

EUROPEAN RUGBY CUP
DECISION OF THE DISCIPLINE COMMITTEE
IN RESPECT OF A HEARING HELD AT THE
ERC HEADQUARTERS, ST. STEPHEN'S GREEN, DUBLIN
ON THURSDAY 4TH JUNE 2009
IN RESPECT OF JULIEN FRIER
CLUB – BOURGOIN

Citing Complaint for Infringement of Law 10.4(a) “Striking another player with a hand, arm or fist”

Members of Discipline Committee:

H Pat Barriscale, Chairman (IRFU)

John West (IRFU)

Simon Thomas (WRU)

Decision of the Committee

1. The Player was guilty of committing an act of illegal and/or foul play contrary to 10.4(a) which warranted a red card.
2. The Player is suspended from taking part in the game of rugby for one week ending at 12 midnight on 7th June 2009 and for a further period of two weeks commencing the 31st July 2009 to 12 midnight on the 14th August 2009
3. The Committee make an award of costs against the Player in respect of 50% of the costs associated with the hearing on this date.

Introduction

1. The Committee was convened by Professor Lauren D. Crerar, the Chairman of the ERC Discipline Panel pursuant to the Discipline Regulations of the ERC in respect of citing complaint made by Mr Raymond Wilton (WRU). The citing complaint concerned the conduct of the Player during an ERC Match between Northampton Saints and Bourgoin on the 22nd May 2009 at The Stoop in London, England. The

citing complaint alleged that the Player was guilty of an offence contrary to Law 10.4(a) striking a player with a hand, arm or fist.

Present at the hearing on the 4th June 2009 in addition to the Members of the Committee were:

Mr Roger O'Connor, Disciplinary Officer, ERC

Julien Frier, The Player

Mr Guy Laborie, Bourgoin

Mr Paul Duffy, Interpreter

Hearing

At the commencement of the hearing, the Chairman confirmed the identities of all present and established that the Player was before the Committee to answer a citing complaint. The Chairman outlined the procedure to be adopted by the Committee for the hearing and that the provisions of the ERC Disciplinary Regulations would apply. The Player and all present agreed to proceeding on that basis.

The Chairman established what evidence was to be placed before the Committee prior to the hearing and enquired as to whether all present had received the same in good time. The Chairman then noted that the additional evidence by way of statement from Ewan Murray was to be presented before the Committee and no objections arose in relation to the same. There were no preliminary issues to be determined as none were raised by either party.

The Chairman asked the Player how he wished to plead in relation to the citing complaint and the allegation that he had committed an act of illegal and/or foul play. The Player admitted that he had committed such an act and accepted that it was essentially a "red card" offence.

The Committee then considered all of the documentation before it and viewed the video evidence which was presented by Mr O'Connor. They also considered the submissions by Mr O'Connor in relation to the matters which should be considered in respect of the sanction to be imposed upon Mr Frier. These included the seriousness of the offence, the fact that it was intentional, it was a direct blow to the injured player's face and that the injured player received a number of stitches as a result of the striking. He had one previous suspension

earlier this year for a period of 10 days in respect of two yellow cards during the course of a match.

The Committee then listened to the submissions made by and on behalf of the Player himself in respect of mitigation being that essentially he had an unblemished record, he had pleaded guilty from the outset and had not contested the citing commissioner's complaint, that it was not premeditated and the injury was not serious having regard to the fact that the Player in question had played for the Lions the previous evening.

The Committee retired to deliberate in private in respect of what, if any, sanction would be appropriate in the circumstances. The Committee considered all of the evidence which had been placed before it and based on this the Committee fixed an entry point of 5 weeks suspension as being appropriate namely the mid range level. There were no aggravating factors to be considered in the circumstances.

As far as mitigation was concerned, the Player had essentially an unblemished record in his fourteen year playing career. He was now captain of Bourgoïn and evidence had been given of his significant contribution to the Club both on and off the playing field and the fact that he had pleaded guilty from the outset.

In those circumstances, it was considered that a reduction of two weeks was appropriate by way of reduction in respect of the mitigating factors.

In the circumstances, the Committee determined that the appropriate sanction was the imposition of a period of suspension of 1 week to end at 12 midnight on the 7th June 2009 and for a period of two weeks from 31st July 2009 until 12 midnight on 14th August 2009.

The parties are reminded of the right to appeal against this decision within a period of 72 hours of receipt of this written decision.

Signed: _____
H. Pat Barriscale
Chairman

Dated: 12/06/2009