



*“Mike Tindall of Gloucester takes the ball into contact where he is tackled by Justin Marshall, replacement scrum-half for Saracens. A ruck forms as Gloucester players arrive and Marshall's head is seen pointing towards the joining Gloucester players. No8, Adam Eustace legally joins the ruck towards the left side, plants his left leg and appears to move his right foot over Marshall but then brings it back in a stamping action that catches Marshall on the head. Marshall did not require medical treatment. The players action is in contravention of Law 10.4.b. The referee was consulted about this incident by telephone and was not aware of it.”*

4. We watched the DVD clip of the incident provide by Sky. It accords with the above description. In his written submissions circulated during the morning of 6 October, Mr McEvelly submitted that the contact with “the Player’s right boot in the head/face of Marshall is intentional or at the very least reckless”.
5. As the Citing Report makes clear Marshall did not require treatment. We were told and accept that he was up and made a tackle about two phases later. He played for the remainder of the match.

#### Player’s Case

6. Mr Burgess invited us first to hear from the Player. Adam Eustace immediately apologised for his actions. He told us that on the DVD he actions look “clumsy and reckless”. He said there was no “intent or malice”. Frankly, he told us that having stepped around Marshall, it was his intention to use his foot on that player’s chest to move him out of the area where he was interfering with Gloucester’s recycling of the ball. He did not intend to stamp on or make any contact with the opposing player’s face or head.
7. Mr Burgess then took us through the DVD footage. He acknowledged that the laws of the Game do not permit intentional rucking of the player (as opposed to the ball - see *Law 16.3(f)*) and it was for that reason that Mr Eustace had readily admitted the offence. From the DVD we readily accepted the contention that the Player’s leg and foot moved in a backwards motion at about 45 degrees to the ground. It was a “backwards rucking motion” rather than, for example, a classic downwards stamp. At the time of executing that motion the Player was not looking at Marshall, rather was fully engaged in the ruck.
8. From the DVD it is apparent that the Player’s right boot appeared to make contact with Marshall under his chin, rocking his head back. Immediately afterwards Marshall is seen holding the lower part of the left side of his face/underside of his chin.

9. In addition, Mr Burgess invited us to have regard to the Player's admissions, his character and playing record. We heard from Mr Hogg who described the player as an honest and "committed professional player" who had served Gloucester RFC for 11 years.

### Sanction

10. We undertook an assessment of the act of foul play (*Regulation 8.2.5*). Unanimously we agreed
  - a. It was a deliberate act of foul play in that the Player acknowledged that he intended to stamp (in the way described above) on the opposing player. His foot made contact with the chin/neck of that player.
  - b. We accept that he did not intend to make contact with Marshall's face or head.
  - c. The act of foul play caused no injury.
  - d. It had no effect on the game.
  - e. The opposing player was to some extent vulnerable and was struck in the area described.
  - f. It was a completed act of foul play.
11. Our assessment of the factors above lead us to conclude the offence was so serious as to merit a mid range entry point. Pursuant to Appendix 2 of the Disciplinary Regulations (as amended by the RFU's incorporation of the iRB Council Decision of 28 July 2009 and its Notice of Alteration of Regulation 17 dated 29 July 2009), the mid range entry point for stamping is 5 weeks.
12. There were no aggravating features within Regulation 8.2.7.
13. As for mitigating factors, we gave him credit for his admission. His record is good (having we were told one previous matter recorded against him in 2003). We recognised his age, experience and long service to Gloucester. I described him as a stalwart of the Club. He behaved well before us. His regret and remorse we accepted as genuine. Our assessment of the mitigating factors led us to conclude that we should reduce the appropriate period of suspension from 5 to 3 weeks.
14. Accordingly, Mr Eustace is suspended from playing rugby union for a period of 3 weeks. His Club had taken no action pending resolution of the citing and so the suspension starts from the date of the hearing. The suspension will run from 6 October 2009 up to and including 26 October 2009. He is free to play again on 27 October 2009.

**Costs**

15. Costs of £250.00 are awarded against each Player/club.

**Right of Appeal**

16. The Player is reminded of his right of appeal against this decision which must be lodged by 12.00 on Friday 9 October 2009.

A handwritten signature in black ink, appearing to read 'Christopher Quinlan', written in a cursive style.

**Christopher Quinlan** (Chairman)  
7 October 2009