

DISCIPLINARY DECISION

Match	Calgary Saints at Lethbridge Rugby Club		
Competition	MDEV		
Date of match	June 3, 2022	Match venue	Calgary Rugby Park
Rules to apply	Regulation 17 World Rugby Handbook;		



PARTICULARS OF OFFENCE			
Player's surname	Brewa	Date of birth	
Forename(s)	Solomone		
Player's Club	Lethbridge Rugby Club		
Referee Name	Adam Stamper	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not Admitted
Offence	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.	SELECT: <input checked="" type="checkbox"/> Red Card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	
Summary of Sanction	[insert] weeks OR No Sanction [delete as appropriate]		

HEARING DETAILS			
Hearing date	July 4, 2023	Hearing venue	Calgary, Alberta by desktop
Chairman/DO	John McDonald		
Other Members of Disciplinary Committee			
Appearance Player	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Appearance Club	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Player's Representative(s)			
List of documents/materials provided to Player in advance of hearing	Sending off report		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE

On June 3, 2023 at Calgary Rugby Park Field 1 Solomn Bewa received a red card for foul play, under dangerous play, section 18.

1. 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.

At 75th minute of the game Solomn Bewa did pick the opposition ball carrier up above the horizontal and drove him to the ground. The ball carrier made a pass while in the midst of being tackled. No mitigating factors could be seen to lessen the card below a red.

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

N/A

SUMMARY OF PLAYER'S EVIDENCE

If the player landed on his back then there are mitigating factors which should reduce the sanction, also, as he mentioned in the report, the tackled player was passing the ball during the contact so perhaps him twisting his torso to pass could have affected the outcome of the tackle. Just looking for some clarity as the report slightly contradicts itself.

FINDINGS OF FACT

While there are some contradictions in the red card report, I am satisfied that I can fairly adjudicate the matter on the basis of written representations.

The Lethbridge Rugby Club raises some contradictions in the red card report. It is Lethbridge's position that the red card report states that the player was previously warned Re: tip Tackles, and also states that the Team, or teams were warned Re: Tip Tackles. I Find as fact that notwithstanding the discrepancy, a warning whether team, individual, or otherwise was issued.

Barring any specifically contradictory evidence I find that Solomone Brewa did in fact, "tip" or "dump tackle"

I do have concern with determining whether the tackled player landed on his back, shoulders, head or otherwise. As a result of the Red Card, and in the absence of any contradictory evidence that the player landed on his upper body. I cannot come to a finding on the balance of probabilities that the tackled player landed with his head or shoulders as the initial point of contact with the ground.

DECISION

Breach admitted

Proven Not Proven Other disposal (please state)

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a)-(b) (or equivalent Tournament rule)
<input type="checkbox"/> Intentional <input checked="" type="checkbox"/> Reckless
State Reasons
There is no evidence to suggest that Mr. Brewa tip tackled the opposite player with any intention other than to tackle so I must find that his actions were reckless rather than Intentional
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
The Action occurred in the course of a tackle, there is no evidence to suggest that Mr. Brewa used his elbows, knees, fist or otherwise and, absent the presence of a tip tackle occurred in the ordinary course of rugby.
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
There is no evidence of provocation
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
The player was not acting in retaliation
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)
The player was not acting in self defence
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)
There is no evidence to suggest injury or any other adverse effect on the Tackled Player
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
LRC played the remainder of a the match one player down.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
In all tip tackles the player is to be assumed to be in a vulnerable position.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
There was no premeditation, the tip occurred in the ordinary course of a rugby play.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
The tackle was then completed.
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
N/A

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point

<u>Top end*</u> <input type="checkbox"/>	<u>Weeks/Matches</u> Click Here For #	<u>Mid-range</u> <input type="checkbox"/>	<u>Weeks/Matches</u> Click Here For #	<u>Low-end</u> <input checked="" type="checkbox"/>	<u>Weeks/Matches</u> <u>6</u>
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*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 consider World Rugby Regulations 17.18.1(a), 17.18.1(g), and 17.18.1(h) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
Absent any other factors I cannot come to the conclusion that an entry any further higher than the lowest point of the available sanctions is inappropriate so I enter at the lowest possible end of the spectrum.

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record – R 17.19.1(b) (or equivalent Tournament rule)
The player does not admit to having tip tackled another player and instead asserts that the player was in the process of passing and landed on his back with his hip above his shoulders as a result. I cannot find mitigation.	The player has no record as an offender of the game. A factor I find neither mitigating nor aggravating.
Youth and/or inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.1(d) (or equivalent Tournament rule)
The player is an experienced rugby player, a factor, in this case that I find neither Mitigating nor aggravating	N/A
Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
The Player has exhibited no remorse with respect to the offence and I cannot mitigate based on same.	The time for the matter to come to a hearing, while caused by a number of technical issues is beyond what is accepted as normal and as a result I find this factor to be especially mitigating.

Number of weeks /matches deducted: 3

Summary of reason for number of weeks/matches deducted:

As a result of the time it took to come to a hearing, factors which are not in the players control I must apply a significant mitigation factor, and in fact my maximum powers to mitigate are engaged in this case.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – R 17.20.1(a) (or equivalent Tournament rule)
The player has no history as an offender of the game.
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
I note that the CRU has issued a need for deterrence with respect only to Punching, that is not the case here. There being no need for specific deterrence of this type of offence I will not aggravate a sanction based on same.
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
N/A

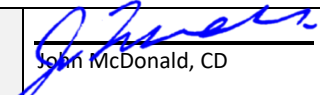
Number of additional weeks/matches: 0

SANCTION

NOTE: PLAYERS ORDERED OFF OR CITED BY A CITING COMMISSIONER ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

Total sanction	3 Weeks/Games	<input type="checkbox"/> Sending off sufficient
Sanction commences	July 4, 2023	
Sanction concludes	July 25, 2023	
Matches/tournaments included in sanction	CRU/RA Fixtures in the MDEV level of the competition	

Costs	N/A
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Signature (DO or Chairman)	 John McDonald, CD	Date	July 4, 2023
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NOTE: Should the Player or the club wish to appeal this sanction they may do so in accordance with the Rugby Alberta Appeals Policy found here https://sportlomo-userupload.s3.amazonaws.com/uploaded/galleries/14156_uploaded/c526b66af28f017556c1381ab492ecb88f4f9bb1.pdf

Within 10 days of the date of this decision.