

RFU SHORT JUDGMENT FORM



Match	Bristol Bears	Vs	Gloucester Rugby
Club's Level	1	Competition	Gallagher Premiership
Date of Match	17/05/2021	Match Venue	Bristol

Particulars of Offence			
Player's Surname	Alemanno	Date of Birth	05/12/1991
Forename(s)	Matias	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Gloucester Rugby	RFU ID No.	2584220
Type of Offence	Red card		
Law 9 Offence	9.18 - Tip Tackle		
Sanction	3 weeks		

Hearing Details			
Hearing Date	19/05/2021	Hearing venue	Papers only
Chairmen/SJO	Charles Cuthbert	Panel Member 1	Bobby Graham
Panel Member 2	Tony Wheat	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:
N/A	N/A

List of documents/materials provided to player in advance of hearing:

Hearing bundle comprising the following documents:-

Charge sheet
 Referee red card report
 Extract from RFU Appendix 2 (Sanction table)
 Email from Gloucester including written submissions, copy WhatsApp message to Bristol Bears Team Manager from the Player.
 Second email from Gloucester Rugby including response from Steven Luatua at Bristol Bears and updated written submissions from Gloucester.
 Written submissions from Angus Hetherington on behalf of the RFU.

The Referees red card report described the incident in the following way:

"Bristol 6 carried the ball into contact on Gloucester's 22m line where I saw, and played advantage for, a tip tackle. The incident was reviewed where we confirmed a tip tackle had taken place and the landing of the Bristol player as a result of the action was dangerous. A red card was shown and the Gloucester player went to check on the wellbeing of Bristol 6 before leaving the field."

In written submissions, the RFU confirmed that the mandatory mid-range entry point did not apply to offences charged under Law 9.18. When considering the Assessment of Seriousness, the RFU submitted as follows:-

The RFU will say as follows in respect of the features set out in Regulation 19.11.8 (a) – (m).

(a)(b); It is the RFU's view that the Player acted recklessly when engaging in the tackle it appears that the force of Bristol 6 causes a rotating motion from Matias and that this combined with his lifting of Bristol 6's right leg, caused the player to go over the horizontal.

(c)(d); The gravity and nature of the Player's actions were grave. Cases involving tip tackles that result in the player landing on his head are by their very nature grave.

(e)(f)(g); the player did not act under provocation in self-defence or in retaliation.

(h)(i); At the time of drafting an update from Bristol is awaited, but the RFU understands that Steven (Bristol 6) was able to continue in the match.

(j); The victim player was vulnerable having been lifted in the air and unable to protect himself whilst falling.

(k)(l); There was another tackler involved but these did not affect Matias's actions in any material way. Offending conduct was completed.

(m); There are no other relevant factors.

The RFU submitted that there were no aggravating factors and whilst it is for the Player to speak to mitigation the RFU understood that the Player has a clean record and that he accepted the charge at the earliest opportunity.

Essential Elements of Other Evidence (e.g. medical reports)

The Panel understood that the Bristol Player, Steven Luatua, completed the match (see written submissions from Gloucester Rugby and the RFU). In addition, Rory Murray, Head of Medical at Bristol Bears, confirmed via email that there was no injury as a result of the red card incident.

Summary of Player's Evidence

Gloucester Rugby confirmed on the Player's behalf that he accepted the red card. The Player accepted in those submissions that the incident was an error in judgment and that he did not intend to tip tackle SL (Steven Luatua).

In respect of the entry point, the Club considered that a low end entry point was appropriate for the following reasons:-

1. There was no intent to injure SL
2. SL continued and finished the match
3. The Player was immediately apologetic to SL and checked that he was ok

In mitigation, he explained that he has played professionally for 9 seasons and has been a model professional. He has an exemplary disciplinary record having never had a red card throughout his career. He sent a message to SL post-match and was apologetic immediately after the incident, recognising his error. The message of apology was accepted by SL.

Findings of Fact

The Panel upheld the red card. In so doing, In so doing, they found that this was a reckless tackle due to poor technique which had led to the Bristol Bears player landing on his head/neck area.

Decision

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not Proven <input type="checkbox"/>	Other Disposal (please state below) <input type="checkbox"/>
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SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional/deliberate ☐

19.11.8(b) Reckless ☒

Reasons for finding as to intent:

This was not a deliberate attempt to lift and drop the Bristol Player on to his head. It was a reckless tackle that ended as it did due to poor technique.

Gravity of player's actions - Reg 19.11.8(c)

There was head/neck contact.

Nature of actions - Reg 19.11.8(d)

A lifting tackle which caused the Player to land on his head/neck area.

Existence of provocation - Reg 19.11.8(e)

Not applicable

Whether player retaliated - Reg 19.11.8(f)

Not applicable

Self-defence - Reg 19.11.8(g)

Not applicable

Effect on victim - Reg 19.11.8(h)

None, the Player was not injured and required no treatment.

Effect on match - Reg 19.11.8(i)

None

Vulnerability of victim - Reg 19.11.8(j)

Any Player lifted off the ground in such a tackle is always vulnerable due to their inability to control their own position.

Level of participation/premeditation - Reg 19.11.8(k)

This was not a premeditated incident.

Conduct completed/attempted - Reg 19.11.8(l)

The conduct was complete.

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

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 this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

The Panel were satisfied that whilst there was head/neck contact however there was no injury caused, no on-field reaction and it was a reckless tackle rather than an intentional attempt to lift and drive SL down on to his head. For these reasons the Panel were satisfied that low end was appropriate.

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10

Player's status as an offender of the laws of the game - Reg 19.11.10 (a)

Not applicable, the Player has a clean record.

Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)

Not applicable, none has been identified by the RFU or WR.

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)

None applicable

Number of additional weeks: 0

Relevant Off-Field Mitgating Factors	
Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
The Player accepted the charge at the earliest opportunity.	The Player's record is clean over a lengthy playing career.
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
Not applicable	The Player and Club assisted the Panel in providing such information so as to allow the case to be dealt with on the papers.
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
The Player apologised on-field immediately before and after the red card was issued as well as by WhatsApp message post-match.	None

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The Player accepted the charge, has a clean disciplinary record and assisted the Panel with the process so that the case could be dealt with on the papers.

Games for meaningful sanctions:

28.05 v London Irish
05.06 v Bath
12.06 v Worcester Warriors

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	19.05.2021		
Sanctions concludes	14.06.2021		
Free to play	15.06.2021		
Final date to lodge appeal	21.05.2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Charles Cuthbert	Date	20.05.2021
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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