

CRFU 2020 DISCIPLINARY DECISION



Match	Fidelity Cayman Storm v John Doak Tradeview Markets Iguanas		
Player's Union	Cayman RFU	Competition	Heineken Charity Shield
Date of match	5 December 2020	Match venue	South Sound Pitch
Rules to apply	Regulation 17 World Rugby and CRFU Procedures and Powers of Disciplinary Committees		

PARTICULARS OF OFFENCE			
Player's surname	Sperandeo	Date of birth	30 January 1975
Forename(s)	Tom		
Referee Name	Nicholas Fox	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	Breach of Law 9.12, 9.15, 9.17, 9.21 and 9.27 of the Laws of the Game.	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:
Summary of Sanction	<p>2 weeks commencing on 6 December 2020.</p> <p>The Player will be suspended for the following matches:</p> <ul style="list-style-type: none"> • John Doak Tradeview Markets Iguanas v Queensgate Pigs Trotters AA Cup match on 19 December 2020; and • Advance Fire Buccaneers v John Doak Tradeview Markets Iguanas match on 16 January 2020. <p>The period of suspension will conclude on 17 January 2020 at midnight and the Player is free to resume playing on 17 January 2020.</p>		

DISCIPLINARY PROCEEDINGS	
Decision Date	14 December 2020
Chairman	Matthew Dors
Other Members of Disciplinary Committee	James Austin-Smith Brad Cowdroy
Player representative	Pete De Vere

List of documents/materials provided to Player in advance of decision	<ul style="list-style-type: none"> • The Match Referee's Report; • the player's report from Christian Victory; • a copy of or link to the video footage of the incident; • a copy of or link to Regulation 17 (Discipline – Foul Play) • a copy of or link to Appendix 1 to Regulation 17 (World Rugby Sanctions for Foul Play); and • a copy of the CRFU Procedures and Powers of Disciplinary Committees.
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SUMMARY OF ESSENTIAL ELEMENTS OF THE MATCH OFFICIAL REPORTS

1. The Referee, Nicholas Fox, issued the Player with a red card in the 16th minute of a match played between Fidelity Cayman Storm and John Doak Tradeview Markets Iguanas on Saturday, 5 December 2020 at the South Sound Pitch for a breach of Laws 9.12, 9.15, 9.17, 9.21 and 9.27 of the Laws of the Game.

"9.12 A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm (including stiff-arm tackles), shoulder, head or knee(s), stamping, trampling, tripping or kicking."

"9.15 Except in a scrum, ruck or maul, a player who is not in possession of the ball must not hold, push, charge or obstruct an opponent not in possession of the ball."

"9.17 A player must not tackle, charge, pull, push or grasp an opponent whose feet are off the ground."

"9.21 A player must not retaliate."

"9.27 A player must not do anything that is against the spirit of good sportsmanship."

2. The Referee, who was 1-2 metres from the incident, stated in his report that:

"Following a penalty for a high tackle, a Storm ball-carrier took the ball into contact. What then appears from the video is that an Iguana player sought to jackal the ball, and a Storm player (Christian Victory) commando rolled him out of that, which of course is not legal. I did not catch that at the time. What I do recall seeing is the player in question running up to the prone player and, I thought, punching him at least once. Having checked with my ARs (neither of whom saw the incident more clearly than I had) I gave a red card. The factors that led me to do so were (a) that a punch was thrown, (b) to a player lying on the ground; (c) not close to the ball; and (d) the altercation did not immediately cease after I had blown the whistle and stopped play. After the game, Christian Victory told me that he had not received a punch. Having looked at the video, I believe I may have mistaken the percussive 'up and down' arm movements by the player in question pulling and pushing the prone player, for punches. If I had been aware of this at the time, I might have considered the offence to be a yellow, or a marginal red (on the basis that it was still a wholly unnecessary, off-the ball altercation that involved physical contact with a player on the ground and which did not immediately resolve post-whistle.."

3. The Assistant Referees did not participate in the decision making process other than to confirm that they had not seen the incident more clearly than the Referee.

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

1. Video footage of the incident has been provided to the Committee. The video footage is from a single camera angle with the camera positioned in line with the halfway line some 50 metres or so from the incident. As a result, the footage is not high quality.

2. The Committee watched the video footage multiple times. Notwithstanding the limitations of the footage, the Committee considers that the following can be observed:

- An Iguana player, Marnus Ehlers ("**Ehlers**"), came into contact in a ruck with Storm player, Christian Victory ("**Victory**"). Ehlers was driving in a low body position and Victory was relatively upright and static. As Ehlers drove Victory back, Victory took hold of Ehlers, went to ground and rolled Ehlers over the top of him, using Ehlers' own momentum. Ehlers and Victory separated immediately.
- The manoeuvre by which Victory rolled Ehlers over him does not appear to be a "Neck Roll".
- After the contact with Ehlers, Victory is seen on the floor on his back. The Player, who had not previously been involved in the contact, then immediately initiated contact with Victory in an aggressive

manner. The Player's hands are obviously in close proximity and/or contact with Victory's upper torso and some "percussive" up and down movement of the Player's arms is visible.

- No punch is visible, although the view of the incident is obstructed by other players and the Referee.
- It is evident that the Player is holding onto the shirt of Victory because Victory is dragged when the Player is pulled away by other players.

3. Victory provided the following written statement:

"The Storm scrum half took a quick tap penalty and was tackled by an Iguana's player in what appeared to be a slightly dangerous tackle and appeared to be not back ten meters.

I arrived at the tackle area where another Iguana's player (not the tackler) was coming through the gate and rucked me backwards. I had grabbed his shirt while attempting to counter-ruck but he had a lower body position and pushed me backwards. We both fell on the Storm side of the tackle area, to the side and disengaged almost immediately.

Tom ran in and grabbed my shirt. There was a lot of shouting and pulling. I was trying to get to my feet but was unable to as I was being dragged backwards but I do not recall any punching.

The incident was over in a matter of seconds."

SUMMARY OF THE PLAYER'S SUBMISSIONS AND EVIDENCE

1) The Player provided the following written statement:

"The Storm were awarded a penalty and went quickly. The player was then tackled, and the whistle was blown. A Storm Player cleared out Marnus Ehlers after the play was stopped via a neck role to which I responded by grabbing the Storm Player by the shirt with 2 hands and shoving forcefully to the ground. I was then struck in the face and kept hold of the player by the shirt while we were being separated. The referee said he saw me throw a punch which I disputed. He then called the side judge across and asked him if he saw it and the side judge responded he did not see anything. The referee said he was sticking with his decision and I was red carded. After the game the Storm Player acknowledged that I did not throw a punch and the referee approached me upon hearing this and apologised."

2) During the course of the hearing:

- a) the Player confirmed the admissions contained in his written statement;
- b) the Player sought to explain or justify his actions by referring to his experience of other players having engaged in similar conduct without being penalised;
- c) the Player's representative submitted that any sanction should be reduced by 50% to take account of reduced season and limited number of matches played in the Cayman Islands, a practice that was, he submitted, applied in the past.

FINDINGS OF FACT

1) In light of:

- a) the Referee's statement that *"I believe I may have mistaken the percussive 'up and down' arm movements by the player in question pulling and pushing the prone player, for punches";*
- b) Victory's statement that he does not recall any punching;
- c) the fact that no punches are visible on the video footage; and
- d) the Player's statement that he disputed that he threw a punch;

the Committee finds that, on the balance of probabilities, the Player did not punch Victory.

2) However, the Committee does make the following factual findings based on the evidence presented,

predominantly in the Player's own statement:

- a) After the whistle had blown to stop play, the Player, who had not been involved in the contact between Ehlers and Victory, grabbed Victory by the shirt "*shoving [him] forcefully to the ground*".
- b) The Player acted in retaliation for a perceived infringement by Victory.

DECISION

Breach admitted <input type="checkbox"/>	Proven <input checked="" type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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The integrity of Law 6.5(a) of the Laws of the Game and the Referee's position as sole judge of fact and law during the Match is unassailable. With the sole exception of Regulation 17.19.7 (and/or in appropriate circumstances under Regulation 6 and/or Regulation 18 and/or Regulation 21) the Referee's decisions on the field of play and their sporting consequences shall not be altered or overturned by a ruling of a Disciplinary Committee or Judicial Officer. The purpose of a subsequent review of an incident that occurred during a Match, by a Citing Commissioner and/or Disciplinary Committee or Judicial Officer, is to determine whether there should be any disciplinary sanctions applied for an act of Foul Play as provided for in Law 9 (Reg. 17.17.2).

In the case of an Ordering Off, the function of the Disciplinary Committee or Judicial Officer is to consider the circumstances of the case and determine its/his factual findings and what further sanction, if any, should be imposed on the Player (Reg 17.17.3).

Whilst, the Referee's decision to issue a Red Card, may have been influenced by his belief at the time that he saw the Player punch Victory, the key question for Committee is whether or not, on the basis of the committee's findings of fact, an act of Foul Play occurred and, if so, what further sanction, if any, should be imposed.

Having found that, after the whistle had blown to stop play, the Player unnecessarily intervened grabbing Victory by the shirt and "*shoving [him] forcefully to the ground*", the Committee has concluded that an act of Foul Play did occur and the exceptional circumstances that might result in a Committee intervening to quash a Red Card do not exist in this case.

The Referee, in his report, indicated 5 Laws of the game that he considered had been breached.

"9.12 A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm (including stiff-arm tackles), shoulder, head or knee(s), stamping, trampling, tripping or kicking."

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Of these, the Committee considers that the act of Foul Play is best categorised as a breach of law 9.15. Had the Committee found that the Player had punched Victory, then Law 9.12 would have been most appropriate and it is likely that any sanction would have been more severe. Although the facts may also amount, technically, to a breach of Law 9.17, the Committee considers that this Law is designed to protect players in the air, for example when

jumping to take a catch, rather than to a player who's feet are off the ground because he is led on the floor. The Player has also clearly breached Law 9.21. However, the Committee considers it appropriate to treat this as an aggravating factor that increases the seriousness of the conduct rather than a stand alone offence. The Committee also considers, that although 9.27 may also have arguably been breached in the same way that many breaches of other Laws may also amount to a breach of Law 9.27, the Committee does not consider it appropriate to consider this to be a separate and distinct offence in the circumstances of this case.

Having concluded that Law 9.15 was breached, it is necessary for the Committee to consider what sanction, if any, should be imposed. The Committee considers that it is appropriate to impose further sanction.

When imposing sanctions, all Disciplinary Committees or Judicial Officers dealing with an Ordering Off and/or citing shall apply World Rugby's sanctions for Foul Play set out in Appendix 1 (save where Appendix 3 applies) and do so in accordance with this Regulation 17.19 (Reg. 17.19.1)

Breach of Law 9.15 is one of the specific offences identified in Appendix 1, which provides as follows:

9.15 Except in a scrum, ruck or maul, a player who is not in possession of the ball must not hold, push, charge or obstruct an opponent not in possession of the ball.

Low-end: 2 weeks	Mid-range: 4 weeks	Top-end: 6+ weeks	Max: 52 weeks
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Disciplinary Committees or Judicial Officers shall undertake an assessment of the seriousness of the Player's conduct that constitutes the offending and categorise that conduct as being at the lower end, mid range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident(s) of Foul Play where such incident(s) is expressly covered in Appendix 1 (Reg 17.19.2)

Having considered all of the relevant circumstances and assessed the seriousness of the Player's conduct, as explained in more detail below, the Committee has concluded that the conduct is at the lower end and the appropriate entry point is 2 weeks.

The Committee cannot accept the submission by the Player's representative that any sanction should be reduced by 50% to take account of the shorter season and reduced number of games in the Cayman Islands.

Regulation 17.2 provides that:

"17.2.1 All Unions, Associations and their recognised Tournament Organisers have an obligation to put in place and implement disciplinary regulations within their jurisdictions and in respect of their tournaments and Matches which incorporate fully the Core Principles.

17.2.2 The Core Principles shall apply to all Unions, Associations and Tournament Organisers within their respective jurisdictions (and at all levels)."

The Core Principles, which are specified in Regulation 17.1, include the following:

"17.1.1 The principles set out below shall be the "Core Principles" which shall be mandatorily applied in disciplinary regulations at all levels of the Game are as follows:

- (a) The sanctions applicable to Foul Play shall be the same throughout the Game. Therefore all Unions and Associations shall adopt the World Rugby Sanctions for Offences within the Playing

Enclosure (Appendix 1) and ensure that they are applied within their territory. Where a Union adopts the World Rugby Disciplinary Guidelines for the Underage Game (Appendix 3), then the sanctions applicable to Foul Play Adjusted for Underage Rugby shall apply.

(b) In accordance with the applicable sanction table (that is, Appendix 1 or Appendix 3 as appropriate), suspensions shall ordinarily be imposed for a number of weeks in which the relevant Player would otherwise have been scheduled to play a Match which meets the criteria set out in Regulation 17.19.10. All Matches are equal, that is, regardless of the level of competition provided they meet the criteria in Regulation 17.19.10. A Player suspended from playing the Game shall be suspended from participating in any Match at any level during the period of his suspension.

(c) The core sanctioning process set out in Regulation 17.19 shall be applied to all disciplinary cases involving Foul Play at all levels of the Game.

...

(n) It is recognised that due to particular circumstances Unions or Associations or their recognised Tournament Organisers may wish for practical reasons to depart from certain provisions of Regulation 17 which are not Core Principles and where appropriate they have the flexibility to do so provided always that no rules or procedures may be introduced (and/or omitted) by any Union, Association and/or their recognised Tournament Organisers in respect of their disciplinary rules which conflict with (and/or do not properly implement) the Core Principles of this Regulation 17, the principle of universality and/or are contrary to the Laws of the Game.”

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input checked="" type="checkbox"/> Reckless <input type="checkbox"/>
State Reasons
The Player’s actions were intentional.
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)
The Player committed an act of Foul Play after the whistle was blown to stop play and he intervened in circumstances where he had no prior involvement in the contact between Ehlers and Victory. That the Player retaliated to a perceived infringement, rather than leaving any infringement to the Referee, is a factor an aggravating factor that increases the seriousness. However, the finding of Committee is that the physical contact between the Player and Victory was limited to grabbing Victory's shirt and forcefully pushing him into the ground and did not include punching.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
See above
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
There was no provocation, other than the perceived infringement by Victory
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
On the Player's own admission, he was retaliating to a perceived infringement

Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Not Applicable
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
None known.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
The Player’s actions did not have any discernible effect on the outcome of the match.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Victory in a vulnerable position on the floor on his back with the Player standing over him forcefully pushing him into the floor.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
The Player initiated the contact and was the sole participant in the offending behaviour. The Player’s actions, although intentional, appear to be the result of a loss of control rather than premeditated.
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
The Player’s conduct was completed and only ceased when he was dragged away by other players..
Other features of player’s conduct – R 17.19.2(m) (or equivalent Tournament rule)
None

Entry point					
Top end*	Weeks	Mid-range	Weeks	Low-end	2 Weeks
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" 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 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

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ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

<p>Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)</p> <p>The Committee received the following report from one of the Referees:</p> <p style="padding-left: 40px;"><i>"I’ve given him 2 yellows and a red as far as I’m aware. One yellow in 7s for no arm clear out. The red was in 15s for punching to the face/head of an opponent who was held at the time (in retaliation to an infringement against him which was overturned obviously). He punched repeatedly Mike the English flanker. That was Jan/feb this year I believe? The other yellow was last year 15s and was for repeat infringement I believe."</i></p> <p>The Player acknowledged his previous Red Card.</p>
<p>Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)</p> <p>The Committee considers that there is a need to deter players from engaging in Foul Play, particularly Foul Play that is the result of a loss of control or discipline on the part of the players and demonstrates a lack of respect for the Laws of the game and the authority of the Referee: that the incident occurred after the Referee has blown the whistle is an aggravating feature. However, the Committee considers that, such deterrence should provided, at least in the first instance, by engaging in a program of education of players to be implemented in conjunction with CRFU.</p>

Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
The Player is a senior player (in terms of age) and is the current Secretary of CRFU. As such, he should ensure that his conduct is sets an appropriate example.

Number of additional weeks: Nil

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
The Player admitted conduct that amounted to Foul Play in his written statement. However, in both his written statement and throughout the hearing he appeared overly focussed on the question of whether or not he punched the other player. The Committee considers that he failed to fully appreciate that his admitted conduct was unacceptable and amounted to Foul Play to which sanctions would apply.	The Player has a poor disciplinary record as explained in further detail above.
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)
The Player is not a youth player but is relatively inexperienced. The Committee considers, and the Player acknowledged at the hearing, that this lack of experience may have contributed to his lack of appreciation of the seriousness of his conduct and the extent to which it was unacceptable.	The Player conducted himself appropriately prior to and at the hearing.
Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)
The Player demonstrated little, if any, remorse in relation to his conduct in the same way that he failed to fully appreciate the extent to which his admitted conduct was unacceptable.	Not Applicable

Number of weeks deducted: Nil

Summary of reason for number of weeks added or deducted:

Balancing the aggravating and mitigating factors, the Committee came very close to increasing the level of sanction from the entry point. However, the Committee recognises a general need for further education of the players with regard to the disciplinary process and the need to ensure consistency in the application of the disciplinary process. Therefore, having regard to the Player's experience, the Committee has decided not to increase the level of sanction on this occasion and the Committee will engage with CRFU and the Referees to implement a program designed to educate the player group in relation to the disciplinary process and the standards of behaviour expected of them.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	2 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	6 December 2020	
Sanction concludes	17 January 2020	

Matches/tournaments included in sanction	<p>2 weeks commencing on 6 December 2020.</p> <p>The Player will be suspended for the following matches:</p> <ul style="list-style-type: none"> John Doak Tradeview Markets Iguanas v Queensgate Pigs Trotters AA Cup match on 19 December 2020; and Advance Fire Buccaneers v John Doak Tradeview Markets Iguanas match on 16 January 2020. <p>The period of suspension will conclude on 17 January 2020 at midnight and the Player is free to resume playing on 17 January 2020.</p>
Costs	None

Chairman	Matthew Dors	Date	14 December 2020
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NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule)