

# RFU SHORT JUDGMENT FORM



|               |                  |             |                             |
|---------------|------------------|-------------|-----------------------------|
| Match (home)  | Leicester Tigers | Vs (away)   | Exeter Chiefs               |
| Club's Level  | 1                | Competition | Gallagher Premiership       |
| Date of Match | 18/05/2024       | Match Venue | Mattioli Woods Welford Road |

| Particulars of Offence |  |               |  |
|------------------------|--|---------------|--|
| Player's Surname       | WIESE  | Date of Birth | 12/10/1995   |
| Forename(s)            | Jasper   | Plea          | Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/> |
| Club name              | Leicester Tigers   | RFU ID No.    | 2623678  |
| Type of Offence        | Red Card   |               |  |
| Law 9 Offence          | 9.18 - Lifting another player off the ground and dropping or driving that player so that their head and/or upper body makes contact with the ground. |               |  |
| Sanction               | 6 week suspension  |               |  |

| Hearing Details   |   |                 |   |
|-------------------|---|-----------------|---|
| Hearing Date      | 22/05/2024  | Hearing venue   | Remote  |
| Chairmen/SJO      | Jeremy Summers  | Panel Member 1  | Olly Kohn   |
| Panel Member 2    | Martyn Wood   | Panel Secretary | Rebecca Morgan-Scott  |
| 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:        |   |
|--|---|-------------------------|---|
| John Shea, Solicitor.<br>Richard Wilkes, General Manager Leicester Tigers. |   | Angus Hetherington, RFU |   |
| 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 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 Reg 19 App 2.<br>Written submissions from the RFU dated 21.5.24<br>Copies of previous disciplinary decisions relating to the Player |   |   |   |



The Referee's (Karl Dickson) Red Card Report stated:

"Ex20 enters the ruck and clears L4 back into it and lands on the L side. L8 comes into clear him and in the process of clearing Ex20 LS lifts him up by the waist and then drop/drives him into the ground. Ex20 player lands on his head dangerously,  
After reviewing the incident vis the TMO we concluded that this was reckless by L8 and issued a RC."

The incident had occurred in 27th minute of the second half. The referee had been positioned 1 meter away but without a clear view. The score at the time had been 34-16, with the match ending at 40-22 in favour of Leicester.

The report noted that medical attention was provided to the Exeter player. (See further below).

The footage was reviewed from the available angles.

E20 having previously attempted to clear out a Tigers player is seen lying over that Player in the midst of the breakdown. The Player initially comes in to make forceful contact to E20's side/ribs, leading with his left shoulder.

He then makes a clear effort to pick up E20 with one arm going between his legs and the other wrapping around E20's midriff.

E20 is lifted off the Leicester player with his head still pointing down towards the ground.

The Player maintains some contact with E20 throughout his descent.

Although E20's left arm is outstretched, his head makes contact with the ground with some force, narrowly missing the boot of another prone Leicester player.

E20 is seen to get up slowly following the impact.

The referee and TMO conduct a foul play review, following which the Player is issued with a red card.

Before leaving the field, the Player goes towards E20 and shakes his hand.

A medical report (extract) from Exeter Chiefs dated 20 May 2024 provided the following information:

"Our clinical assessment of Ross Vincent post game found minor cervical neck stiffness with no other major neck injury or concussion. He sustained a compression to the chest resulting in winding on this pitch with no residual issues post game. If we had a game next week, we would expect Ross to be fit for selection."

RFU Position:

Written submissions were received from the RFU. In summary these detailed the following points:

- >The RFU considered the offending to warrant a mid-range entry point.
- >Whilst the Player had not driven E20 into the ground he had done more than merely drop him, and the RFU's position was that he had thrown him to the ground.
- > This was the Player's 4th red card/citing in 6 seasons. Additionally he had received a further suspension for accumulating 3 foul play yellow cards in a season.
- > In light of that record, the Player was not entitled to full mitigation credit, and it was open to the Panel to increase the sanction to reflect the aggravating feature of the Player's status as an offender of the laws of the game.

On behalf of the Player, Mr Shea submitted that the offending should be assessed as being low end, the Player was entitled to mitigation and no increase in the entry point should be ordered.

A character reference submitted by Mr Wilkes was also considered by the Panel.

### Summary of Player's Evidence

The Player gave oral evidence and accepted that he had committed foul play that had crossed the red card threshold.

He has attempted to clear out E20 who he had believed was lying over the ball. Due to the speed of the incident and the fact that he was looking down at E20 and another Leicester teammate, he had not appreciated that the ball was clear of E20 and available to his scrum-half.

Due to E20's weight he had lost control and E20 had then dropped to the ground.

He did not accept that he had thrown E20 into the ground and stated that we would never intentionally seek to injure an opponent.

There had been no bad feeling between him and E20 following the incident.

He acknowledged that he had previously had a poor disciplinary record but had worked hard in the last few years to correct that position.

The Panel reviewed all the evidence and submissions and made the following findings:

1. The Player was found to be a credible witness.
2. He initially attempted to effect a lawful clear out of E20 from the ruck.
3. Although the initial clear out had moved E20 beyond the ball making it available for L9 to play, the Panel accepted the Player's case and found that he had mistakenly believed that E20 was still over the ball.
4. The Player then lifted E20 extending his right arm through the legs and attaching his left arm to E20's midriff.
5. By reference to 1:09 on the footage, the right arm comes away slightly from E20, and the Panel therefore found that the Player had not thrown E20 to the ground, and the RFU's submission in this regard was not accepted.
6. The Panel however found that the Player, on his own admission, had dropped E20 to the floor, and in doing so had not done enough to satisfy the duty of care needed to be shown to E20 in those circumstances.
7. The Panel found the Player's offending to be reckless rather than intentional. In this respect, it found that the Player was slightly off balance and leaning backwards as he lifted E20. He had lost control of E20 and his right arm had come off E20's body even if only briefly. The Player had not applied his weight to E20 or otherwise obviously applied any force to increase the speed of E20's descent.
8. Some minor transitory injury resulted, although the Panel considered that this could have potentially have been caused by the initial, and lawful clear out action by the Player, which involved a forceful impact on E20's ribs. The medical evidence was unclear as to the precise cause of the minor injuries observed post game.

### Decision

Breach admitted



Proven



Not Proven



Other Disposal (please state below)



The Panel was satisfied that the Player had contravened Law 9.18 and that the red card threshold had been met, noting that the Player had accepted the charge.

## 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 had initially effected a lawful clear out, but then in a secondary action had lifted E20 and was seen to be leaning slightly backwards and off balance as he did so. There was no additional force applied to E20 during his descent and the offending accordingly resulted from poor technique rather than malign intent.

Nature of actions - Reg 19.11.8(c)

As described above. E20 lifted and dropped landing on his head.

Existence of provocation - Reg 19.11.8(d)

Unclear if the Player was frustrated by E20 being on the wrong side of the ruck, but even if so it would not have constituted provocation.

Whether player retaliated - Reg 19.11.8(e)

Not relevant.

Self-defence - Reg 19.11.8(f)

Not relevant.

Effect on victim - Reg 19.11.8(g)

Minor injury, if any.

Effect on match - Reg 19.11.8(h)

None.

Vulnerability of victim - Reg 19.11.8(i)

Some additional vulnerability as E20 not realistically in a position to prevent himself landing on his head.

Level of participation/premeditation - Reg 19.11.8(j)

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"/> | 6            | <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:

Having found that the offending was reckless with no material injury, if any, resulting the Panel did not accept the RFU's submission that the offence warranted a mid -range entry point and assessed the offending as being at the low end of the scale of seriousness.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

| <u>Acknowledgment of the commission of foul Play &amp; timing - Reg 19.11.10(a)</u> | <u>Player's disciplinary record - Reg 19.11.10(b)</u>    |
|---|--|
| Foul play accepted in advance of the hearing.                                       | 4 previous periods of suspension (see above and below).  |
| <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> |
| Not relevant.   | Befitting a player of his status and experience.         |



| Remorse and timing of Remorse - Reg 19.11.10(e)                 | Other off-field mitigation - Reg 19.11.10(f) |
|---|--|
| Some remorse. Player went over to E20 before leaving the pitch. | None.  |

Number of weeks deducted: 0

| Summary of reason for number of weeks deducted:  |
|--|
| <p>The Panel noted the acceptance of the charge and that an element of remorse was present. These are factors that can enable a panel to reduce an entry point sanction. Given that the Player did not have a clear record, and on his own evidence had a poor record, in the Panel's view a discount of no more than 25% from the entry point would have been available to the Player. However, having carefully considered all the circumstances of this specific offending, the Panel concluded that such mitigating factors as were available to the Player did not warrant that reduction from the prescribed entry point sanction.</p> <p>On aggravation, the Panel accepted the RFU's submission that it was able to both limit mitigation and increase the entry point having regard to a player's previous record. However, as below, given that the last substantive sanction imposed upon the Player was some three years ago, the Panel did not consider that it was necessary to increase the entry point in this particular case. Had the prior offending been more recent, a different outcome might have been likely to have resulted.</p> |

| Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13  |
|--|
| <p>Player's status as an offender of the laws of the game - Reg 19.11.13 (a)</p> <p>This was the Player's 4th red card/citing in 6 seasons. Additionally he had received a further suspension for accumulating 3 foul play yellow cards in a season. However, the last substantive sanction was in 2021 with the the Yellow Card suspension arising in 2022.</p> |
| <p>Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)</p> <p>None.</p>  |
| <p>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)</p> <p>None.</p>   |

Number of additional weeks: 0

### Games for meaningful sanctions:

22/06: SA v Wales (Twickenham)\*  
06/07: SA v Ireland (Pretoria)  
13/07: SA v Ireland (Durban)  
20/07: SA v Portugal (Bloemfontein)+  
10/08: Australia v SA  
17/08: Australia v SA

\* subject to confirmation that the Player is no longer bound by World Rugby Regulation 9 and so able to play in this fixture.  
+ subject to the SARU confirming after 13 July 2024 that the Player is required to play against Portugal.

If one or more of these fixtures falls away for the reasons given above, the Player is required to inform the RFU of the next meaningful fixture(s) he would be otherwise have been expected to be available for.

### 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   | 6 weeks  | Sending off sufficient |  |
| Sanction commences   | 18/05/2024   |                        |  |
| Sanctions concludes  | 19/08/2024 (Subject to any amendments to the fixtures above) |                        |  |
| Free to play   | 20/08/2024 (Subject to any amendments to the fixtures above) |                        |  |
| Final date to lodge appeal                                       | 23/05/2024   |                        |  |
| Costs (please refer to Reg 19, Appendix 3 for full cost details) | <b>£500</b>  |                        |  |

|                            |           |      |                   |
|----------------------------|-----------|------|-------------------|
| Signature (JO or Chairman) | J Summers | Date | <b>22/05/2024</b> |
|----------------------------|-----------|------|-------------------|

**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