

**AMLIN CHALLENGE CUP 2010/2011  
HELD AT ERC OFFICES, ST. STEPHEN'S GREEN, DUBLIN  
ON THE 6<sup>TH</sup> JANUARY 2011**

**DECISION OF THE INDEPENDENT JUDICIAL OFFICER**

In respect of

**Nicola Bezzati ("the Player")**

And

**A citing in respect of striking another player with a hand, arm or fist contrary to 10.4 (a) in a match between Cetransa El Salvador v. Petrarca Rugby**

Judicial Officer appointed to hear the case:

**H. Pat Barriscale (Ireland) ("the Judicial Officer")**

**Decision of the Judicial Officer:**

- (i) As the Player had accepted that the Referee was correct to order him off, the Judicial Officer had to determine what suspension or other sanction should be imposed upon the Player if any;
- (ii) The Judicial Officer considered that there was no reason not to impose a suspension on the Player and as such the Player was suspended from taking part in the game of rugby up to and including midnight on the 9<sup>th</sup> January 2011. This represents a three week suspension commencing on the 19<sup>th</sup> December 2011;
- (iii) The Judicial Officer declared that each party to the proceedings should bear its own costs.

## **INTRODUCTION**

The Judicial Officer was appointed by Professor Lorne D Crerar, Chairman of the ERC's independent Disciplinary Panel pursuant to the Disciplinary Rules found in the Participation Agreement of the Amlin Challenge Cup 2010/2011. The Judicial Officer was appointed to consider the ordering off of the Player in a match between Cetransa El Salvador and Petrarca Rugby on the 19<sup>th</sup> December 2010 in the Amlin Challenge Cup. Cardona Lauren **FFR** was appointed as Referee to this match and had ordered the Player off for striking a player with a hand, arm or fist contrary to Law 10.4 (a).

Present at the hearing in addition to the Judicial Officer were the following persons:-

- Mr Roger O'Connor, Disciplinary Officer, ERC
- Max Duthie, Solicitor to the Disciplinary Officer
- The Player (by telephone)
- Zane Ansel (fellow Player as interpreter by telephone)

## **PRELIMINARY MATTERS & PROCEDURE**

At the commencement of the hearing the Judicial Officer noted the identities of all present and the offence for which the Player was ordered off being striking another player with a hand, arm or fist contrary to 10.4 (a).

The Judicial Officer reminded all parties that the ERC Disciplinary Rules found in the Participation Agreement for the Amlin Challenge Cup 2010/2011 (the "Disciplinary Rules" and "DR" in the singular) would apply. The Judicial Officer outlined the procedure to be followed to determine the matter. The Player and all present agreed to proceed on this basis.

The Judicial Officer established what evidence had been placed before him prior to the hearing and enquired as to whether all present had received the same in good time. There was no additional evidence and all were satisfied that the standing directions had been appropriately complied with. There were no preliminary issues.

In accordance with DR6.2.2 the Judicial Officer reviewed the ordering off including the Referee's reasons for the ordering off. In accordance with DR6.2.8 the Judicial Officer referred to the official report of the match official and asked the Player whether he accepted the official report as a true and accurate account of the incident and the facts surrounding the incident and separately whether the Player accepted that he should have been ordered off. The Player accepted that he ought to have been ordered off.

## **EVIDENCE SUPPORTING THE ORDERING OFF**

There was very little evidence indeed in relation to the ordering off other than the official report which had been completed by the Referee. There was no video footage to be considered and the Disciplinary Officer was satisfied that none existed. On questioning from Mr Duthie, the Player gave helpful evidence as to what actually happened. He explained that he was going in "clearing out" another player and that he unintentionally struck that player on the head in the course of that action. He explained that his hand had come in contact with the other player's face but that there was no intention to punch the player.

## **PLAYER'S POSITION**

The Player fully accepted responsibility for the incident and suggested that he believed a suspension of three weeks was appropriate in respect of the offence. His candour was acknowledged by all present.

## **SUBMISSIONS ON SANCTION**

The Player's submissions were that he had pleaded guilty at the earliest opportunity and acknowledged full responsibility for the same. He requested that he be dealt with leniently.

The Disciplinary Officer's submissions were in respect of the sanctions available to the Judicial Officer and he made no recommendations in relation to the same.

## **DECISION AS TO DISPOSAL**

The Judicial Officer retired to deliberate in private in respect of what, if any, sanction would be appropriate in the circumstances. The Judicial Officer was satisfied that the incident had occurred as alleged and that this was an offence for which a suspension ought to be imposed.

The Judicial Officer noted that the offence of striking another player with a hand, arm or fist in contravention of Law 10.4 (a) was listed within the IRB Recommended Sanctions for offences within the Playing Enclosure (found at Appendix Three of the Disciplinary Rules) as follows:-

- Lower End – 2 weeks
- Mid Range – 5 weeks
- Top End – 8 weeks
- Maximum Sanction – 52 weeks

The Judicial Officer considered that the Player was reckless in the commission of the offence and had to accept the Player's evidence that there was no intention to carry out the said offence. In those circumstances, he considered that the mid range of 5 weeks was the appropriate entry point. He was satisfied that there were no aggravating factors and the mitigating factors were:

1. That the Player accepted responsibility and did not challenge the red card;
2. His exemplary disciplinary record;
3. His age and experience;
4. He apologised to the player and had shown remorse.

In the circumstances, he considered the Player entitled to a 50% reduction in respect of the entry level reducing the sanction to 2 and ½ weeks. Pursuant to the Disciplinary Rules this had to be rounded up to a full week making a 3 week suspension in the circumstances.

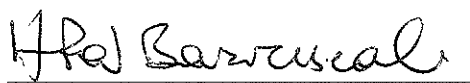
The suspension therefore was for three weeks commencing the 19<sup>th</sup> December 2010 and ending at midnight on the 9<sup>th</sup> January 2011 inclusive.

#### **RIGHT OF APPEAL**

The Player and the Disciplinary Officer were reminded that the Disciplinary Rules provide for the right to appeal against the decision.

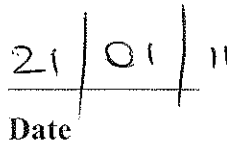
#### **COSTS**

As there was no application by the Disciplinary Officer in respect of costs it was decided that each side would discharge their own costs.



H. Pat Barriscale

Judicial Officer

  
Date