

EPCR SHORT JUDGMENT FORM

Match	Worcester Warriors	Vs	Castres Olympique
Club's Country	France	Competition	European Rugby Challenge Cup
Date of match	17 January 2020	Match venue	Sixways Stadium, Worcester
Rules to apply	EPCR Disciplinary Rules 2019/20		

PARTICULARS OF OFFENCE

Player's surname	N'Kinsi		
Forename(s)	Hans	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Castres Olympique		
SELECT: Red card <input type="checkbox"/>	Citing <input checked="" type="checkbox"/>	Other (specify) <input type="checkbox"/>	
Offence	Law 9.12 – contact with the eye or eye area.		
Summary of Sanction	12 weeks suspension to Monday 4 May 2020. Player to pay costs to EPCR of 750 Euros.		

HEARING DETAILS

Hearing date	22 January 2020	Hearing venue	Bird & Bird LLP, Fetter Lane, London
Chairman	Simon Thomas (Wales)	Panel member 1	Jean-Noel Couraud (France)
Panel member 2	Mitchell Read (England)	Disciplinary Officer	Liam McTiernan
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/>

Player's Representative(s):

Other attendees:

Clément Germain, Avocat Joe Worsley, Defence Coach, Castres Olympique	Liam McTiernan, EPCR Disciplinary Officer Maria Gyalcsos, EPCR Regulations Executive
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List of documents/materials provided to player in advance of hearing:

1. Citing complaint.
2. Video footage.
3. Audio statement of Richard Palframan of Worcester Warriors.
4. Written statement of Richard Palframan.
5. Two photographs of the left eye area of Richard Palframan
6. Player's response to standing directions.
7. Medical certificate of Dr Clément Boisson.
8. Player's forthcoming match calendar.
9. Player's disciplinary record.
10. Statement of Christophe Berdos of Castres Olympique.
11. Disciplinary Officer's response by email with attached judgments of Quinlan, Flannery, Leo and Hartley.

INTRODUCTION AND PRELIMINARY MATTERS

Introduction

The Disciplinary Committee was appointed by the EPCR Independent Judicial Panel Chairman, Mr Mike Hamlin, to consider a citing complaint (“the citing complaint/the complaint”) made against the Player arising out of the match played between Worcester Warriors and Castres Olympique on 17 January 2020 at Sixways Stadium, Worcester (“the Match”).

The independent Citing Commissioner, Mr Ed Kenny (Ireland), appointed to the Match had cited the Player for committing an act of foul play contrary to law 9.12 of the laws of rugby union which forbids a player to verbally or physically abuse another player.

Law 9.12 encompasses various forms of physical and verbal abuse, however, the particular allegation against the Player in this citing complaint was that he made contact with the eye or eye area of an opponent (Worcester Warriors 18 – Richard Palframan).

This judgment is a summary of what transpired at the hearing and is not intended to set out everything that occurred at the hearing or all the evidence. Rather, it is to provide sufficient detail and analysis of the case to enable the parties to understand why the Committee came to the conclusion it did, and to enable the parties and any appeal committee to consider whether the decision is sustainable.

At the commencement of the hearing, the chairman of the Disciplinary Committee (“the Chairman”) identified himself and his fellow panel members and confirmed identities of all others present and their roles.

Regulatory Framework

The Chairman reminded all parties that the hearing would be conducted in accordance with the EPCR Disciplinary Rules 2019/2020 (“the Rules”) and outlined the procedure to be followed. The Chairman stated that in citing cases, pursuant to Rule 7.8.11, the burden is on the Disciplinary Officer to prove, on the balance of probabilities, that a player committed an act of foul play and that the foul play merited a red card. If the Disciplinary Officer fails to satisfy the Committee of that burden, then the proceedings end at that stage and the citing complaint is dismissed.

On the other hand, if a player admits the allegation contained in a citing complaint and that his conduct had merited a red card, or despite the player denying the allegation, a committee is satisfied on the balance of probabilities that this was the case, then the citing complaint is upheld and the committee is required to consider what sanction (if any) ought to be imposed pursuant to the three-stage process as set out under Rules 7.8.32 to 7.8.35. The sanctioning process is explained later in this judgment.

Preliminary Issues and Plea

The Chairman confirmed with the Disciplinary Officer and the Player’s representative that neither wished to raise any preliminary issues and so, accordingly, the citing complaint was put to the Player.

The citing complaint alleged that in the second half of the Match when the scores were Worcester Warriors 27 – Castres Olympique 19, the Player had physically abused an opponent by making contact with the opponent’s eye or eye area.

The Player denied committing the act of foul play as alleged in the citing complaint.

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

Citing Commissioner Report

The Citing Commissioner Report stated that the incident had occurred in the 69th minute of the Match when the score was Worcester Warriors 27 and Castres Olympique 19.

The narrative of the report read as follows:

“WW 18 is competing for the ball at a breakdown when CO5 (the Player) approaches the ruck. As the ball is moved away, I observed WW 18 on the ground with his hand held up to his left eye. CO score a try and after the conversion, WW 18 says to the referee ‘finger in my eye at the last breakdown when I was over the ball’. Appended to this report are a victim statement, photos of the injury and video footage. I believe this to be an act of foul play by CO5 which warranted a red card and I therefore cite CO5 under Law 9.12 for making contact with the eyes or eye area of an opponent”.

The citing complaint also confirmed that having discussed the matter with the Match officials *“the referee recalled the Worcester player claiming that he had been gouged but the referee had not identified an eye gouging incident”.*

The Citing Commissioner also confirmed that WW18 had his eye washed out and cleaned by a member of the WW medical team on the field.

Video Evidence

The video evidence was from a single camera angle and depicts a series of attacking rucks by Castres near the Worcester Warriors try line.

At the penultimate ruck before Castres score a try, the ball is picked up by the Castres scrum half who passes it to his right to a Castres player anticipating the pass with the obvious intention of trying to create enough power and momentum on the charge to break a tackle and reach the try line to score.

A Worcester Warriors player can be seen defending his try line and anticipates this pass. He tackles the Castres ball carrier “short of the line” and both go to ground.

Richard Palframan had been standing off the previous ruck and was quick to join the tackle area and whilst remaining on his feet he “jackals” for the ball crouching over the tackled Castres ball carrier.

Castres 18 then charges into the tackle area targeting Palframan in an attempt to “clear him out” but fails to achieve a good contact and falls beyond Palframan onto his side.

Other players from both teams converge towards the ruck including the Player who lowers himself onto a knee and reaches into his ruck with his hands. Whilst bearing weight on his left knee he lifts his right hand and arm in a sudden upward and backwards motion out of the ruck.

The Player then gets to his feet and stands to the left-hand side of the ruck facing his team as the ball is then passed by the Castres scrum half to Castres 20 who finds space between two Worcester tacklers and scores a try.

As the players in the previous ruck disperse, Palframan can be seen on the ground holding his left hand over his left eye, seemingly in discomfort.

The camera angle then moves away to follow the try scorer and the Castres players.

Richard Palframan Audio Recorded Statement

This statement was taken shortly after the conclusion of the match by Mr Ed Kenny, the Citing Commissioner. Present when the recording was made was Mr Hewitt, Team Manager of Worcester Warriors.

In this audio recording, Mr Palframan said that there was contact with his left eye. He was unsure precisely when the incident had occurred but said that it took place at a ruck on the left-hand side of the field between the 5-metre line and the try line. He said that he had gone to “jackal the ball” with his head down and he felt a finger go into his eye. He didn’t know who it was as his head was down. He was told (by the referee) to get out and he thinks Castres then scored.

When asked to describe the nature of the action of the person whose finger was in his eye, he described the finger as “wiggling and in a poking motion but with definite force into my eye”. He said it went on for two or three seconds and that he believed it would not have stopped if he hadn’t got out (of the ruck).

When asked which part of the eye the contact had been made, he said that it was “hooking underneath in the middle, just underneath where the mark is”. He said he had suffered a cut in the incident. He had not reacted as he had got out of the ruck and they (Castres) had scored. He said he didn’t think that anyone else witnessed the incident.

After Castres scored he spoke to the referee about the incident on the halfway line.

Written Statement of Richard Palframan

Mr Palframan had subsequently provided a written signed statement to the Disciplinary Officer which was read out at the hearing. It broadly repeated what he had said in his audio statement to the Citing Commissioner following the match.

He described how the incident had occurred in approximately the 69th minute of the match, at a ruck on the left-hand side of the field between the 5-metre line and the try line. He said he was competing for the ball in the jackal position. His head was pointing down and he was looking at the ball on the ground. It read as follows:

“Shortly after an attempt to clear me out, I felt a finger go into my left eye.

There is no doubt in my mind that it was a finger – I could feel it searching for my eye and applying pressure directly to my eye in a wriggling, poking, hooking motion for a sustained period of 2-3 seconds. The finger actually went into my eye cavity, and if I had not stopped challenging for the ball, my fear was that it would continue for as long as it would take to stop me competing. As I pulled my head away, I felt a scrape across my eye which resulted in scratches to my upper and lower eyelid.”

The statement went on to say that at the time, he had no idea who had been trying to gouge him, but having since seen the footage of the video, he believes it was of the Player because the delay between the initial contact from the attempted clear out by Castres No. 18 and the Player’s engagement with the ruck are consistent with the timings that he has from his own recollection. He also thinks a ripping action by the Player’s hand can be made out on the video and is consistent with the scraping motion he felt across his upper and lower eyelid as he pulled his head away.

Oral Evidence of Richard Palframan

Mr Palframan appeared by video link and gave evidence to the Committee. He said that the signature on the foot of the witness statement was his, and that he had signed it the previous day. He described how the statement came into being; he gave information to the club representative who helped formulate it and type it. They were his own words.

He was asked to examine the match footage and explain why, in light of the fact he previously had not been aware of the person who he alleges interfered with his eye, he now is in a position to say so. He said that his conclusions have come following examining the match footage. He said that he could recall the attempted clear out by Castres No. 18 and that he believed the gouge took place afterwards.

He was asked to simulate to the Committee the type of movement that he alleged had taken place in his eye and eye area. He demonstrated by use of his right hand underneath the eye, in a hooking motion upwards.

Under questioning from the Disciplinary Officer, Mr Palframan was emphatic that the injury could not have been caused at any other point in the match. He described how after the attack to his eye when he was still in the ruck he put his hand over the eye and told the referee that he had been gouged. He was asked whether he thought what had occurred might have been accidental. He said he did not believe that to be the case because it was direct force on to his eye. He went on to say that there was no doubt in his mind.

He then assisted the Committee and the others present in explaining in detail the events of the match footage which shows that he is wearing black and that the incident occurred in the last phase immediately before Castres scored a try. He described how having tackled the Castres player to prevent a try he could see the ball and was over it. He described how a Castres player tried to “clean him out”, but did not make a good contact and that the contact was somewhat glancing with the Castres player falling beyond Mr Palframan and to Mr Palframan’s right.

He was asked to comment about the actions of the Player and said that he believed that the Player’s “hooking motion” with his right hand and arm could be seen.

Cross-Examination of Mr Palframan

Mr Germain asked Mr Palframan whether he accepted that the force of the impact by Castres No. 18 had been powerful. Mr Palframan said that it had been glancing and it did not cause him to lose his balance. He said that he was still on the ball even though the other player had attempted to clean him out. He said his hand was down looking at the ball in a jackal position. At the time of the incident, his hands were close to the ball. He was then asked about the creation of his witness statement. It was put to him by Mr Germain that it was not his statement because a third party had typed it. His response was that it was his statement.

This concluded the evidence of Mr Palframan.

The other written evidence was considered.

SUMMARY OF PLAYER’S EVIDENCE

The Player’s evidence was relatively short. In relation to the ruck in which Mr Palframan complained he was “gouged”, he stated as follows: His teammate had taken the ball into contact but had been short of the line. He was in close proximity to the tackle area where Mr Palframan was beginning to jackal for the ball. He pointed out that his teammate, Castres No. 18, had attempted a clear-out but he had not been successful, and Mr Palframan had managed to remain in a stable and fairly strong position over the ball.

The Player pointed out by reference to the footage that the two other Castres teammates who were in a position to try and effect a further clear-out were numbers 9 and 10 who he would not expect to be as effective as himself and so he joined the ruck. He said that he could see Mr Palframan with his left arm down with his hand on the ball. He said that his intention was to loosen the ball by removing Mr Palframan’s arm away with his right hand

He demonstrated to the panel how this was done.

Cross-Examination of the Player

Upon questioning from the Disciplinary Officer, the Player was asked whether it was possible that the injury to Mr Palframan could have been caused accidentally by his (the Player’s) actions. The Player denied this and maintained that his right arm movement had been the ripping of Mr Palframan’s arm and not near Mr Palframan’s face.

On the basis that the Player had offered an explanation for the movement of his right arm in the breakdown area,

namely that it was a result of him lifting the arm of Mr Palframan to free the ball, the Chairman proposed that Mr Palframan should be recalled to give evidence and asked whether he could remember such an incident. If he confirmed it had happened, then that would be more consistent with the Player's case. If he denied that it had happened, then it would be inconsistent with the Player's case.

Both the Disciplinary Officer and the Player's representative agreed to this course of action.

Mr Palframan appeared this time by telephone and was asked by the Chairman whether he remembered his arm being lifted from the ball during that passage of play.

Mr Palframan was hesitant and said that he could not remember that happening but could not say that it had not happened.

This concluded the evidence of the Player and Mr Palframan.

FINDINGS OF FACT

The Parties' Submission on Liability

The Disciplinary Officer submitted that the citing complaint in this matter should be upheld. He referred to the clear evidence of Mr Palframan both orally and his written statement, that he had felt a sustained period of contact with his eye. He was very clear about it. It had been a period of between two and three seconds and that he had said there was no mistake about it.

He submitted that although at the time Mr Palframan was not able to say who had been responsible for the contact with his eye, having viewed the Match footage and the timing of his recollection of events he formed the view that from what he experienced the only person who could be responsible was the Player. He referenced the ripping motion of the Player which is consistent with what happened to his eye. Conversely, the Player had said that at no point did his arm come near the face of Mr Palframan and, therefore, the Player was by implication stating that someone else had committed this act of foul play.

The Disciplinary Offer finally submitted that the question of Mr Palframan's credibility was not really an issue in this case (in that the Player had not argued no contact had been made to his eye or eye area) and that by means of deduction the Committee ought to be satisfied that the Player was responsible for causing the injury to the eye.

The Player's Submissions

Mr Germain started by saying that it was clear that the referee had been in a good position to observe the incident but had not seen anything. There was no image or picture of any eye gouging incident. He also suggested that the allegation of contact with the eyes may have been motivated by Mr Palframan in an effort to have the try disallowed.

He submitted that the injury could have been caused by other means and that there were many people involved in close proximity with Mr Palframan at the time. He relied upon the statement of Mr Berdos there was nothing which was clear and obvious about the incident even through the referee had been very attentive.

Accordingly, there was insufficient evidence to demonstrate the Player had committed the act of foul play and the citing complaint should be dismissed.

When asked to comment by the Chairman, neither the Player's representative nor the Disciplinary Officer sought to argue that if the act of foul play alleged in the citing complaint was found proven, the act of foul play would not have warranted a red card.

Decisison on Liability

The Committee retired in private to consider the submissions and all of the evidence that it had seen, read and heard.

The Committee came to the following factual conclusions and before doing so reminded itself that matters of fact were to be determined on the balance of probabilities as required by Rule 7.8.11.

The findings were: -

1. During the course of legitimately competing for the ball following a tackle on a Castres player, Richard Palframan was in a "jackal position" over the ball with at least one of his hands on the ball.
2. In an attempt to remove him from the tackle area (clear him out) Castres Olympique 18 charged towards him powerfully however did not make an effective contact with him. Rather, the contact was glancing such that Castres 18 failed to remove him from the tackle area but instead found himself falling beyond Mr Palframan.
3. The Player had observed his teammate having failed to remove Palframan from his strong position and so decided to enter the tackle area in an effort to prevent Palframan taking possession of the ball.
4. During the course of the passage of play a Castres player inserted a finger into an eye cavity of Mr Palframan's left eye in a wiggling or poking motion with a degree force. The panel accepted that this had been more than fleeting and was an intentional act on the part of the Castres Olympique player responsible.
5. The contact with the eye ended with a hooking motion by the finger of the Castres Olympique player which caused the injuries to Palframan's left eye as depicted in the photographs and referred to by the Citing Commissioner.
6. The Disciplinary Committee having carefully examined the movement and body positions of all of the other Castres players in close proximity to Mr Palframan at the time were satisfied, on the balance of probabilities, that the person responsible for the act of foul play upon Mr Palframan was the Player and that the movement of his arm was consistent with the hooking movement described by Mr Palframan. No other player involved could be seen in a position to make contact with Mr Palframan's eye or eye area and no other Castres player could be seen acting in a similar manner at the time.
7. The Player and his body position and position of his right hand and arm were closest to the head or face of Mr Palframan.
8. The Committee was also satisfied that the Player's act of foul play was intentional due to the description of the Player's actions as referred to above which was not consistent with the actions being accidental or reckless,

In coming to these conclusions, the Committee also considered that Mr Palframan had given a very good impression as a truthful and honest witness and his evidence had been consistent throughout. His evidence was also corroborated by the Match footage and the photographs taken by the Citing Commissioner.

The hearing was therefore reconvened, and the parties were informed of the decision on liability and the findings that the act had been committed intentionally by the Player and that it had merited the red card.

The Chairman confirmed that the Committee would now need to hear submissions from the disciplinary officer and the Player in relation to the entry point.

Disciplinary officer's submissions on entry points

Mr McTiernan submitted that although it was a relatively old case, the Committee should take into account the guidance in the RFU Judgement on Dylan Hartley dated 24th April 2007 where the Chairman, Jeff Blackett had produced the judgement on behalf of the Committee. The judgment is well known and has been considerable assistance in contact with the eye cases for a number of years. In particular, Paragraph 20 sets out a general guidance as to what instances of contact with the eye/eye area might be regarded as low end and what might be regarded as top end within the range of sanctions available to Disciplinary Committees. In particular, the passage which the Disciplinary Officer sought to rely upon from the judgment contained the following: *"offences which would properly be classified as at the top end of the scale of seriousness include, but are not limited to, an intentional act designed to cause serious discomfort or injury to the eye or area around the eye of an opponent. The most serious offences in this category would be the permanent damages caused)."*

The Chairman, however, pointed out to the Disciplinary Officer and the Player's representative that since 2007 the

World Rugby Sanctions for foul play found an Appendix 3 of the Rules and which appear in tabular form, are more detailed than was the case in 2007 such that for acts of foul play contrary to rule 9.12 involving “intentional contact with eye(s)” this has now become a specific offence with its own lists of sanctions for low end, mid-range and top end which, therefore suggests, that intentional contact with eyes can fall in any of the ranges .

Accordingly, the passage in the Hartley’s decision referred to by the disciplinary officer was now of very limited assistance.

Upon reflection, the Disciplinary Officer accepted that this was the case.

Nevertheless, the Disciplinary Officer’s submissions were that the offending had been deliberate and intentional rather than reckless. The actions were grave in that contact with the eye is a serious offence. The part of the body used had been a finger in the eye of the opponent. This was not the case involving retaliation, provocation or self-defence. A modest injury had been caused to Mr Palframan however there was no impact upon the match. Mr Palframan had been vulnerable for two reasons. Firstly, the eye is vulnerable to serious injury and also, Mr Palframan had his head down and was not in a position to protect himself from the Player.

Dealing with off field matters, Mr McTiernan had confirmed that there were no off field aggravating factors present.

The Disciplinary Officer did not make any representations in relation to the mitigation which will be left for the Player’s representative to comment upon save that he acknowledged the Player had conducted himself at the hearing with respect for the process.

Player’s Submission on Entry Point

Mr Germain made general submissions about the case and the manner in which Castres Olympique regard discipline. He explained that for the club they have a high degree of respect for the laws of the game and that the “team spirit is everything”. He explained that this ethos is emphasised from the President of the club at the top to the rest of the club and that the Player’s disciplinary record is generally very good. When asked to address the entry point checklist under Rule 7.8.32, Mr Germain made comments similar to the Disciplinary Officer and did not add anything significantly different to the manner in which the Disciplinary Officer had presented his submissions on entry point.

The Player’s representative invited the Committee to conclude there were no aggravating factors present.

As far as mitigating factors were concerned the Player had certain personal mitigation available to him and referred to a close family bereavement during his youth which had wide ranging implications. He has remaining family living in Toulouse. He is described by those who know him as “calm, smiling, helpful, hard-working and very respectful.”

He had played for most of his professional career in the D2 (France Second Division) and had played 116 games without any red cards.

He was 27 years of age.

In conclusion, the Player’s representative further submitted that as there had been no premeditation on the part of the Player and no injury of any significance then the Committee could properly conclude that this was a low-end entry point offence.

The Committee retired to consider its decision.

The Committee took into account that for cases of intentional contact with the eyes, the sanction’s table found in Appendix 3 of the Rules prescribed the following starting point suspensions:

Low end – 12 weeks

Mid-range – 18 weeks

Top end – 24 weeks + (maximum of 208 weeks)

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

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)
PLEASE TICK APPROPRIATE BOX Intentional/deliberate <input checked="" type="checkbox"/> Reckless <input type="checkbox"/>
State reasons
The Committee accepted the evidence the evidence of Mr Palframan that what he felt was a sustained and deliberate attempt to target his eye.
Gravity of player’s actions – R 7.8.32 (c)
Any attempt to make contact with the eye area is a serious matter and any attempt to contact the eye itself is even more serious.
Nature of actions – R 7.8.32 (d)
The Committee concluded that the Player on the spur of the moment decided to make contact with Mr Palframan’s eye in an attempt to cause him to loosen his grip or attempt to recover the ball.
Existence of provocation – R 7.8.32 (e)
There was no provocation.
Whether player retaliated – R 7.8.32 (f)
There was no retaliation.
Self-defence – R 7.8.32 (g)

This was not a case involving self-defence.
Effect on victim – R 7.8.32 (h) The effect on the victim was thankfully limited. That said, the Committee accepted that had Mr Palframan not taken evasive action himself the attack would have continued. He had suffered grazes above and below the eye but no injury to the eye itself.
Effect on match – R 7.8.32 (i) There was no effect on match
Vulnerability of victim – R 7.8.32 (j) The Committee concluded that the victim was very vulnerable. His eye was incapable of being protected. Due to being in the ruck, he was unable to easily extricate himself from the situation.
Level of participation/premeditation – R 7.8.32 (k) There was full participation in the conduct, but the Committee accepted that there was no significant premeditation although the Player obviously formed an intent to make contact with Mr Palframan’s eye.
Conduct completed/attempted – R 7.8.32 (l) The conduct had been completed not merely attempted.
Other features of player’s conduct – R 7.8.32 (m) There were no other features of the payer’s conduct

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point		
<u>Top end*Weeks</u> <input type="checkbox"/>	<u>Mid-range Weeks</u> <input checked="" type="checkbox"/> 18 Weeks	<u>Low-end Weeks</u> <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.

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ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
None
Need for deterrence – R 7.8.34 (b)
None
Any other off-field aggravating factors – R 7.8.34 (c)
None

Number of additional weeks:

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)
Not applicable. The Player denied his involvement in the foul play throughout and therefore receives no credit for this.	The Player had a very good disciplinary record with no previous suspensions.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
The Player is neither particularly young nor particularly inexperienced but has a good record.	The Player had complied with all of the necessary requirements under the Rules and had conducted himself in a calm, polite and respectful manner during the course of the hearing.
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
The Player had not shown any remorse for his actions as he had denied any foul play.	The Committee took into account what his representative had said about his upbringing which had been difficult.

Number of weeks deducted: 6 weeks

Summary of reason for number of weeks deducted:

The Committee reminded itself that in accordance with the Rules when applying mitigation, it has to start at 0% and work up to a maximum of 50%. The Committee concluded that the appropriate mitigation in this instance would be 33.33% which results in a 6 weeks deduction from the 18-week entry point.

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)	12	Sending off sufficient <input type="checkbox"/>	
Sanction commences	17 th January 2020	Costs	750 Euros
Sanction concludes	Midnight on Sunday 3 rd May 2020		
Free to play	Monday 4 th May 2020		

Signature (JO or Chairman)	Simon Thomas	Date	6 February 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