



DECISION FORM

PARTICULARS OF OFFENCE		
Player's Name	Juan Perez	
Player's Union/club	Castilla y Leon Iberians	
Match	Castilla y Leon Iberians v Brussels Devils	
Competition	Rugby Europe Super Cup	
Date of match	30/10/2022	
Match Venue	64	
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program	
Referee Name	Michael Todd	Plea Charge
Offence	Law 9.12- Physical abuse	<input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:

HEARING DETAILS		
Hearing date	07/11/2022	Hearing venue: On remote
Chairperson/JO	Achille Reali (Chairperson)	
Other Members of the Disciplinary Panel	Dany Roelands (wing) Andrei Zamfirescu (wing)	
Appearance Player	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Appearance Union: <input type="checkbox"/> Yes <input type="checkbox"/> No
Player's Representative(s)	Fernando Gonzales	Other attendees Diego Merino Team's Coach Pablo Meatios Lawyer
List of documents / materials provided to Player in advance of hearing	1. Citing commissioner report 2. Game sheet 3. Video Clip 1 4. Notice of Hearing	

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>The Citing Commissioner's report stated that:</p> <p>DEV win their LO and catch and drive, IBE 17 (Juan PEREZ) defends the near edge of the maul and is off-sides as DEV drop the ball in the maul and the ref blows the whistle for a knock-on. DEV 9 has bent over to play the ball and IBE 17 in an upright position with no attempt to wrap or tackle strikes him directly in the head with high speed and force and no control with IBE 17's right knee/hip.</p> <p>IBE 17 takes a hitch step, lifts his right leg, and swings his right knee/hip directly into DEV 9's head when he is bent over and vulnerable. IBE 17 starts from an off-side position, has a clear line of sight, and does not slow his approach despite the referee blowing his whistle. Mitigation does not apply.</p>

DEV 9 is attended by medics and remains in the Game.
 The Foul Play by IBE 17 (Juan PEREZ) contrary to Law 9.16 dangerous charging without attempting to grasp and Law 9.12 striking breaches the Red Card Threshold and merits a Full Citing.
 The Video Clip shows clearly the incident.

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

None

SUMMARY OF PLAYER'S EVIDENCE

The player confirmed that he was the player cited, accepted the Citing Commissioner's report and he committed an act of foul play.
 He stated that as soon as the ball dropped from the maul he went to the opponent player to tackle him. The opponent player had bent over to play the ball, with the hands on the ball, but the referee whistled the knock-on. At that moment the opponent player stopped himself in that position. He was surprised by this situation and hit the opponent's upper body with his body, but not with the knee. This was in no way intentional, but accidental. For this reasons he stated his foul play was not at the level of the red card.
 Afterwards the player, answering to the Panel, acknowledged that he did not have a good body control and that the contact with the opponent was reckless and that merited a red card.

FINDINGS OF FACT

Preliminarily, the Panel specified that the offence contested to the player is the Law 9.16 (A player must not charge or knock down an opponent carrying the ball without attempting to grasp the player) and not the Law 9.12 (Physical abuse).
 The Player accepted that he was the Player involved in the alleged foul play.
 The standard of proof for all matters under this Regulation 17 shall be on the balance of probabilities.
 At first instance disciplinary hearings, in the event that the Player does not accept that the act(s) of Foul Play which is the subject of the disciplinary hearing warranted the Player being Ordered Off or cited, the burden of proof rests on the Player to show that the referee/citing commissioner was wrong.
 There was little dispute as to the facts as displayed in the video clip and as described by the Citing Commissioner's Report, except that the player wanted to make sure that the contact was not with his knee, but with his body with the opponent player.
 The video images confirmed that the contact was between the body, specifically the hip of the Iberians' player, and the upper body of the opponent player.
 In any event it was submitted that the player accepted that there was a foul play, it was reckless and that it was worth a red card.
 Therefore, the Disciplinary Panel was required to consider what further action should be taken as a result of the player cited by the Citing Commissioner in respect of a contravention of law 9.16.
 The Disciplinary Panel found, on the balance of probabilities, that the Iberians' player charged the opponent player without attempting to grasp him.
 The images of the incident were clear and show the whole incident.

The player accepted that there was foul play which merited a red card, and therefore the citing was upheld.
The act of foul play was the result of a contact very light with the upper body of the opponent and shall result in a low-range sanction.

DECISION

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
Assessment of Intent		
<input type="checkbox"/> Intentional/deliberate <input checked="" type="checkbox"/> Reckless		
State Reasons		
There was no evidence that the player wanted to strike the upper body of the Belgian player with his hip intentionally. This action was reckless and it carried the very clear risk that there would be a dangerous contact between the hip of the Iberians' player and the upper body of the opponent player, as it happened, and the Disciplinary Panel accepted the player had not intended to charge the opponent player striking him with his hip in the upper body, he had acted in a dangerous manner in relation to the risk of injury and in relation to potential to cause injury.		
Gravity of player's actions		
The player charged in speed, there was a direct contact between the hip of the player and the upper body of the opponent player		
Nature of actions		
Charge the opponent without attempting to grasp him. Contact with opponent's upper body		
Existence of provocation		
No provocation		
Whether player retaliated		
No retaliation		
Self-defence		
No Self-defence		
Effect on victim		
Opponent player was briefly on the ground with medical assistance, but was able to keep playing		
Effect on match		
No consequence		
Vulnerability of victim		
Opponent player saw the Iberians' player coming to him, and although didn't expect to be strike by the body of the Iberians' player, knew that there was going to be a collision. Opponent player was bent and not prepared to the contact.		
Level of participation/premeditation		
No premeditation		
Conduct completed		
Conduct completed		
Other features of player's conduct		
None		
Entry point		
<input type="checkbox"/> Top end [XX] Weeks	<input type="checkbox"/> Mid-range [XX] Weeks	<input checked="" type="checkbox"/> Low-end [2] Weeks
*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.		
Reasons for selecting Entry Point above Top End		

NA

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS	
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby	
Player's status as an offender of the Laws of the Game	
None	
Need for deterrence	
None	
Any other off-field aggravating factors	
None	

Number of additional weeks:

Summary of reason for number of weeks added:
NA

RELEVANT OFF-FIELD MITIGATING FACTORS	
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby	
Acknowledgement of guilt and timing	Player's disciplinary record/good character
The player accepted that there was foul play and that it was worth a red card	The player has never been sent off or cited before
Youth and inexperience of player	Conduct prior to and at hearing
The player is 30 years old and has been pro for 8 years	Very good
Remorse and timing of remorse	Other off-field mitigation
The player showed remorse and was sorry for the incident. he apologised to the referee. It is clear by the video clip.	None

Number of weeks deducted: [1]

Summary of reason for number of weeks deducted:
<p>The player accepted that he had committed an act of foul play, he apologised to the referee immediately after the incident and indicated that he had no intention to cause an injury and conducted himself in an exemplary manner at the hearing. The player had a clean disciplinary record.</p> <p>Moreover, due to technical problems and logistical issues was not possible to organize the hearing before of the weekend in which the player could have played in a match with his team. For this reason, avoiding to include a second weekend, the sanction commences from the day of the notification of the Disciplinary hearing, 2/11/2022, informing him that he could not play any match pending the resolution of the case.</p>

SANCTION

NOTE: Players ordered off or cited by a citing commissioner are provisionally suspended pending the hearing of their case, such suspension should be taken into consideration when sanctioning – RE Discipline Regulations 4.1.4 / 4.4 (or equivalent Tournament rule)

Total sanction	1 week / Matche	<input type="checkbox"/> Sending off sufficient
Sanction commenced	2/11/2022 date of notification	
Sanction concludes	9/11/2022	
Matches/tournaments included in sanction	1 match	

Costs	None
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Date	8/11/2022
Signature (JO or Chairman)	<i>Achille Reali</i>

NOTE: You have 48 hours from notification of the decision of the chairman/jo to lodge an appeal with the tournament director – RE Discipline Regulations 4.6.2 (or equivalent Tournament rule)