

DISCIPLINARY DECISION



Match	Argentina v Wales		
Player's Union	Welsh Rugby Union	Competition	June International
Date of match	16 June 2018	Match venue	Santa Fe, Argentina
Rules to apply	Regulation 17 World Rugby Handbook		

PARTICULARS OF OFFENCE

Player's surname	Moriarty	Date of birth	18/4/1994
Forename(s)	Ross		
Referee Name	Jaco Peyper	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Summary of Sanction	4 weeks		

HEARING DETAILS

Hearing date	17 June 2018	Hearing venue	Hotel Emperador, Buenos Aires, Argentina
Chairman/JO	David Hurley (IRFU)		
Other Members of Disciplinary Committee	Beth Dickens (SRU) Becky Essex (RFU)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Alan Phillips Manager of Wales National Team	Disciplinary Officer and/or other attendees	Augustin Voyo (UAR) as DDO
List of documents/materials provided to Player in advance of hearing	<ol style="list-style-type: none"> 1. Referee report of Jaco Peyper 2. AR report of Andrew Brace 3. Email dated 17 June 2018 from Scott Nowland (CC) of dealings he had post-match with Argentinian team Manager and Doctor 4. Replies dated 17 June 2018 from Mr Moriarty to standing Directions issued by David Hurley 5. Link to video footage of incident as provided by host broadcaster, ESPN 		

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

Referee, Jaco Peyper's report stated that (1) Mr Moriarty "deliberately grabs and chokes Arg 10 around the neck; (2) Despite being instructed to release by AR, he continued to hold and choke the opposition player". He described it as very dangerous play "that caused a big all in fight".

AR, Andrew Brace reported that Mr Moriarty was "spotted clearly choking Argentina No 10 around the neck. Despite being repeatedly told to let go of the player, he continued to hold on to him around the neck"

CC, Scott Nowland (Aus) spoke with Mr Sanchez who declined to make a report. He also spoke with the Argentina team Doctor and Manager, and in an email dated 17 June 2018 to DDO, Augustin Voyo (UAR), reported that the Doctor said there was no injury sustained and as such, he did not provide any treatment to the player. This was repeated by the Manager and replied that the player was "ok" to a question from Mr Nowland as to whether the player felt any sustained pressure, dizziness or choking.

The video shows Mr Moriarty on the ground being pushed from behind by Argentina No 10, Nicolas Sanchez, who is then in turn “tackled” around the knees by Mr Moriarty, causing Mr Sanchez to fall to the ground and as he does so, he landed an open hand in the facial area of Mr Moriarty causing Mr Moriarty’s head to hit the playing surface. Mr Moriarty then comes up behind Mr Sanchez, puts his right forearm under his neck and pulls him up to a standing position in a head lock and continues to so hold him for approximately 10 seconds despite the intervention of the AR and Argentina Medic. He only releases his hold when Argentina No 7, Marcos Kremer, puts his right forearm around Mr Moriarty’s head and the momentum brings both players to the ground.

An “all in” fight then ensued involving a number of players from both sides and this continued for a significant period of time despite the interventions of the referee and AR.

There was no Medical report as Mr Sanchez reported to his team Doctor that he was not injured in the incident leading to the Red Card.

SUMMARY OF PLAYER’S EVIDENCE

Mr Moriarty in his replies to the standing directions admitted he was guilty of foul play and the red card was in order. He stated in the replies that he wished to explain the circumstances of his actions which he did orally at the hearing. He believed he had been the victim of foul play by way of a “cheap shot” by Mr Sanchez who he stated hit him in the head with a swinging arm and that Mr Sanchez then made contact with his face, as a result of which he hit his head on the playing surface. He said however, that this did not justify his actions in lifting Mr Sanchez off the ground with his forearm in what the referee described as a choking type action. Mr Moriarty stated that he did not choke Mr Sanchez and Mr Sanchez after the game told him he was not choked. Mr Moriarty stated he apologised to Mr Sanchez after the game and that this was accepted. He also apologised to Mr Peyper. On several occasions during the hearing he apologised for his actions and said he was not trying to defend them. He said he prided himself on his disciplinary record and the last issue he had in this regard, was a yellow card in 2015.

FINDINGS OF FACT

The committee found that Mr Moriarty had committed a deliberate and dangerous act of foul play contrary to Law 9.11 in the manner in which he lifted Mr Sanchez off the ground with his forearm in what appeared to be a choking action and continued to do so despite the AR and Argentine Medic telling him on a number of occasions to release Mr Sanchez. It also found that the only reason he let go of the hold he had of Mr Sanchez, was the physical intervention of Argentina 7 who knocked him down. Mr Moriarty’s actions lead to a relatively long melee involving several players from both sides which continued despite the intervention of the referee and AR.

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
Acknowledged by the player in pre-hearing correspondence.			

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 manner in which he picked up and held Mr Sanchez as described above.
Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)
The player deliberately grabbed the victim around the neck for a prolonged period of approximately 10 seconds in a manner that he must have known was an act of foul play.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
The player grabbed his victim around the throat with his forearm.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Yes – He was provoked by the victim who pushed him over and then made open handed contact with the player's face causing his head to hit the playing surface.
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
Yes – see above.
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
No.
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
None – he declined to give a Player report but the Argentina Team Doctor advised Mr Nowland that the victim was not injured and therefore not treated for any injury
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
Melee between several players from both sides as described above. (The match was in injury time and this was the last piece of action).
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
The victim was vulnerable - He was caught from behind while on his knees.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
Deliberate act by Mr Moriarty which lasted approximately 10 seconds.
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
Yes.
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)
He immediately apologised to the player and referee and Mr Phillips also indicated to me immediately after the match that the player was sorry for his actions and would be pleading guilty at the hearing.

ASSESSMENT OF SERIOUSNESS CONTINUED

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

The committee deliberated at length as to the entry point as to whether it was mid or top end. In doing so, while acknowledging the direction from World Rugby that as of 1 June 2018, an act of foul play which resulted in contact with the head shall result in at least a mid-range sanction, the committee believed the actions of the Player warranted a mid-range entry level as of right. In deciding mid-range, the committee was faced with the position that it had no evidence from the victim as to his experience during the incident and in particular, no evidence to gainsay the player's evidence that he did not choke the victim and that the victim acknowledged this when they spoke after the match. In addition, it had the evidence of the team Doctor that there was no injury sustained and that therefore, he was not required to treat the player accordingly.

*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.

Reasons for selecting Entry Point above Top End

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
Good record – 1 Red Card in 6 Nations U20s in February 2013 and 1 yellow card in 2015
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
The committee aggravated by one week for the player's refusal to release the player as directed on several occasions by the AR and it believed this was a lack of respect to the AR and was something which should be deterred. He also did not accede to the directions of the Argentina medic to desist and he only stopped holding Mr Sanchez by virtue of the intervention of the Argentina 7 as described above and his actions caused the melee described.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)

Number of additional weeks:

1

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)
Immediate.	See 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)
While Mr Moriarty only turned 24 last April, he was considered by the committee to be an experienced player who has represented his country and the British and Irish Lions	Exemplary
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)
Apologised to the victim and referee immediately after the game	No

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The Player’s immediate and genuine remorse as well as his conduct at the hearing and earliest possible indication that he would be pleading guilty as well as his good disciplinary record. The 2013 RC was considered to be sufficiently old not to have significant weight.

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	4	Sending off sufficient <input type="checkbox"/>
Sanction commences	16 June 2018	
Sanction concludes	After the Dragons first match in Pro 14 2018/19 season (subject to clarification of the Player’s precise playing schedule)	
Matches/tournaments included in sanction		

Costs	No order made
-------	---------------

Signature (JO or Chairman)	David Hurley, JO and Chairman	Date	19 June 2018
----------------------------	-------------------------------	------	--------------

NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH WORLD RUGBY – APPEAL PROCEDURE AS PER WORLD RUGBY REGULATION 17.22