

## **EPCR SHORT JUDGMENT FORM**

Match	Stade Toulousain	Vs	Sale Sharks
Club's Country	France	Competition	Heineken Champions Cup
Date of match	18/12/22	Match venue	Toulouse
Rules to apply	<b>EPCR Disciplinary Rules 2021/22</b>		

### **PARTICULARS OF OFFENCE**

Player's surname	Ramos	Date of birth	23.7.95
Forename(s)	Thomas	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Stade Toulousain		
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	This judgement should be read in conjunction with the red card matter which was dealt with at the same hearing. The sanction for this citing offence was a total suspension for 5 weeks, but the player is also subject to a sanction of 4 weeks suspension which will run concurrent to this matter.		

### **HEARING DETAILS**

Hearing date	21.12.22	Hearing venue	Zoom hearing
Chairman/JO	Daniel White	Panel member 1	Donal Courtney
Panel member 2	Bogdan Zebega	Disciplinary Officer	Maria Gyolcsos
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):

Other attendees:

Neil Robertson	Ugo Mola – Head Coach Jerome Cazalbou – High Performance Coach
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List of documents/materials provided to player in advance of hearing:

<p>Footage of the incident from one angle. Recorded interview with Guss Warr (Sales No9) post the game giving his account of the events. Citing Commissioner Report Written account from the player Submissions via email from his representative. Medical evidence from Dr Ahmed (Sale Sharks Doctor)</p>
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### **SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE**

THE CITING REPORT COMPLETED BY ED KENNY STATED AS FOLLOWS:

This incident happened at game time 55:04. Sale Sharks were in possession of the ball close to the halfway line when Sale Sharks 20 (S20) was tackled by Stade Toulousain 8 (T8). The tackle took place approximately 10 metres from the touchline. Stade Toulousain 15 (T15) and Sale Sharks 9 (S9) arrived on their feet and competed over the ball. T15 drove S9 backwards and both players went to ground. S9 was on his back on the ground with T15 on top of S9.

While the players were on the ground, the right arm and elbow of T15 can be seen rising upwards (away) from S9 and then immediately moving back down towards S9. In an immediate reaction, S9 moved both his hands over his eyes and upper face.

Following this, T15 can be seen moving his right hand away from the face area of S9 before getting back to his feet. S9 remained on the ground with his left hand over his left eye. S9 received treatment on the field and he also brought the incident to the attention of the referee (this was confirmed by the referee post-match). Despite multiple requests, I was unable to get tv footage from the far side of the stadium. I utilised the six camera angles provided and in particular the camera angle named ch3\_Z1\_8143. Based on the tv footage available, an interview with Sale Sharks number 9 (Fergus Warr) and a medical statement via email from Dr Imran Ahmed (Sale Sharks), I believe the actions of Stade Toulousain 15 (Thomas Ramos) meet the red card threshold. I therefore cite Stade Toulousain 15 under Law 9.12 for contact with the eye or eye area of Sale Sharks number 9.

I contacted the referee and the TMO following the game. The referee did not see the incident but confirmed that Sale Sharks number 9 brought the incident to his attention. The TMO confirmed that he had one camera angle of this incident and that he did not request more angles.

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

The medical report confirmed there were no injuries occasioned save for the player's account of blurring for a few seconds after the event occurred.

After hearing from TR, the panel heard from Guss Warr (S9). He was not taken back through his recorded interview with the citing officer. He gave an account of the incident a fresh: he was approaching the ball, was counter rucked and ended up on on his back with TR above him. "He put his hand over my eyelid. I closed my eyes instinctively. "He said he could feel TR's fingers under his eyebrow and on top of his eyelid – an account which was identical to that given to the Citing Officer after the game. He said he felt it was a finger and not a thumb. He could feel the finger was firmly there for a few seconds, "he pushed down to push himself up. I closed my eyelid as he did it. He pressed down as he pushed himself up. His finger / hand was on my eye as he got up".

He was asked about the amount of pressure applied to his eye and responded, "enough to be wary". It was a little bit sore, it had hurt and it had blurred his vision. His right eye had not been touched. He said the blurred vision lasted for 5-10 seconds, his team Dr checked it out and he was fine to play on. He did not have any discomfort the following day.

When asked about the sand on the pitch, he responded to say that that had not bothered him, it was "just a sandy pitch". He did not have sand in his eye and he was not aware of any players suffering from sand related issues during the game.

The suggestion was put to him that TR's hands had been trapped against his chest as they fell and that this was due to his actions in grabbing him. He denied that was the case and pointed out that TR was "on top of me" and that he had been driven backwards.

### SUMMARY OF PLAYER'S EVIDENCE

Within Thomas Ramos's (TR) written submissions made prior to the hearing he stated as follows:

My recollection of the incident is:

- In the 56<sup>th</sup> minute, Stade Toulousain is leading 33-12.
- The opposing number 20 is in possession of the ball approximately in the middle of the field, and is tackled to the ground.
- While trying to create a ruck and contest the ball, I am cleared by the opponent's number 9 who pulls me towards him and unbalances me forwards.
- We fall, the contact with the opposing number 9 is made with my shoulder and I was still held while we were on the ground.
- As I try to get up, I hear the scream of the opposing number 9 who brings his hands up to his face, as if he had taken a blow.
- At no time did I bring my hands to his face.
- Immediately after being examined by his medical staff, the opposing number 9 was able to resume his position.

On TR's behalf Mr Robertson opened the submissions by expressing concern that there was only one angle of footage available and commenting that it, "doesn't help us at all". He submitted that the panel would therefore have to rely upon the other evidence available in the case.

TR stated he approached the ruck, he was countering after the Sale player had gone to ground. He saw the Sale 9 arriving. As he went for the ball they made contact. TR continued forwards, with the Sale 9 moving backwards and the two going to ground – TR on top of S9. As he got up, his attention was focused upon the referee, he could see S9 was holding his face and had "screamed" but he did not know why.

When asked questions by the panel about where his hands had gone during this incident TR said that as he fell towards the ground his hands and arms were trapped against his own body as a result of the S9 grabbing him. He demonstrated this to the panel showing his hands facing in towards his chest and touching his chest above the nipple height. TR stated that, "his arms were around me" and TR's own hands were "blocked against my body". As the two fell, TR's arm became free and his right hand landed on the ground. He categorically denied at any stage that his hand or any part of his arm had made contact with the eye or eye area of S9. TR believes that his shoulder may have made contact with S9's face as they fell to the ground, but certainly not his hand.

When asked why his right elbow can be seen to lift upwards after his right hand had touched the ground (as can be seen upon the footage), raising his arm and then move downwards and forwards, in the immediate moments prior to S9 clutching his face, he said he "did not know". He was given opportunity to address this question and repeated that he did not know why we see his right elbow move upwards on the footage. His evidence was that his hands had been stuck and remained stuck as he was "pulled down". "There's no way my hand could be on his face at that stage".

At this stage Mr Mola (Head coach) also highlighted the fact that the pitch had had to have a lot of sand put onto it for the game, it had rained a lot and that some other players had been grazed as a result of the sand on the pitch. He did not suggest that this might have been why S9 had felt contact had been made with his eye area.

On behalf of EPCR, Liam McTiernan, invited TR to view the footage again and asked why it was that TR's shoulder was more likely to have contacted the right hand side of S9's face, than his left. Consequently Mr Tiernan asked, whether he was suggesting that a shoulder to the face could be confused with the alleged hand / finger to the eye or eye area which was being described by Mr Warr? TR replied that he "did not know in reality", but he was certain that his hands and any other part of his body had not made contact with the eye or eye area of S9.

Mr McTiernan took the panel to a freeze frame of the footage and zoomed in, suggesting that this showed a point in the incident where a possible thumb belonging to TR could be seen in close proximity to or upon the eye area of S9. TR responded, respectfully, suggesting that what could be seen was S9's nose and not his (Mr Ramos's) thumb. He said at that point his hand was on the ground and he was about to or was getting up.

### FINDINGS OF FACT

Following submissions from both EPCR and then Mr Robertson the panel reviewed the entirety of the evidence afresh.

The panel found, unanimously, that this citing should be upheld. We did not agree with TR's account that his hands had been trapped as he fell, we find that the footage clearly shows he puts his left hand down on the ground to the right-hand side of S9 and moments later his right hand comes to ground on the other side. Thereafter his body and shoulders conceal much of the view of S9's face. We clearly noted that after landing, TR can clearly be seen to raise his right elbow upwards and then move his arm back down again in the direction, we find, of S9's eye or eye area. Whilst TR's shoulder did make contact with S9's face, that was slightly earlier in this incident and was not what triggered S9 to be clutching towards his face and "screaming" out. That, we find, does however coincide with TR's right arm moving forwards and downwards towards S9's eye or eye area.

We find that Guss Warr's account was consistent and reliable, both in the hour or so after the game with the Citing Commissioner and during questioning at the hearing. He did not seek to exaggerate the events and gave a clear account of feeling a finger upon his eyelid and that finger applying pressure to the area as TR used it to push himself up.

### DECISION

Breach admitted  Proven  Not proven  Other disposal (please state below)

Citing upheld

### SANCTIONING PROCESS

### ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)

**PLEASE TICK APPROPRIATE BOX** Intentional/deliberate  Reckless

State reasons

This was a deliberate action to move his hand / fingers over the eye or eye area of the player beneath him. Once in that position further pressure was applied, albeit not such as to cause more than minor blurring.

Gravity of player's actions – R 7.8.32 (c)

Any contact with the eye or eye area is extremely serious as it carries the potential for significant harm being occasioned.
Nature of actions – R 7.8.32 (d)
A deliberate movement to place fingers over the eyelid and apply pressure to the eye area.
Existence of provocation – R 7.8.32 (e)
None
Whether player retaliated – R 7.8.32 (f)
N/A
Self-defence – R 7.8.32 (g)
N/A
Effect on victim – R 7.8.32 (h)
Blurred vision for 5-10 seconds only. Complete recovery.
Effect on match – R 7.8.32 (i)
None.
Vulnerability of victim – R 7.8.32 (j)
The victim lay beneath TR, having been counter rucked off the ball and landed on his back. To this extent he was vulnerable.
Level of participation/premeditation – R 7.8.32 (k)
Whilst we find this to be an intentional act, it is not one which had been premeditated for any relevant period of time.
Conduct completed/attempted – R 7.8.32 (l)
Completed
Other features of player's conduct – R 7.8.32 (m)

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>8 Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>		<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

This was an intentional act, by placing his hand / fingers over the eye or eye area of a player who lay beneath him on his back. Having positioned his fingers in this way he applied downward pressure, partly to help himself get up. The consequence was thankfully, no more than temporary blurred vision (for 5-10 seconds), but the player noted it had felt sore.

**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)
The player contested the citing, denying any wrongdoing and giving an account of his actions which the panel later found was not correct.	In 2014 TR was suspended for 3 weeks for kicking out at a player who was on the ground. Given the amount of time which has passed since this incident, we did not feel it was appropriate for it to impact the sanctioning process.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
The player is 27 years old and a hugely experienced international rugby player.	Appropriate
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
When asked TR said he had apologised to the referee after the game for the red card he received later on. A incident entirely separate from the one for which he was cited. He said he “wanted to know what the referee thought about the red card”. He said he “feels remorse because he has penalised his team” and said it was “not good for rugby to get a red card”. He regrets his actions and his team have “big matches coming up”.	His coaches spoke highly of him, having coached him for 8 years at Toulouse. The club are very strict on discipline and they didn’t think that they would find themselves in front of a disciplinary panel with TR of all the people in their team. They said TR knew the consequences of his actions and he was in all other ways “exemplaire”. The panel were informed about the positive charity work TR does with regards to a charity for women in France suffering from a particular illness and two other charities which support sick children.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The panel could not give the player any credit for acknowledgement of the offending as we categorically found against his account of what had occurred. However, we noted his effective good character (given the antiquity of his previous matter) and the good work he does outside of rugby; which gave us the ability to reduce his sanction by 3 weeks.

This judgement should be read in conjunction with the concurrent matter against this same player for a red card offence of striking with the head. We reflected upon the totality of sanction to be applied and whether this sanction should be imposed concurrently or consecutively to the admitted red card matter. We concluded that concurrent sanctions were proportionate in all the circumstances.

**ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS**

Player’s status as an offender of the Laws of the Game – R 7.8.34 (a)

N/A
Need for deterrence – R 7.8.34 (b)
N/A
Any other off-field aggravating factors – R 7.8.34 (c)
N/A

Number of additional weeks: 0

**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)	5	Sending off sufficient <input type="checkbox"/>	
Sanction commences	19.12.22	Costs	N/A
Sanction concludes	23.1.23		
Free to play	23.1.23		

Signature (JO or Chairman)	Daniel White	Date	21.12.22
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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