

RFU SHORT JUDGMENT FORM



Match	Harlequins RFC	Vs	London Irish
Club's Level	Level 1	Competition	Gallagher Premiership
Date of Match	29/10/2022	Match Venue	Harlequins

Particulars of Offence			
Player's Surname	David	Date of Birth	04/11/1998
Forename(s)	Nicholas	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Harlequins RFC	RFU ID No.	1111918
Type of Offence	Red Card		
Law 9 Offence	9.13 - Dangerous Tackle		
Sanction	3 week suspension from playing (reduced to 2 if Coaching Intervention Programme completed)		

Hearing Details			
Hearing Date	01/11/2022	Hearing venue	Video
Chairmen/SJO	Matthew Weaver KC	Panel Member 1	Mitch Read
Panel Member 2	Alastair Campbell	Panel Secretary	Ollie Norris
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):	Other attendees:
Andy Sanger (Harlequins RFC) Jo Tyler (Harlequins RFC)	Angus Hetherington (RFU)

List of documents/materials provided to player in advance of hearing:
Charge Sheet Referee's report World Rugby Head Contact Process RFU Regulations E-mails from the Player and the Club Statement from the Player Character Reference from Mr Sanger Statement from London Irish concerning the health of LI13 Written Submissions from Angus Hetherington, RFU Video footage

The Referee's report reads as follows:

Post a PK for a high tackle the TMO asked me to review the incident for sanction level. Upon the review it was established that there was head contact and the tackler was at fault as he could be lower. It was deemed high danger as the tackle was dominate with force was present. Player left without delay.

The Head of Medical Services at London Irish, Brian O'Leary, has confirmed the following in a statement:

I attended to Luca Morisi who stayed down after a tackle with contact to the head. He was conscious and responding appropriately but we felt it met the threshold for a Head Injury Assessment. He passed both the HIA 1 and HIA 2 post game. We were happy for him to come on a substitute late in the game. He passed his HIA 3 with Italy yesterday and so will not be managed as a concussion.

Summary of Player's Evidence

The Player submitted a written statement as follows:

Firstly, I would like to apologise for the incident, it was not intentional, but I accept my tackle technique and timing was poor.

The incident was at the latter part of the game and at particularly tense time in the match. I had put a kick down field that I hoped would be a "contestable kick" or at least put pressure on the kick receiver. I was chasing my kick, the ball was bouncing unpredictably so I thought I had a chance to reclaim possession, but the opposition player got to the ball before me, so I wanted to prevent him from kicking the ball back to us. He initially attempts to go to my left and get around me, but stopped his run, this resulted in a mis-timed poor tackle for which I am sorry.

I did not intend to hurt or injure a fellow professional and I apologised to the player post game. I also shook the hands of the officials post game. Whilst I have never been red carded, suspended or cited before, the club as spoken to me about the incident and made me aware of my obligations.

The Player also gave evidence at the hearing along the same lines as above.

Findings of Fact

The charge was admitted

Decision

Breach admitted Proven Not Proven Other Disposal (please state below)

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional

19.11.8(b) Reckless

Reasons for finding as to intent:

This was a reckless rather than intentional high tackle

Nature of actions - Reg 19.11.8(c)

The Player made direct contact with LI13's head

Existence of provocation - Reg 19.11.8(d)

None

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

None

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

N/A

Level of participation/premeditation - Reg 19.11.8(j)

Not premeditated

Conduct completed/attempted - Reg 19.11.8(k)

Completed

Other features of player's conduct - Reg 19.11.8(l)

None

Assessment of Seriousness Continued

Entry point

<u>Low-end</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Top-end*</u>	<u>Weeks</u>
<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 the above assessment, the Panel should consider the RFU Practice Note as set out in Appendix 5 to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).

Reasons for selecting entry point:

Given contact with the head, the mandatory minimum mid-point entry level applies. Nothing about the incident makes a top-end entry point appropriate.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)	Player's disciplinary record - Reg 19.11.10(b)
The Player admitted the charge at the earliest opportunity	The Player has a clean disciplinary record
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
The Player is 23 years old and has played circa 40 first team games at this level	The Player conducted himself impeccably at the hearing

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player clearly regrets the incident	

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
Given the Player's remorse, admission of the charge and previous clean disciplinary record, the Panel were satisfied that a 50% deduction ought to be made

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13
Player's status as an offender of the laws of the game - Reg 19.11.13 (a)
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.13 (c)

Number of additional weeks: 0

Games for meaningful sanctions:

The Player will be unavailable for the following fixtures:

17.11.2022 - vs Barbarians

18.11.2022 - vs Sale Sharks

25.11.2022 - vs Gloucester (unless the Player completes the World Rugby Coaching Intervention Programme)

Despite the short time between the matches on 17.11.2022 and 18.11.2022, the Panel was content that the Club genuinely intended to field the Player in both matches. As such, both matches will count as meaningful fixtures for the purposes of the sanction.

Sanction

NOTE: PLAYER ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	3 weeks suspension	Sending off sufficient	
Sanction commences	01/11/2022		
Sanctions concludes	21/11/2022		
Free to play	22/11/2022		
Final date to lodge appeal	04/11/2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Matthew Weaver KC	Date	02/11/2022
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NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 19.12 OF THE DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 19.12.9

ANY PERSON SUSPENDED UNDER THESE REGULATIONS IS REMINDED THAT UNDER RFU REGULATION 19.11.16 THE SUSPENDED PERSON MAY NOT PLAY THE GAME (OR ANY FORM THEREOF) OR BE INVOLVED IN ANY ON-FIELD MATCH DAY ACTIVITIES ANYWHERE WHICH INCLUDES (BUT IS NOT LIMITED TO) ACTING AS WATER CARRIER/ RUNNING ON A TEE ETC