

CRFU SEVENS DISCIPLINARY DECISION



Match	AmaTotsi v Ashley Furniture		
Competition	RF Bank & Trust Summer Sevens Series (#2)		
Date of match	11/9/21	Match venue	South Sound Pitch
Rules to apply	Regulation 17 World Rugby Handbook		

PARTICULARS OF OFFENCE			
Player's surname	Van der Merwe	Date of birth	30 June 1984
Forename(s)	Gerhard		
Player's Union	Cayman RFU (AmaTotsi)		
Referee Name	Ben Cullen	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Breach of law 9.12	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:
Summary of Sanction	3 sevens matches. The Player has missed two games on 11/9/21 and will miss the next match of the RF Bank & Trust Sevens Series (#3) on 25 September 2021.		

HEARING DETAILS			
Hearing date	11/9/21	Hearing venue	South Sound Pitch
Chairman/JO	James Austin-Smith		
Other Members of Disciplinary Committee	N/a.		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Player's Representative(s)	Christof du Toit Yohann Regnard	Disciplinary Officer and/or other attendees	None
List of documents/materials provided to Player in advance of hearing	Referee's report. Assistant Referee's report. Video of incident.		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE

A ruck formed 5 meters out from the Ashely try line. AmaTotsi were attacking. The Referee blew his whistle following a knock on by the Player. Following the stoppage the Player approached the Ashley No.14 who was lying on his back and struck him to the head with his left hand. The Referee consulted with the Assistant Referee before ordering the Player off.

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

The Assistant Referee supports the Referee's account but notes "Not excessive force" in respect of the strike and notes "Possible open hand but not direct view and not 100% sure if fist formed."

Video evidence supports the accounts of the match officials.

The struck player was not injured and continued to play the rest of the match.

SUMMARY OF PLAYER'S EVIDENCE

In his written evidence the Player stated that the Ashley No.14 had slapped the ball out of his hand and that as a result "...as I grabbed him my left hand touched the top part of his head. He went down like a soccer player saying I connected him, [sic] which I did not. Video evidence will show this. Mick Kehoe, side line referee, made the wrong call."

Having reviewed the video evidence, the Player accepted that he had struck the Ashley No.14 in the head but said that it was with an open hand.

The Player accepted that the Red Card Test was satisfied.

FINDINGS OF FACT

The Player struck the Ashley No.14 to the head with his left hand with low force, but sufficient to move the assaulted player's head backwards as a result. The Player was standing over the Ashley No.14 who was on his back at the time of the assault.

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a)-(b) (or equivalent Tournament rule)
Intentional <input checked="" type="checkbox"/> Reckless <input type="checkbox"/>
State Reasons
Deliberate strike to the head.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
Strike to the head.

Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
The Player claims the No.14 had committed a professional foul immediately beforehand.
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
No.
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)
No.
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)
None.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
None.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
Victim was lying on his back at the time and not in a position to defend himself against the Player who was standing over him.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
Spontaneous and not premeditated.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
Completed.
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
None.

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks/Matches	Mid-range	Weeks/Matches	Low-end	Weeks/Matches
<input type="checkbox"/>		<input checked="" type="checkbox"/>	6	<input type="checkbox"/>	

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.18.1(a), 17.18.1(g), and 17.18.1(h) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
N/a.

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.1(b) (or equivalent Tournament rule)
Player admitted the offence having seen video evidence.	Player has a previous sanction for unrelated foul play earlier this season.
Youth and inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.1(d) (or equivalent Tournament rule)
The Player is a senior and experienced player, having previously played at a high level.	The Player conducted himself appropriately at the hearing.
Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
The Player apologised to the Ashley No.14 after the match.	None.

Number of weeks/matches deducted:

3

Summary of reason for number of weeks/matches deducted:

Player’s acceptance of guilt and apology following the match.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 17.20.1(a) (or equivalent Tournament rule)
The Player has a previous disciplinary finding this season for an unrelated matter.
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
Not such as to aggravate the seriousness of the offence further.
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
None.

Number of additional weeks/matches:

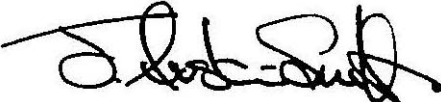
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SANCTION

NOTE: PLAYERS ORDERED OFF OR CITED BY A CITING COMMISSIONER ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

Total sanction	3 matches	Sending off sufficient <input type="checkbox"/>
Sanction commences	11/9/21	
Sanction concludes	After 1 st AmaTotsi match on 25/9/21.	
Matches/tournaments included in sanction	RF Bank & Trust Summer Sevens.	

Costs	None.
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Signature (JO or Chairman)		Date	23/9/21 (Player and management notified verbally of findings and sanction on 11/9/21.)
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NOTE: YOU HAVE 24 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.24.2(a) (or equivalent Tournament rule)