

## APPEAL COMMITTEE DECISION



Match	Munster Rugby v Cardiff Rugby		
Player's Club	Munster Rugby	Competition	United Rugby Championship
Date of match	30/04/2024	Match venue	Thomond Park
Rules to apply	United Rugby Championship 2023/24 Disciplinary Rules		

### PARTICULARS OF OFFENCE

Player's surname	Ryan		
Forename(s)	John		
Referee Name	Andrea Piardi	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	Law 9.18 - <i>A player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground.</i>	SELECT:    Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>  If "Other" selected, please specify:	
Summary of Sanction	Appeal dismissed – first instance decision affirmed, being a sanction of 3 weeks		

### APPEAL HEARING DETAILS

Hearing date	05/04/2024	Hearing venue	Zoom video conference
Chair	Declan Goodwin (Wales)		
Other Members of Disciplinary Committee	Achille Reali (Italy), Andrea Caranci (Italy)		
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)	Pat Barriscale, Graham Rowntree	Disciplinary Officer and/or other attendees	Jude Canniffe (URC)
List of documents/materials provided to Player in advance of hearing	Hawk-Eye Footage Citing Commissioner's written complaint Referee, TMO and assistant referee reports Yellow Card report Cardiff player statement Cardiff medical statement URC Disciplinary Rules 2023/24		

### DECISION OF THE APPEAL COMMITTEE

#### Introduction

- On 4<sup>th</sup> April 2024, a URC Disciplinary Committee issued its decision arising out of a hearing held on 3<sup>rd</sup> April 2024. The purpose of the appeal hearing was to hear the Player's appeal against the decision of the Disciplinary Committee to issue a 3 week sanction against the Player.

2. The Disciplinary Committee's decision arose further to a Citing Commissioner's Report from the match between Munster Rugby v Cardiff Rugby on 30 April 2024 relating to an offence under Law 9.18 – A player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground.
3. Having considered the written evidence, materials and evidence provided at the appeal hearing, the Appeal Committee decided that the appeal be dismissed, meaning the decision of the URC Disciplinary Committee dated 4th April 2024 is affirmed, being a sanction of 3 weeks (Low-end: 6 weeks with full mitigation of 50% applied).
4. These are the written reasons for the decision of the Appeal Committee.

## Procedure

5. Following receipt of the Disciplinary Committee's written decision on 4<sup>th</sup> April 2024, Munster Rugby promptly provided URC with a Notice of Appeal on the same day in accordance with clause 8.2 of the URC Disciplinary Rules 2023/24. The notice stated that the Player and Munster Rugby wished to appeal the Disciplinary Committee's finding that the actions of the Player reached the red card threshold. That is, the Disciplinary Committee were wrong in:

*"(a) not accepting the written evidence of the Cardiff player;*

*(b) ignoring the referee's and TMO's report that there was no driving to ground of the Player;*

*(c) suggesting that the video evidence was sufficient to reach the red card threshold;*

*(d) not accepting the explanation given by the Munster player as to precisely what happened in the incident;*

*(e) accepting the "guidelines" mentioned by the citing commissioner with no basis for same;*

*(f) failing to give any weight to the dynamic of the tackle with the 2 players involved."*

6. The Disciplinary Committee's Findings of Fact in their written decision were as follows:

*"Cardiff 2 was legally positioned to jackal the ball.*

*The player and Munster 14 entered the ruck and tried to clear out Cardiff 2 from his jackal position.*

*They did so by grabbing his legs and lifting him away.*

*The player was the main lifter although Munster 14 also contributed.*

*Cardiff 2 was lifted above the horizontal so that his feet were head high.*

*The player then fell to the ground with Cardiff 2 beneath him.*

*Cardiff 2 landed on his upper back and then his neck.*

*Munster 14 remained on his feet throughout.*

*The video clips from behind – which are from a very different angle to the view of the referee – show the act of foul play most clearly.*

*The player did not appear to make any attempt to hold Cardiff 2 up and did not stay on his feet, unlike Munster 14.*

*Although Cardiff 2 did not fall from a great height, the player added his own weight to the fall and thereby drove him to the ground. He did so recklessly rather than intentionally.*

*The impression formed by Cardiff 2, that he was “eased to the ground”, is not borne out by the video evidence.*

*Cardiff 2 required medical attention after the act of foul play, although he was able to continue playing for the rest of the match.”*

7. At the appeal hearing, Mr Barriscale confirmed that the basis of the Player’s appeal was that the Disciplinary Committee could not have come to their decision if they had properly appreciated the evidence before them. As such, in line with clause 8.4.8 of the URC Disciplinary Rules 2023/24, the appeal is based on proving the decision of the Disciplinary Committee was made in error. The burden of proof for proving such an appeal is on the Player as the appellant.
8. The Appellant did not request a *de novo* hearing and did not produce any new evidence to the Appeal Committee (save that Mr Barriscale drew the Appeal Committee’s attention to the appeal decision involving Jonny Gray and Ross Ford arising from the RWC 2015 fixture between Scotland and Samoa). As such, the appeal proceeded with the Player seeking to prove to the Appeal Committee that the decision of the Disciplinary Committee was in error.

### **The Appellant’s Case**

9. At the outset of the Appellant’s case, the video footage of the incident in question was played to all at the hearing. Mr Barriscale drew the Appeal Committee’s attention to the position of the Referee throughout the incident. He emphasised that the Referee was no more than 1.5m from this dynamic incident, with an unobstructed view. Mr Barriscale sought to demonstrate that the Referee was in the best possible position to assess the incident and to come to the correct conclusion – that is that the incident merited a Yellow Card, and not a Red Card.
10. The Player addressed the Appeal Committee to explain his actions. In summary the Player stated that he arrived at the tackle area square through the gate. He identified Cardiff 2 (C2) jackalling the ball and wanted to remove that threat. He explained that as a second Munster player (M14) joined to make the cleanout on C2, M14’s intervention created the lift on C2.

11. The Player went on to say that once C2 was lifted off the ground, he attempted to hold C2 and bring him to the deck, under as much control as possible, noting that other players on his feet were affecting his stance.
12. Mr Barriscale continued by emphasising that the Player holds on to C2 at all times and does not release or drive C2 to the ground. Mr Barriscale stated that the Player does ground C2 safely and that this was clear from the video footage.
13. Mr Rowntree explained that the Player's actions were as he was coached, namely his low positioning to clear C2 from the ruck. Mr Rowntree emphasised that M14's actions were incorrect by clearing C2 then letting go of C2, whereas the Player brings C2 to the ground in a way that was not violent.
14. Mr Barriscale concluded the Appellant's case by emphasising elements of the evidence:
  - a. C2's statement states he was eased to the ground: *"I didnt feel like I got dropped or driven from at the height of the clear out. I felt like I was eased down therefore giving me time to break the fall with my arms/hands."*
  - b. The Referee's Report states that there was no drive *"the situation was dynamic with not a driving to ground of the player."*
  - c. The TMO supported the Referee's assessment of the incident during the game.
  - d. The guidance referred to in the Citing Commissioner's Report is not recognised.
  - e. The Player's evidence is that he was under control.
15. In his final submission, Mr Barriscale stated that the Disciplinary Committee was wrong to ignore the evidence referred to in paragraph 14 above, instead favouring its own assessment of the video evidence as well as the Citing Commissioner's Report.
16. Mr Barriscale also referred to the appeal decision involving Jonny Gray and Ross Ford arising from the RWC 2015 fixture between Scotland and Samoa. The sanctions issued against both players, further to a similar incident, were overturned on appeal. A copy of this decision was not provided to the Appeal Committee, instead a report from the Guardian was shared with the Appeal Committee.

### **The Appeal Committee's Decision**

17. The Appeal Committee discussed the submissions and evidence put forward by the Appellant at length.
18. Clause 7.6.18 of the URC Disciplinary Rules 2023/24 states *"The Disciplinary Committee shall not be bound to apply formal rules of evidence, but instead will have the discretion to receive such evidence as it thinks fit (including without limitation, evidence in writing or videotape or photographs), and to attach such weight to that evidence as it sees fit."* As such, the Appeal Committee concluded that the Disciplinary

Committee was entitled to give such weight as they saw fit to the evidence provided to them.

19. The Appeal Committee also noted that the Citing Commissioner's Report is based on him having access to all video angles of the incident, with significantly more time to review such angles without any material time pressure to reach a conclusion. Whereas, conversely, the Referee and TMO's Reports are based on their assessment of the incident during the game, with limited time and opportunity to view all video angles multiple times. Therefore it is reasonable for a Disciplinary Committee to give sufficient weight to a Citing Commissioner's Report when compared to other reports.
20. The Appeal Committee agreed with the Disciplinary Committee's Findings of Fact.
21. With regards to the submission that M14's intervention was the cause of incident, rather than the Player's actions, the Appeal Committee noted that the Player's shoulder movement, as shown by the video evidence, was consistent with a lift and drive. The Player's left shoulder drops, whilst the right shoulder moves upwards. This results in C2 turning beyond horizontal, being an unsafe situation, where the Player lacked control to safely return C2 to the ground. The Appeal Committee noted that, the impact on C2 would have been greater if C2 had not put his arms out reducing the impact of this incident.

## **Conclusion**

22. For the reasons set out in paragraphs 17 to 21 above, the Appeal Committee are satisfied that the Disciplinary Committee did not make an error in determining the case against the Player, as such the Appellant's appeal is dismissed.

Signature (Chair)	Declan Goodwin	Date	7 April 2024
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