to a minor assault; that he reacted instinctively; that any contact was with the eye area rather than the eye; and that any such contact was unintentional.

FINDINGS OF FACT

On the basis of the video footage, the panel had little difficulty in accepting that the player's acceptance of the validity of the citing and of the fact that the red card test was met was correct.

As to the precise area of contact, the panel found this more difficult. The mark on the right eyelid is there to be seen. However, as against that the panel noted that the video footage shows no obvious contact with the right eye. Any potential contact with an eye appeared to be more likely, from the footage, to be at the left eye. The player's thumb can be seen to be close to that eye, albeit very briefly. No injury was reported regarding that eye. Moreover, close scrutiny of the footage suggested that the player's left thumb was in fact hooked around the Southern Kings no.8's nose, as opposed to his eye. In

addition, the photograph did not suggest a recent injury to the right eye, as the mark on the eyelid seemed white rather than red.

On balance, the panel gave the player the benefit of the doubt, and could not find on balance of probability that there was contact with the eye itself. Rather, it concluded that there was contact, by the left hand of the player, with the eye area of Southern Kings no.8.

The panel accepted that this was an instinctive reaction by the player, in response to a minor assault by players from Southern Kings – in particular a “rabbit punch” and a finger briefly being hooked into his mouth. That being so, the panel found that the offence was committed recklessly rather than intentionally.

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 type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
As above, in what was a fast moving and dynamic situation occupying a very short period of time, the player reacted to a minor altercation by pushing away the only part of Southern Kings no.8 which was open to him, namely his face. He did so in a situation where he knew or ought to have known that he risked contacting the eye area, but without intending to make contact therewith. He was thus reckless.
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)
The panel was not satisfied that there was any injury, and in particular noted the absence of any reaction by Southern Kings no.8. The incident was accordingly considered to be of low gravity.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
This has been addressed already,
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
The player was provoked.
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
The player did retaliate.
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
To an extent the player reacted in self-defence.
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)

No obvious effect on the victim was apparent, standing the panel’s doubt as to whether the mark on the eyelid resulted from the index event.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
There was no such effect.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
The “victim” was no more vulnerable that was the player in the context of the altercation.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
There was no premeditation.
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
The conduct was completed, albeit in a very short space of time.
Other features of player’s conduct – R 17.19.2(m) (or equivalent Tournament rule)
None of moment.

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 type="checkbox"/>		<input checked="" type="checkbox"/>	4

*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 17.19.4(a) (or equivalent Tournament rule)

Mr Cassiem has a clean disciplinary record.

Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)

The panel had regard to the need to deter contact with the eye area, although noted that this was very much to the lower end of offences seen in this regard.

Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)

None.

Number of additional weeks:

0

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)
The player accepted the citing and that the red card test was met, in advance of the hearing. No weight was given to the fact that his representative suggested, briefly during the hearing, that the red card test was in fact not met.	None.
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)
Not applicable.	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)
The player had spoken with the Southern Kings no.8 immediately after the game. He accepted the citing before the hearing.	None.

Number of weeks deducted:

2

Summary of reason for number of weeks deducted:

The panel agreed that full mitigation was appropriate in light of the factors listed above.

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	2 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	Sunday 30 September 2018	
Sanction concludes	Sunday 14 October 2018	
Matches/tournaments included in sanction	2 (the games v Ospreys, 6 October, and Racing, 13 October)	

Costs	None awarded
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Signature (JO or Chairman)	Roddy Dunlop QC	Date	3 October 2018
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RIGHT OF APPEAL:

YOU HAVE THE RIGHT TO APPEAL IN TERMS OF RULE 8.

PLEASE NOTE THE TIME LIMIT FOR APPEAL AS PER RULE 8.1:

The player may appeal, in terms of Rule 8.1, by filing a notice of appeal complying in all respects with clause 8.2.1(b) with the chairman of the Disciplinary Panel c/o the Disciplinary Officer, **no later than 4pm (UK time) on the third day (excluding weekends) after receipt of the written notice of the decision being appealed against.**