

## RWC SEVENS 2009

### JUDICIAL OFFICERS HEARING REPORT

**Date of Hearing:** Thursday 5 March 2009

**Name of Unions participating in the Match:** France Vs USA

**Date of Match:** Thursday 5 March 2009

**Match Venue:** Dubai Stadium

**Player's Name:** Julien Patey

**Player's Union:** FFR

**Referee's Name:** James Bolabiu

**Offence as stated in the Referee's Report or Citing Complaint:** 10-4 (e) and 10-4 (h)

**Judicial Officer:** Alan Hudson (Canada)

#### The Decision

##### 1. Introduction

- 1.1 This hearing was convened before me to consider the citing of the French player Julien Patey in the match played at the Rugby World Cup Sevens Tournament in Dubai between France and USA on Thursday March 5 2009. Mr Patey was cited by the Citing Commissioner, Douglas Hunter, for tackling an American player (the "Defending Player") who was in the air in the process of fielding a kick off at the six minute mark of the second half of the match.
- 1.2 The Referee for the game had issued a Yellow Card - temporary suspension - for this offence.
- 1.3 The incident from which this matter arose occurred during a kick off by the French team. The ball was caught by the Defending Player who had leaped into the air to make the catch at about the USA 35m line. Both the Defending Player's feet were well off the ground at the moment of the impact of the tackle. Mr Patey also left the ground jumping into the air and contacting the Defending Player at waist level causing this Player to fall backward in the air, landing in such a way so as to strike his upper back and to a lesser extent, his head, on the turf prior to his feet making contact with the ground.
- 1.4 The Defending Player appeared to be temporarily disabled as a result of the incident but it has been confirmed that no more serious injury had been sustained.

## **2. Amendment**

- 2.1 The Citing Report alleges a violation of Law 10.4(h) – *“A player must not tackle, nor tap, push or pull the foot or feet of an opponent jumping for the ball in a lineout or in open play.”*
- 2.2 In the course of the hearing, Ms Susan Ahern, the Tournament Disciplinary Officer, advised that the offence which had been the basis of the Referee’s Report on Temporary Suspension, namely Law 10.4 (e) ought to form part of the Citing Offence. That provision reads: *“A player must not tackle an opponent whose feet are off the ground.”* Mr Patey confirmed that he had no objection to this amendment and indeed, it is quite appropriate in the circumstances. As a result the Citing Report was amended to include violations of both Law 10.4 (h) and 10.4 (e).

## **3. Finding of Foul Play**

- 3.1 In evidence at the Hearing, Mr Patey accepted that the tackle was dangerous. He said he did not do so intentionally but described his action as *“an accident”* deserving of a temporary suspension.

## **4. Penalty**

- 4.1 The Referee gave evidence at the Hearing. He confirmed his Report on Temporary Suspension and stated that he issued a Yellow Card because the incident was *“not dangerous enough”* to warrant a sending off. Mr Patey had no questions of the Referee at the Hearing.
- 4.2 Pursuant to Tournament Disciplinary Regulation (TDR) 10.2.4 (a), I may not make a finding contrary to the Referee’s decision unless I am satisfied on a balance of probabilities that the Referee’s reasons for his decision are wrong. I have concluded that the requisite standard of proof in these circumstances has been met, that is that the Referee’s conclusion that this offence was *“not dangerous enough”* to warrant a sending off, is incorrect.
- 4.3 The Defending Player was vulnerable with both feet in the air. Mr Patey left both his feet to make contact with the Defending Player, and in doing so, caused the Defending Player to fall very heavily onto his upper back and head prior to his feet contacting the ground. The paramount concern is the safety of the Defending Player who in such circumstances was in a particularly vulnerable position. Such tackles must be discouraged by the imposition of the appropriate penalties.
- 4.4 In determining the entry point for the determination of a sanction pursuant to TDR 10.4.11, I have concluded with respect to the features enumerated in that section:
- (a) This was not an intentional act.
  - (b) The act was clearly reckless as admitted by the Player.
  - (c) to (f) The action of Mr Patey was potentially very serious given the vulnerability of the Defending Player despite only minor injury in fact occurring

(g) to (h) There was no premeditation and this was a completed act.

- 4.5 In the result, I have concluded that this is an offence at the lower end of the scale of seriousness which pursuant to Appendix 1 warrants a suspension of 2 weeks (2 games).
- 4.6 Pursuant to TDR 10.4.12 I have concluded that there are no applicable, aggravating factors that warrant an additional period of suspension.
- 4.7 Pursuant to TDR 10.4.13 I have next considered whether there are any mitigating factors that might reduce the period of suspension. I have concluded that these are as follows:
- (i) Mr Patey admitted the act of foul play
  - (ii) Mr Patey was clearly contrite throughout the Hearing, regretting his actions
  - (iii) Mr Patey has no record of similar actions resulting in a temporary suspension, or a sending off, for at least five years.
- 4.8 In the result, the period of suspension is reduced to the equivalent of 1 week, that is 1 game, which will be France's next game in this tournament.
- 5.0 Mr Patey was advised of his right of appeal.

Signed by:

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Alan Hudson  
Judicial Officer