

RFU SHORT JUDGMENT FORM



| | | | |
|---------------|---------------|-------------|-----------------------|
| Match (home) | Doncaster RFC | Vs (away) | Penzance & Newlyn RFC |
| Club's Level | Level 2 | Competition | Championship |
| Date of Match | 23/03/2024 | Match Venue | Castle Park Doncaster |

| Particulars of Offence | | | |
|------------------------|---------------------|---------------|--|
| Player's Surname | Alleyne Holden | Date of Birth | 23/01/1996 |
| Forename(s) | Westleigh Maliq | Plea | Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/> |
| Club name | Doncaster RFC | RFU ID No. | 1887852 |
| Type of Offence | Red card | | |
| Law 9 Offence | 9.12-Physical abuse | | |
| Sanction | 1 weeks suspension | | |

| Hearing Details | | | |
|-------------------|---|-----------------|---|
| Hearing Date | 27/03/2024 | Hearing venue | Papers only |
| Chairmen/SJO | Charles Cuthbert | Panel Member 1 | |
| Panel Member 2 | | 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: | |
|-----------------------------|---|-----------------------|---|
| | | | |
| 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 type="checkbox"/> World Rugby Head Contact Process |
| Other (Please list below) | | | |
| RFU Sanctions Appendix 2 | | | |
| RFU Submissions | | | |



The referee's report stated:

"As Cornish Pirates were attacking just inside the Doncaster 22m line I received a call from assistant referee Simon Park (SP) that there had been foul play by Doncaster and that I should stop the game.

SP described a forceful push by Doncaster 11 into the face of Cornish Pirates 3. After confirming that the push was with force & when asked for a recommendation SP advised a red card sanction.

This is an act of foul play contrary to law 9.12 - A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm, shoulder, head or knee(s), stamping, trampling, tripping or kicking.

Doncaster 11 was sanctioned with a red card and on the way off the field apologised to Cornish Pirates 3."

The assistant referee's report stated:

"Following a lineout to maul sequence that started on the Doncaster 22, play moved infield to a ruck just outside of the 15m line. Play continued with CP3 on top of DK11 after the breakdown.

The players were holding each other but it was unclear from my position what exactly was happening. CP3 then stood up and tried to re-join play. DK 11 grabbed CP3's shirt who turned round and then DK11 forcefully pushed CP3 in the face with both of his hands.

CP3 staggered backwards and then went to his knees before dropping onto his back. At this point I informed the referee to stop the game, which had continued to move away from me to the other side of the pitch, as I had seen foul play. The referee could have no view of the incident. At this stage CP3 was receiving medical attention from 2 of the CP medical staff.

The game was stopped, and I reported to the referee I had seen a forceful push with 2 hands to the face of CP3 by DK11. When asked for a sanction I believe there had been sufficient force in the push to warrant a red card.

The referee called over the DK 11 and his captain, verbalised my report to them both and issued DK11 a red card."

The video footage accords with the AR's report of the incident. However it also clearly records the actions of the victim player (CP3) prior to the incident. He approaches the ruck and clears the Player out rolling him onto his back. He gets up onto both feet and is holding or is being held by the Player as he gets up. He then forcefully drops his right knee onto the chest/groin area of the Player. He then stands up with the Player continuing to hold CP3's right arm and turns to move away. The Player stands up at which point CB3 turns to face him and the Player then pushes CB3 away. CB3 goes down on one knee and then "collapses" onto his back whilst holding his head.

An email dated 25 March 2024 from Gavin Cattle joint head coach of Penzance & Newlyn RFC stated:

"Just confirming that no further treatment was required for CP3."

Summary of Player's Evidence

An undated statement was received from Doncaster RFC stating:

"Maliq would like to submit a guilty plea in relation to the above charge.

Maliq immediately apologised and checked on the wellbeing of CP3 before leaving the field and again post-match. Maliq also repeatedly showed remorse whilst in the dugout for the remainder of the game.

Maliq admits to reacting out of frustration after taking a knee to the chest from CP3 whilst he was prone on the ground. There was no intent to make contact with the face or head of CP3, the gesture was intended to simply push the player in the chest to distance him from Maliq.

Maliq has a previous clean record and is of outstanding character. He hopes this will stand in his favour."

Findings of Fact

The Player was on the ground when CP3 dropped his knee onto his chest/groin area. The Player stood up and pushed CP3 backwards using two open hands directed into CP3's face/face area.

Decision

Breach admitted

Proven

Not Proven

Other Disposal (please state below)

The Player has admitted that he is guilty of the offence.

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:

The Player intentionally pushed CP3 backwards but was reckless as to where contact was made with him.

Nature of actions - Reg 19.11.8(c)

A push to the face with open hands following an off the ball scuffle

Existence of provocation - Reg 19.11.8(d)

The action was a reaction to provocation from CP3 who is seen to drop his knees on him moments before

Whether player retaliated - Reg 19.11.8(e)

As above

Self-defence - Reg 19.11.8(f)

As above

Effect on victim - Reg 19.11.8(g)

None

Effect on match - Reg 19.11.8(h)

The Player was red carded in the 37th minute of the 1st half and the match was drawn

Vulnerability of victim - Reg 19.11.8(i)

Not particularly vulnerable

Level of participation/premeditation - Reg 19.11.8(j)

Sole participant/no premeditation

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 checked="" type="checkbox"/> | 2 weeks | <input type="checkbox"/> | | <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:

Although there was "an act of Foul Play which result(ed) in contact with the head", the mandatory minimum mid-range was not applied. The SJO, having considered all of the factors in the circumstances of this particular case and footnote 1 ii of Appendix 2 of Regulation 19, decided that the sanction if the mandatory minimum mid-range was applied would be "wholly disproportionate" to the Player's "fault and the consequences thereof".

Relevant Off-Field Mitgating Factors - Reg 19.11.10

| | |
|---|---|
| <u>Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)</u> | <u>Player's disciplinary record - Reg 19.11.10(b)</u> |
| Immediate acknowledgement | Clean |
| <u>Youth and/or inexperience of player - Reg 19.11.10(c)</u> | <u>Conduct prior to and at hearing - Reg 19.11.10(d)</u> |
| The Player is aged 27 | The Player did not appear but had assisted the SJO with his statement |

| Remorse and timing of Remorse - Reg 19.11.10(e) | Other off-field mitigation - Reg 19.11.10(f) |
|---|--|
| Immediate onfield | None |

Number of weeks deducted: **3 weeks**

Summary of reason for number of weeks deducted:

The Player is entitled to a full discount based on the evidence supplied.

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)

Not applicable

Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)

None identified by either the RFU or World Rugby for this type of offence.

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)

Not applicable

Number of additional weeks: **None**

Games for meaningful sanctions:

14th April Caldy (h)

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 | 1 week | Sending off sufficient | |
| Sanction commences | 26/03/2024 | | |
| Sanctions concludes | 15/04/2024 | | |
| Free to play | 16/04/2024 | | |
| Final date to lodge appeal | 28/03/2024 | | |
| Costs (please refer to Reg 19, Appendix 3 for full cost details) | £125 | | |

| | | | |
|----------------------------|------------------|------|------------|
| Signature (JO or Chairman) | Charles Cuthbert | Date | 27/03/2024 |
|----------------------------|------------------|------|------------|

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