

Oral Decision of the Judicial Panel as to the Citing of Piers Francis, of England

The Player accepted that he had made contact with his left shoulder to the head of the USA fullback in the tackle and that this high tackle constituted foul play.

The Player conceded, and the Panel agreed, that the degree of danger in the tackle was high, as the tackle was a dominant and completed tackle in which, at contact, the Player's speed was high. The Panel formed the view that the tackle was somewhat awkward and that the Player was reckless.

The Panel decided, on the balance of probabilities, that there was clear and obvious mitigation to be found:

- (i) in the sudden change of height by the USA player immediately before contact. It was only at the time of that sudden change that the clear line of sight factor (against mitigation) came in to play and could become of relevance; and that line of sight factor, therefore, was somewhat limited in its application, and the weight to be given to it;
- (ii) in that the Player, being in control of the tackle, attempted to avoid the opponent's head by making a definite attempt to change his own height and his body position;
- (iii) in the Player's initial contact being with his own head on the ball carrier's left shoulder (and which initial contact absorbed a large degree of force), with the Player's left shoulder then slipping up to make indirect and minor contact to the ball carrier's head, causing no apparent injury.

In the Panel's view, on the balance of probabilities and in these factual circumstances, this mitigation should have been applied by the Citing Commissioner, and that would have had the effect of reducing the sanction by one level, i.e. from the Red Card level to that of a Yellow Card.

As a result, the Citing complaint was not upheld.

Nigel Hampton QC
Chair of Judicial Panel
29 September 2019