## **RUGBY FOOTBALL UNION**

## **APPEAL PANEL**

**Venue:** Holiday Inn, Junction2, M6

**Date:** 17<sup>th</sup> November 2010

**JUDGMENT** 

Player: SAIT SAAD

Club: Peterborough Lions

**Match:** Leicester Forest v Peterborough Lions

Venue: Bedford Blues

Match Date: 18<sup>th</sup> September 2010

Panel: HHJ Sean Enright (Chairman), John Brennan & Bob Taylor

Attending: Bruce Reece-Russel - Secretary to Panel

Sait Saad - "the Player"

Andy Moore - Chairman of the Peterborough Lions

Mike Majoram - the Player's representative Steve Miles - Secretary to Constituent Body

The Panel was convened in order to consider an appeal against a decision by the East Midlands Constituent Body banning the player for three weeks for a breach of law 10(4)(a).

- 1. The Player did not object to the composition of the Panel.
- 2. Our jurisdiction in this appeal was limited by regulation 19.10.5.1 which requires the player to prove that on the balance of probabilities that the original decision was wrong or was one that the panel could not reasonably have reached.

#### Evidence as to Fact

3. We considered the followed evidence:

The referee's report showed that the Player approached a ruck and delivered three punches to the opposition number 10, who was lawfully engaged in trying to retrieve the ball from the same ruck. The referee described the action as a "vicious and unprovoked attack." The opposition number 10 received treatment for about a minute before continuing play. No injury was sustained. The Player apologised profusely after the game and seemed genuinely distraught.

- 4. We also heard evidence from Mr Moore who witnessed the incident but had not been able to attend the disciplinary hearing. He told us that the incident had been short lived and the punches thrown were ineffectual. He told us that after the game the Player was extremely upset about his conduct and sending off. We found that this witness was reliable.
- 5. The Player told us that he regretted the offence which was a result of frustration with his own performance. He has in fact served a two week ban and missed two games. The balance of the suspension was suspended pending the Appeal.

## Mitigation

6. The Player had no prior disciplinary record. He had acknowledged his guilt and made an expression of remorse which we judged to be genuine.

# Finding

- 7. We found the offence was intentional. It consisted of three punches to the head and shoulder area. The other player was not injured and the red card issued to the Player did not affect the result. The player who was assaulted was vulnerable although not significantly in comparison other offences of this nature. The offence was complete.
- 8. We determined that, although this was a marginal decision, that the entry point was Lower End and we found no aggravating features. We therefore took as our Entry Point a two week starting point. We discounted this by one week to reflect the mitigation, a guilty plea, previous good record and remorse.
- 9. To the extent, therefore, that our analysis differed from the findings of the Constituent Body, we find the Player has discharged the burden in Regulation 19.10.5.1. The Appeal is therefore allowed and the Player's record will show a red card resulting in a ban of a duration of one week.
- 10. The Player has in fact already served this ban and is therefore free to play again with immediate effect.

**Signed:** SEAN ENRIGHT (Chairman)

**Date:** 17<sup>th</sup> November 2010