

# RFU SHORT JUDGMENT FORM



Match	Wasps RFC	Vs	Saracens RFC
Club's Level	Level 1	Competition	Premiership Cup
Date of Match	29/03/2022	Match Venue	Coventry Building Society Arena

Particulars of Offence			
Player's Surname	Toomaga-Allen	Date of Birth	19/11/1990
Forename(s)	Jeffrey	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Wasps RFC	RFU ID No.	2488813
Type of Offence	Citing		
Law 9 Offence	9.12-Punching Or Striking		
Sanction	3 weeks suspension		

Hearing Details			
Hearing Date	31/03/2022	Hearing venue	Papers only
Chairmen/SJO	Charles Cuthbert (SJO)	Panel Member 1	
Panel Member 2		Panel Secretary	Rebecca Morgan
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:

List of documents/materials provided to player in advance of hearing:
Charge sheet Citing report from Jay Curts (the Citing Commissioner) Sanctions Table Emails from Dave Bassett, Team Manager of Wasps RFC Undated written submissions on behalf of the Player from Dave Bassett Character reference for the Player from Lee Blackett, Wasps Head Coach dated 31/03/2022 Medical Report on the victim player (S7) dated 31/03/2022 from Jason Olivera, 1st team Physio, Saracens RFC Undated written submissions on behalf of the RFU Video footage of the incident



The Citing Commissioner's report stated:

"Wasps are in a driving maul from a lineout just outside their 22. Wasps #3 pierces through the formation, coming out in front of the maul holding on to Wasps #5 with his left hand. Saracens #7 is standing in line with the defence moving back. He moves toward touch and ends in front of the maul as Wasps #5 comes out. As Wasps #5 takes a couple of steps forward, Saracens #7 reaches towards Wasps #5 with both arms extended forward. Wasps #5 proceeds to raise his right arm making contact with his forearm on Saracens #7 face. Saracens #7 then holds on to Wasps #5 from behind, pulling him to the ground. Both players stand up immediately and resume pushing and shoving each other. Saracens #7 does not receive medical attention and carries on playing.

The MO is some 4 to 5 meters away, managing the maul and does not observe the incident. The AR is covering the opposing side; however, he is also involved in managing the maul and does not observe the incident. Wasps #3 right arm makes direct and forceful contact with Saracens #7 face; thus, the degree of danger is set to high.

After reviewing the available footage and taking into account the mitigating and aggravating factors, I have concluded that the actions of Wasps #3 are in breach of Law 9.12, and reach the red card threshold."

The Medical Report stated:

“Theo Dan sustained no injury and did not require any treatment during play or post game. Theo never brought this incident to any of the Physio’s attention on the day.”

## Summary of Player's Evidence

The hearing was dealt with on the papers only and therefore the only evidence from the Player was in the written submission received from Mr Bassett, the Team Manager. He states (inter alia):

..... that this offending was not intentional, in that the Player's intention was not to strike the S7 in the head....that this was a reckless act. The Player whilst holding his corner of the maul was attempting to grasp and hold off S7 whom he thought was going to enter/join the maul. Due to S7 not proceeding to join as expected, the Player's hand raises higher than he wanted, and he admits he makes contact with S7's head....it was not an extreme act of foul play.....S7 did not require treatment, continued playing and remains fit and available....the incident was not picked up by any of the match officials. S7 was able to continue with no treatment required, the game was not stopped for the incident although there was a small altercation."

## Findings of Fact

The following findings of fact were made by the SJO:-

1. Wasps are seen driving forward in a maul against Saracens. The Player is on the front right of the maul as it breaks through the Saracens defence.
2. S7 is standing off the maul looking to time his engagement in the maul. His arms are briefly stretched out looking to engage. The Player is looking at S7 before throwing out his right arm and making direct contact to the head of S7 with force.

## Decision

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

The Player admitted the breach at an early stage in the preliminary paperwork.

## 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 did not intentionally make contact with S7's head

Nature of actions - Reg 19.11.8(c)

The Player struck S7's face with his forearm

Existence of provocation - Reg 19.11.8(d)

N/A

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)

The incident caused a confrontation between the Player and S7 in which they both fell to the floor grabbing at each other.

Vulnerability of victim - Reg 19.11.8(i)

He was looking directly at the Player

Level of participation/premeditation - Reg 19.11.8(j)

Full participation /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 type="checkbox"/>		<input checked="" type="checkbox"/>	<b>6 weeks</b>	<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:

The mandatory minimum mid-range applied to this offence. The SJO considered that when looking at all of the above factors, a mid-range entry point was still the appropriate entry point for the offence.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

<b>Acknowledgment of the commission of foul Play &amp; timing - Reg 19.11.10(a)</b>	<b>Player's disciplinary record - Reg 19.11.10(b)</b>
The Player indicated and entered his plea at the first opportunity.	The Player has a completely clean disciplinary record.
<b>Youth and/or inexperience of player - Reg 19.11.10(c)</b>	<b>Conduct prior to and at hearing - Reg 19.11.10(d)</b>
The Player is an experienced player at this level.	Although there was no personal appearance, the SJO gave credit to the Player for his written assistance with the hearing.



Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player stated that he spoke with S7 immediately after the game to apologise for his actions	Mr Blackett's statement put forward various deeds undertaken by the Player off field to qualify under this heading.

Number of weeks deducted: **3 weeks**

Summary of reason for number of weeks deducted:
All of the mitigating factors above entitle the Player to a full discount of 50%.

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)
N/A
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)
N/A

Number of additional weeks: **None**

Games for meaningful sanctions:

02/04/2022 v Gloucester (A)

Weekend of 15/16/17 – European Challenge Cup Last 16 – opposition and venue TBC

23/04/2022 v Worcester (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	3 weeks	Sending off sufficient	
Sanction commences	31/03/2022		
Sanctions concludes	25/04/2022		
Free to play	26/04/2022		
Final date to lodge appeal	01/04/2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Charles Cuthbert	Date	31/03/2022
----------------------------	------------------	------	------------

**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