

EPRC CHALLENGE CUP

Decision of Disciplinary Committee
Hearing Held by Skype Conference Call
21 December 2016

In respect of:

Randall Morrison ("the Player"), Timisoara Saracens

and

The ordering off ("the Red Card") of the Player by the referee, Thoms Charabas ("the Referee") in the match played between Harlequins and Timisoara Saracens at The Stoop Ground, Twickenham on 17 December 2016 ("the Match") alleging that during the Match the Player committed an act of foul play contrary to Law 10.4(e) of the Laws of the Game, dangerous tackling.

The Disciplinary Committee:

Roger Morris (Wales) (Chair)
Tommy Dalton (Ireland)
Becky Essex (England)

Decision

The Player, having accepted the Red Card as issued was warranted, is suspended from playing the game until midnight on 22 January 2017 which, taking account of his playing schedule, represents a suspension when expressed in "weeks" of two weeks.

Introduction

The Committee was convened by Professor Lorne D Crerar, Chairman of the EPRC Disciplinary Panel, to consider the Red Card issued to the Player for his alleged offending in the Match played in the EPRC Challenge Cup ("the Tournament"). The Red Card was issued by the Referee to the Player for an alleged breach of Law 10.4(e) of the Laws of the Game – dangerous tackling.

In addition to the Committee the following were present at the Hearing:

From Timisoara

- The Player
- Dana Uruci – Timiosara Assistant Team Manager
- Bogdan Bradu – Team analyst

With the Committee at Sofitel Hotel, Heathrow

- Liam McTiernan - the Tournament's Disciplinary Officer ("the Disciplinary Officer")
- Danny Rumble – assisting the Disciplinary Officer
- Jennifer Rae – Clerk to the Hearing

The parties agreed that the hearing would be conducted in accordance with the provisions of the Tournament's Disciplinary Rules applicable to Season 2016/2017 ("The Disciplinary Rules" in the plural and "DR" in the singular").

The materials distributed to the parties in advance of the hearing comprised:

- Referee's report re Red Card
- Assistant referee's report re Red Card
- Letter from the Disciplinary Officer to Professor Crerar informing him of the Red Card
- Notice of Hearing dated 20 December 2016
- Player's responses to standing directions contained in a personal statement and in an e mail from Dana Uruci
- Statement from Grainger Heikell, team coach
- Copy text message from Marlon Yarde, (H14)
- Video clip of the incident to be considered.

There were no preliminary issues to be considered.

THE HEARING

The Player's position:

The Chair noted the Player's responses to the Standing Directions issued under the Rules and in particular that the Player both accepted that he had committed the act of foul play alleged and also that the act had warranted the Red Card. The Player confirmed that remained his position. That being the case the parties agreed that the purpose of the Hearing was to establish what sanction, if any, should be imposed and the evidence would be examined with that purpose in mind.

Video

The video was watched from both sides of the Skype link. The Player was invited to comment on what was being seen and to explain his position in relation to it.

The video showed H14 carrying the ball and running in a clockwise curve into and in his left hand half of the Timisoara 22 area and to the left of the posts. At a point approximately 10 metres from the goal line the Player, tracking back and across field to intercept H14's line of running, tackled H14 around his neck with the Player's right arm. The tackle was executed from behind and to the right hand side of H14.

After the tackle H14 was helped to his feet, attended briefly by a Harlequins' physio and then carried on with the Match without any obvious difficulty or problem.

The Referee consulted with his assistant before producing a red card and ordering the Player from the field. As he left the field he received several friendly taps to the back from apparently sympathetic opponents.

The Player explained that his intention as he approached H14 was to tackle him with both arms and legitimately low and pointed to the video as showing just that. He had been deceived, however, by the curving run of H14 such that H14 crossed his path marginally before the Player had anticipated. The change of direction caused by the swerving run also had the effect of bringing H14's head on to a lower trajectory. The effect of all of this was a complete misjudgement on the part of the Player which resulted in the foul he fully accepted was worthy of the Red Card and for which he could only apologise to the Committee.

On the field he had apologised immediately to H14 and did so again after the Match both on the field and at the after match function.

Match officials' reports and other written evidence

The reports from the Referee and his assistant were noted and read. The Player accepted their veracity but pointed out that he was in fact wearing the No 6 shirt and not the No 8 shirt as stated.

A text message received from H14 was also read and noted. He confirmed he had been tackled by an arm around his neck and although sore at the time it was not enough to stop him from playing.

The Disciplinary Officer's submissions

The Disciplinary Officer referred the Committee to the World Rugby memorandum dated 22 May 2015 and suggested that the foul in question was the sort of foul identified by World Rugby as needing to be policed and adjudged with rigour by those involved in the disciplinary process. He further suggested that such rigour should lead the Committee to think in terms of the Mid Range entry point when considering appropriate sanction.

Sanction

The Committee retired to consider matters in private and reminded itself that the appropriate standard of proof to be applied to all its determinations is the balance of probabilities. The Committee also reminded itself that Appendix 3 of World Rugby's Regulation 17 (applicable to the Rules) sets the entry levels for an offence contrary to Law 10.4(e) of the Laws of the Game as: Lower End – 2 weeks; Mid Range – 6 weeks and Top End – 10+ weeks.

The Committee then assessed the offending by reference to Rule 7.8.32 and the criteria set out in that Rule.

That assessment was as follows:

- (a) & (b) The Committee accepted there was no initial, deliberate intention to commit a foul and that the Player had set himself to perform a legitimate tackle. The foul committed was the consequence of misjudgement to the point of recklessness.
- (c) The one armed, illegally high tackle was sufficiently strong to bring H14 firmly to the ground.
- (d) The offence was committed with a high swinging right arm.

- (e) (f) & (g) There were no elements of provocation, retaliation or self defence.
- (h) H14 was treated briefly on the field but suffered no more than transient pain.
- (i) There was no adverse effect on the conduct of either team. It is noteworthy that a number of his opponents approached the Player as he left the field apparently sympathising with him.
- (j) The victim was running quickly and therefore vulnerably exposed to a high tackle.
- (k) There was no premeditation but the level of participation was full
- (l) The conduct was completed
- (m) There were no other features to be taken into account.

In the light of the above assessments the Committee was satisfied, despite the Disciplinary Officer's submissions, that the Lower End entry point was appropriate in all the circumstances. This meant a starting point for the calculation of sanction of two weeks.

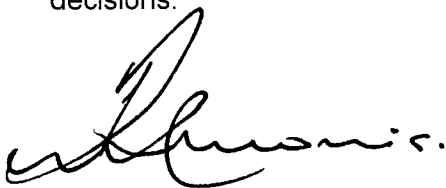
In examining aggravating factors the Committee was unable to ignore the memorandum cited by the Disciplinary Officer and added a week to the period of suspension to acknowledge the need to deter the pattern of play identified in the memorandum as needing to be eradicated from the Game.

In terms of mitigating factors, the Committee acknowledged there were compelling features to be weighed in the Player's favour not least his ready and frank acknowledgement of culpability, his immediate and concerned apology to H14 and his helpful attitude to the whole disciplinary process including at the Hearing itself. On top of this he is a player who has no previous record of foul play. Taken all together the Committee was satisfied it should award the maximum mitigation possible amounting to 50% of the established entry point sanction i.e. one week.

In the reckoning therefore, the Player would be suspended for two weeks and the Committee did not consider such a period of suspension so disproportionate to the level of offending in this case that he might have the advantage of the provision in the Rules that allows, in some cases, a further reduction of that period.

The Hearing was reconvened and the Player told that he was suspended from playing the Game for two weeks but that in accordance with the Rules the period was required to be aligned to his playing schedule. Timisoara Saracens' next two games were the next two rounds of the Tournament the second of which was due to be played up to and over the weekend ending Sunday 22 January 2017. The Player would therefore be suspended up to and including Sunday 22 January 2017 and would be free to play again on Monday 23 January 2017.

The parties were reminded that the Rules afford them the right to appeal against the Committee's decisions.



Roger W. A. Morris

28 December 2016