DECISION OF THE DISCIPLINE COMMITTEE

HEINEKEN CUP

HELD AT DUBLIN ON THURSDAY 30 JANUARY 2008

IN RESPECT OF BOB CASEY ("the player") and A CITING COMMISSIONER'S REPORT FROM RUSSELL HOWELL IN REPECT OF CONTRAVENTION OF LAW 10.4(b) – STAMPING/TRAMPING ON AN OPPONENT DURING THE BENETTON TRAVISIO MATCH WITH LONDON IRISH HELD AT TRAVISIO ON 19 JANUARY 2008

Members of the Discipline Committee

Committee	Paul Mauriac (Chairman, FRU) George Spottswood (IRFU) Peter Brown (SRU)

Decision of Committee

1. The Committee upheld the citing.
2. The Committee accepted the player's plea the act was careless and did NOT merit a red card. No penalty was imposed.

Introduction

This Committee was convened by Professor Lorne D Crerar, the Chairman of the ERC Discipline Panel pursuant to the Discipline Regulations of the Heineken Cup in respect of a Citing Complaint made by Russell Howell, the Citing Commissioner.

The Citing Complaint concerned the conduct of the player during a Heineken Cup match played between Benetton Treviso and London Irish on 19 January 2008 at Stadio Comunale di Monigo Treviso.

The Citing Complaint alleged that the player trampled on a Treviso player contrary to Law 10.4(b).

Present at the Hearing on Thursday 30 January 2008 in addition to the Members of the Committee were:

- Roger O'Connor (Disciplinary Officer, ERC)
- Max Duthie (Counsel to the Disciplinary Officer)
- Declan Danaher of London Irish – The Player
- James Segan (Barrister for the Player)
- Duncan Sandlant (Solicitor for the Player)
- Kieran McCarthy (London Irish Rugby Manager)

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 the Citing Complaint. The Chairman outlined the procedure to be adopted by the Committee for the Hearing and that the provisions of the Disciplinary Rules of the Heineken Cup. The Player and all present agreed to proceed on such basis.

The Chairman established what evidence had been placed before the Committee prior to the Hearing and enquired as to whether all present had received same in good time. The Chairman then requested the Disciplinary Officer to confirm what additional evidence was to be presented by way of video evidence.

Prior to the commencement of the formal Hearing, the Chairman invited the Player to confirm whether or not they had any preliminary issues that they wished to raise and none such were raised.

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 stated he did not accept the citing complaint as a true and accurate account.

The Chairman invited Mr Duthie to outline the facts of the citing and present the DVD evidence to enable the Committee to consider same.

Mr Duthie opened the Citing Commissioner's Report and led the Committee through the DVD evidence which showed the development of a ruck in open play where the player is seen making contact with his left boot on the body of one Treviso player and a glancing blow to the head of Treviso no14.

CASEY

The Committee were presented with an e-mail from Vittorio Munari, the Treviso Rugby Manager, stating his number 14 had a bruise on the back of his head. Medical attention had been required and no 14 had continued playing.

The Player responded by accepting his boot made contact with the body of the Treviso player on the ground and grazed the head of the no 2. He did not accept he had been reckless in attempting to step over the player on the ground. He stressed contact on the opposition players had been caused by the Treviso hooker pushing his knee down and his own no 9 pulling his leg down to his left.

The Committee viewed several times the DVD evidence then invited comments from Mr Duthie who highlighted the high risk in the player's action even if the Committee were to accept his intention to 'step over' .He reminded the Committee that it was sufficient for ERC to establish carelessness or negligence in the actions of the player. He contended the action was in fact reckless in that the player would have to make contact somewhere with his boot. The action was a reckless tramp and warranted a red card.,

Mr Segan asked the Committee to accept the DVD evidence clearly demonstrated the contact with the head was accidental and if there was a risk in the player's effort to step over , he invited the Committee to consider 'What was the true test of risk?' Clearly the intervention of the other players had contributed to the boot making contact in what was otherwise a legitimate tactic .He felt it relevant neither referee or touch judge had seen anything wrong , there had been no player reaction and if it had been the player's intention to stamp he was in a position to really have a go. He invited the Committee to dismiss the citing.

The Committee retired to deliberate in private as to sanction. The Committee upheld the claim in that foul play did take place. It accepted the player's statement he had attempted to step over and while finding he had been careless , decided the act was NOT worthy of a red card ,and no penalty was imposed.

The Parties were reminded that Regulation 8 provided for the right of Appeal and how such Appeal could be progressed against this Committee's decision.

Dated the eleventh day of February 2008

Paul Mauriac
Chairman
Discipline Committee

CASEY