

Decision of the Independent Judicial Officer

ERC

Held at IRB Conference Room, Huguenot House, Dublin

On 16th December 2010

In respect of

Luca Redolfini (Aironi) (“the Player”)

And

**A citing complaint that the Player stamped or trampled on an opponent during the match
Aironi v Biarritz on 11 December 2010**

Judicial Officer appointed to hear the case:

His Honour Judge Jeff Blackett (England) (the Judicial Officer)

Decision of the Judicial Officer:

- (i) The Judicial Officer determined that the citing be upheld.
- (ii) The Player is suspended from taking part in the game of rugby up to and including 22 December 2010. This represents a 1-week suspension commencing on 16 December 2010. The Player is free to play again on or after 23 December 2010.
- (iii) The Judicial Officer made no award of 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 Heineken Cup 2010/2011. The Judicial Officer was appointed to consider the citing of the Player for alleged foul play in the match played between Aironi and Biarritz on 11 December 2010 in the Heineken Cup 2010/2011. Christophe Berdos was appointed as referee to this match and had ordered the Player off for striking an opponent with the elbow 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

The Player (appearing by video link from Italy) assisted by a team colleague who acted as interpreter

The Player complied with the standard pre hearing directions and did not raise any preliminary matters.

The Citing Complaint

The citing report stated:

"In the final minute of the match Aironi are advancing just inside their own half and a ruck is formed. The ball becomes trapped and just as the referee is blowing his whistle to award a scrum to Biarritz Mr Redolfini, seeing Biarritz No 7 (Imanol Harinordoquy) lying on top of the ruck on the Aironi side, climbs onto Mr Harinordoquy's bottom, jumps from one foot to the other then stamps down with his left foot into mr Harinordoquy's lower back. Mr Harinordoquy stays down, grimacing with pain. He requires treatment to his lower back area from his medical team before continuing."

None of the match officials detected the incident. Harinordoquy was not injured. The DVD footage corroborated the citing commissioner's report. The Player stepped upwards onto Harinordoquy's back and then jumped from foot to foot two or three times before stepping down again. There was very little force in the action.

Submissions from the Player

The Player said that once the ruck had formed Harinordoquy ended up on the wrong side on top of the ball. He tried to push him backwards without success so he stood up on top of him to move him back. He stepped very gently and when he was standing on him he jumped to change feet a couple of times before getting off. He did not intend to hurt the victim and realises how stupid the action was and how ridiculous it looked on the DVD. He is 26 years old and has been a professional rugby player for 7 years. He has twice received suspensions for one week following accumulations of yellow cards in 2008 and 2009.

Decision as to Sanction

I first made an assessment of the seriousness of the offending by reference to Disciplinary Rule 6.7.32. I determined that:

- a) The offending was deliberate.
- b) The action could not be described as grave because the trampling was very light – indeed almost farcical.
- c) There was some provocation in that Harinordoquy had position himself on the wrong side of the ruck to prevent early release of the ball.
- d) There was absolutely no effect on the victim was not hurt or injured or on the game.
- e) The victim was vulnerable but would have expected some contact.
- f) There was no premeditation.

In all the circumstances this is at the very low end of offending. The Low End entry point for trampling or stamping is 2 weeks. There are no aggravating features in this case which would justify an increase from the entry point. All the mitigating factors exist although he does not have an entirely clear record. Nevertheless the Player has been exceptionally helpful to the disciplinary process, including agreeing to appear by video link, not asking for an interpreter and not contesting any part of the citing or process. In those circumstances he deserves a reduction from the entry point of one week.

The Player is suspended for from taking part in the game of rugby up to and including 22 December 2010. This represents a 1-week suspension commencing on 16 December 2010. The Player is free to play again on or after 23 December 2010.

Right of Appeal

The Player and the Disciplinary Officer are reminded that DR 7.1.1 provides for a right of appeal against this decision.

Costs

No costs were incurred in the preparation or administration of this hearing and there is no order for costs

His Honour Judge Jeff Blackett
Judicial Officer

16 December 2010