

RFU SHORT JUDGMENT FORM



Match (home)	London Irish	Vs (away)	Harlequins RFC
Club's Level	Level 1	Competition	Gallagher Premiership
Date of Match	29/01/2023	Match Venue	Gtech Community Stadium

Particulars of Offence			
Player's Surname	Lewies	Date of Birth	27/01/1992
Forename(s)	Stephan	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Harlequins RFC	RFU ID No.	2502367
Type of Offence	Red Card		
Law 9 Offence	Law 9.20(b) - Dangerous Play In A Ruck Or Maul		
Sanction	2 weeks (which may reduce to 1 week*)		

Hearing Details			
Hearing Date	31/01/2023	Hearing venue	On papers via Zoom
Chairmen/SJO	Ian Unsworth KC	Panel Member 1	Mitch Read
Panel Member 2	Alastair Campbell	Panel Secretary	Rebecca Morgan - Scott
Appearance Player	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Appearance Club	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Player's Representative(s):		Other attendees:	
None		None	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input checked="" type="checkbox"/> Red Card report	<input checked="" type="checkbox"/> Player Statement	Video footage Yes
<input checked="" type="checkbox"/> Medical report	<input type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			
RFU Regulation 19 - Discipline (Appendix 2)			
Character Reference from Andy Sanger MBE, Player Development & Welfare Manager, Harlequins Rugby			
Email from London Irish confirming that no injury occurred to Chandler Cunningham-South			

Summary of Essential Elements of Citing/Referee/s Report/Footage

The incident occurred in the 21st minute of the first half of the match. The score was 14-7 and the referee, Mr Matthew Carley, was approximately 5 metres away at the time. Mr Carley's report of the incident read as follows:

"Following LI kick off, HQ 8 received the ball around the 22m Line and ran into contact and was tackled to floor by LI8 who fell on top of him. HQ 6 then came to clear LI8. Play continued and ended with LI scoring a try. This was when TMO Ben Whitehouse (WRU) brought potential foul play to my attention, showing me the actions of HQ6 in the clear out mentioned on LI8. After reviewing footage it was clear, HQ6 had made direct contact with LI8 head with his shoulder whilst failing to make an attempt to grasp him which we deemed reckless and with the force of the action added we issued HQ6 with red card."

The Panel viewed the footage and we were satisfied that the referee's description of events was an accurate one.

London Irish confirmed that no injury occurred to Chandler Cunningham-South (LI8)

Summary of Player's Evidence

In his letter to the Panel, the Player expressed his remorse as to what had occurred. He stated that it was not intentional, but he accepted that his entry into the ruck, "utilised a poor clear out technique to mitigate the effectiveness of the opposition player."

After a Harlequins player had just received a ball from the kick off and carried the ball into contact, the Player stated, "The LI 8 had tackled our player and was attempting to get back into a position to contest for the ball on the ground, I recognised this and was attempting to win the "Shoulder race" and prevent him "jackalling" the ball. As I approached the ruck the LI 8 lost his footing and his body position lowered, I was not able to adjust my body height and made contact with his shoulder and neck area, this resulted in a mis-timed poor clear-out for which I am sorry."

The Player stated that he had no intention to hurt or injure his opponent and had expressed his remorse immediately after the incident.

Findings of Fact

1. Harlequins 8 received the ball around the 22m Line, ran into contact and was tackled to floor by Chandler Cunningham-South (LI8) who fell on top of him.
2. The Player then came to clear LI8. He acted recklessly, failed to make an attempt to grasp LI8 and made direct contact with LI8's head.

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:

Plainly reckless act as described above

Nature of actions - Reg 19.11.8(c)

He failed to make an attempt to grasp LI8 and made direct contact with LI8's head.

Existence of provocation - Reg 19.11.8(d)

None

Whether player retaliated - Reg 19.11.8(e)

No

Self-defence - Reg 19.11.8(f)

No

Effect on victim - Reg 19.11.8(g)

Able to continue playing. No reported injury.

Effect on match - Reg 19.11.8(h)

Stoppage at the time

Vulnerability of victim - Reg 19.11.8(i)

Inevitably vulnerable because of position.

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"/>	4	<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:

Direct contact with head

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)
Immediate	Clean Record
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
No	Conduct prior to the hearing was exemplary

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Immediate	The Player had the benefit of strong personal mitigation and we had full regard to those matters set out in the character reference

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:
No reason to withhold maximum credit

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)
No. Clean record
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
No
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)
No

Number of additional weeks: 0

Games for meaningful sanctions:

17/02/23 – Gloucester (Away)

04/03/23 – Exeter (Home)

*We exercise our discretion and direct that one week of the sanction may be replaced by a “Coaching Intervention” that complies with the World Rugby Coaching Intervention Programme.

Upon the Club contacting the RFU to confirm that the same has been completed, the sanction of 2 weeks will be reduced to 1 weeks. In the absence of such confirmation, the sanction will remain at 2 weeks.

*The CIP was confirmed as complete on the 23 February and therefore the Player is available for selection from that date.

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	2 weeks (may be 1)	Sending off sufficient	
Sanction commences	30/01/23		
Sanctions concludes	6th March 2023 (or, if 1 week: 20 February 2023)		
Free to play	7th March 2023/ 21 February 2023		
Final date to lodge appeal	02/02/2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Ian Unsworth KC	Date	01/02/2023
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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