

4. The video of the incident corroborated the citing report although the panel detected three rather than two contacts between the player's boot and Lalanne. After the first downward stamp on the victim he continued to drive forward. There was another glancing blow to the body and the third stamp was a deliberate pushing back with his left foot which struck the victim player on the cheek area. As he did this he was almost horizontal across the melee of players. The Player did not react when the victim stood up, threw a punch at him and pointed to his own cheek.

The Player's case

5. The Player said that when he arrived at the ruck he first attempted to ruck Lalanne out of the way with his left foot. He did not move so he drove on over him and pushed back with his left foot. He was not going for the ball but did not intend to make contact with Lalanne's head and he did not realise that he had done so. He said that this sort of rucking is normal in the French second division where he has been playing rugby recently. He did not know why he had been awarded a Yellow Card at the time and it was only when he saw the DVD recording subsequently that he realised what had happened. Nevertheless he said he had apologised for rucking the victim during and after the match, and when he realised that he made contact with his head he telephoned him to apologise again.

6. Dean Richards said that he had only known the Player for a short time because he had invited him to Harlequins for a four week trial to establish whether he should offer him a contract. He had contacted members of his former club in France and established that he did not have a reputation as a dirty player. That was corroborated to a certain extent by the fact that there are no acts of foul play recorded against his name. Mr Richards said that on his limited knowledge of the Player he believed that he would not have deliberately targeted an opponent's head and opined that contact with the head was reckless. Nevertheless, having seen the incident Mr Richards was in no doubt that the act merited a red card. He also said that had this incident not occurred he would have offered the Player a contract. Instead, even before receipt of the citing report, he immediately suspended him for four weeks and retained him in London. The effect of this suspension by Harlequins is that he has not been paid, he has not been selected to play in any game at any level and his future employment with Harlequins is in jeopardy. His future would depend on the outcome of this current hearing. The Player is 28 years old and has played professional rugby for seven years in Italy and France.

Sanction

7. As the match officials had seen some or all of the incident and the referee awarded a Yellow Card to the Player, the panel were required to determine whether he was wrong in not awarding a Red Card before considering whether the citing should be upheld. The panel were unable to ascertain exactly what the match officials saw, but it determined that a person who uses his feet to ruck out a player without knowing where the ball was and making three separate contacts, one of which struck an opponent's head, would merit a Red Card. This was, in fact, agreed by Mr Richards during his submissions. The panel therefore determined that this offending merited a Red Card and, the match officials were wrong if he had seen all three

stamps and only awarded a Yellow Card. Of course, the panel accepts that the match officials may not have seen the entire incident.

8. The panel undertook an assessment of the seriousness of the player's conduct. It decided that the offending was deliberate as the Player had admitted that he intended to ruck out the player and did not really know where the ball was. Contact was made on three occasions: twice on the body and once on the head. However the panel accepted that he had not deliberately targeted the victim's head – when he lashed out with his foot on the third occasion he had no idea where it would land. There was no provocation but contact was relatively slight and there was no effect on the victim player who was not injured and continued to play. Apart from a slight flare up immediately after the incident there was no effect on the game. The player was vulnerable in that he was trapped on the ground underneath a ruck and the offending was completed. In those circumstances, and particularly because the stamping was deliberate, the panel assessed this as being in the middle of the scale of seriousness and categorised it as a MID RANGE entry point which is a suspension of five weeks.

9. The panel considered that there were no aggravating features and noted that all of the normal mitigating features listed in RFU Regulation 8.2.8 were present which enabled the panel to apply the full discount available for a first time offender. In these circumstances the panel determined that the appropriate sanction is suspension for three weeks. **The Player is, therefore, suspended for three weeks from 27 October 2008 (the date on which he was suspended by his Club) until 17 November 2008. He may play again on 18 November 2008.**

Costs

10. Costs of £250.00 are awarded against the Player/club.

Right of Appeal

11. The Player is reminded of his right of appeal against this decision.

Comment

12. The panel wish to commend Harlequins for their prompt and decisive action in suspending the player and the manner in which they presented the case.

Signed: **Jeff Blackett**
Chairman

Date: **11 November 2008**