

EPRC Challenge Cup

Decision of Judicial Officer

Hearing held at the Sheraton Hotel, CDG Airport, Paris
17 December 2015

In respect of:

Elliot Roudil ("the Player")

and

A citing complaint ("the Complaint") brought by Eddie Wigglesworth, the citing commissioner appointed to the match played between La Rochelle and Zebre at Stade Marcel Deflandre, La Rochelle on 11 December 2015 ("the Match") alleging that during the Match the Player committed an act of foul play contrary to Law 10.4(j) of the Laws of the Game.

Judicial Officer appointed:

Roger Morris ("the Judicial Officer")

Decision of the Judicial Officer:

That the Player did not commit an act of foul play and therefore that the Complaint be dismissed.

Introduction

The Judicial Officer was appointed by Professor Lorne D Crerar, Chairman of the EPRC Independent Disciplinary Panel pursuant to the Complaint brought against the Player for his alleged offending in the Match played in the EPRC Challenge Cup ("the Tournament"). The parties agreed that the hearing would be conducted in accordance with the provisions of the Tournament's Disciplinary Rules for Season 2015/16 ("Rules" in the plural and "DR" in the singular).

Eddie Wigglesworth was appointed as citing commissioner to the Match and cited the Player for an alleged breach of Law 10.4(j) of the Laws of the Game in that he had tackled the Zebre No. 8 player ("Z8") contrary to the detailed provisions of that law.

In addition to the Judicial Officer, the following person were present at the hearing:

- The Player.
- Pierr Venayres, La Rochelle CEO accompanying the Player and interpreting
- Liam McTiernan (Tournament Disciplinary Officer) on behalf of EPRC

The material that had been distributed to the parties and the Judicial Officer in advance of the hearing were:

- The Citing Commissioner's report.
- Letter dated 14 December 2015 sent by the Tournament Disciplinary Officer to Prof Crerar.
- Email dated 15 December 2015 from Prof Crerar convening the hearing.
- Email from Roger Baileff, Match referee.
- Email from Tom Foley, Match assistant referee.
- Email from Andrew Small, second Match assistant referee.
- Email from Bruce Reece-Russell, Tournament "gatekeeper" in relation to citing complaints.
- The Player's responses to the Tournament's standing directions.
- Email from Mr McTiernan with EPRC responses.
- Video footage of the alleged foul play as referred to in the Complaint.

There were no preliminary matters to be considered.

The Judicial Officer referred to the terms of the Complaint set out by Mr Wigglesworth and noted the Player's responses to the standing directions. The Player had denied that he had committed an act of foul play.

The Judicial Officer asked if that remained the Player's position. The Player confirmed it was still his position. The Judicial Officer said that, in those circumstances, the first task of the hearing was to consider the evidence before it with a view to determining whether or not an act of foul play had been committed. All present agreed to proceed on this basis.

Evidence

Mr McTiernan first referred to the written items he wished to present as evidence. These comprised the Complaint itself, the email from the "gatekeeper", the referee's email and the emails from the assistant referees. Each was taken as read. It was noted that none of the match officials had seen anything they considered amounted to foul play.

The Judicial Officer said that the gatekeeper's report was a matter of procedure and that any opinions expressed in it would be ignored and disregarded when he came to make his final determinations.

Mr McTiernan then introduced the video evidence which comprised only one view of the alleged incident and that view was from a distance.

He pointed to the mêlée from which Z8 had emerged. The mêlée had taken place towards the centre of the field and Z8 broke away from it with the ball and running to his right. Mr McTiernan pointed to the Player advancing towards Z8 and then tackling him below the waist. It appeared then that the Player lifted Z8 from the ground at the same time as his own teammate, LR4, also grasped Z8 around the shoulders. Mr McTiernan then noted that the Player's left elbow was pointing skyward in an action usually indicative of the lift that leads to the tip of an illegal "tip tackle".

Mr McTiernan acknowledged that LR4 had played a part in the incident and also acknowledged that the video footage was from a distance and not entirely clear.

The Player and M. Venayres were asked to give the Player's explanation of what had happened. The essence of that explanation was as follows:

- The Player (a centre) was in his defensive position to the left of the maul from which Z8 had emerged with the ball.
- Z8 ran to his right, at an angle towards the touchline and therefore into the area that the Player needed to defend.
- The Player focused his attention upon the thighs and hips of Z8 intending to make an "offensive tackle".
- With that intention in mind and his head down and towards the left side of Z8, he grasped him firmly around the thighs intending to drive him backwards.
- He was entirely unaware of the presence of LR4 and the fact that LR4 himself executed a tackle.
- LR4's tackle was executed by grasping Z8 around the shoulders and attempting to twist him in the manner of a tackle colloquially categorised as a crocodile roll.
- What happened as a consequence of LR4 being involved was completely beyond the control of the Player and took him by surprise.
- He did not make any conscious attempt to lift Z8 - only to grasp him firmly and drive him backwards.
- He did not lift Z8 and the action of his arms after LR4 had become involved was entirely involuntary and took him completely by surprise.
- It was not until after the incident was over did he have any understanding of what had happened.

Questioned by the Judicial Officer, the Player gave the following responses:

- His intention before the tackle was executed was to perform a normal offensive tackle by grasping Z8 firmly around the thighs keeping his head to one side and trying to drive the Z8 backwards.

- No part of that intention involved the need to lift his opponent.
- Lifting his opponent was neither what he aimed to do or wanted to do.
- He acknowledged that his elbow was pointing to the sky but reiterated that what happened took him by surprise, was involuntary and was the consequence of LR4 tackling the other player at the same time.
- The Player (who is 19 years of age and a member of the French under-20 team) was trying to execute a straightforward front tackle in the manner in which he had been coached and in an effective and safe way for a relatively small youthful player confronted by a large and mobile No. 8 forward.

The Judicial Officer confirmed there were no other matters any of the parties wished him to take into account and retired to consider matters in private.

Decision

The Judicial Officer reviewed the evidence and in particular looked again at the video evidence. He reminded himself that the relevant standard of proof is the balance of probabilities and came to the following determinations. In making these determinations, the Judicial Officer noted that the Citing Commissioner had not had the opportunity of hearing and questioning the Player's own version of events.

The determinations made by the Judicial Officer were as follows:

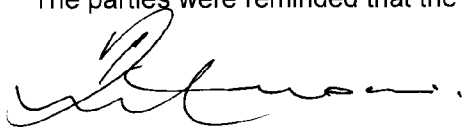
- The Judicial Officer accepted that the Player's intention as he engaged Z8 was to grasp him firmly around the thigh and to execute a frontal tackle with a firm hold and driving his opponent backwards.
- The Judicial Officer accepted that the Player had no intention to lift his opponent and that he did not lift his opponent.
- The Judicial Officer accepted that the Player's elbow being propelled into the air and Z8 being tipped upside-down was the consequence of the involvement of LR4 and not anticipated by the Player.
- The extent of the Player's involvement was accidental.

The Judicial Officer further noted that without the Player's explanation the video could readily be interpreted as showing a "tip tackle" and there should be no criticism that the Complaint should not have been brought.

The hearing was reconvened and the parties informed of the Judicial Officer's decision.

The Judicial Officer confirmed that the Player was immediately free to play.

The parties were reminded that the rules afford them the right of appeal.


 ROGER MORRIS

30 December 2015⁴