



DECISION FORM

| PARTICULARS OF OFFENCE | | | |
|------------------------|---|---|---|
| Player's Name | Domantas Baguzys | | |
| Player's Union | Russia Rugby Union | | |
| Match | Switzerland v Lithuania | | |
| Competition | Rugby Europe Trophy | | |
| Date of match | 13/11/2021 | | |
| Match Venue | Nyon, Switzerland | | |
| Rules to apply | Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program | | |
| Referee Name | Daniel O'Connell | Plea | <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted |
| Offence | 9.13 Dangerous Tackle | <input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify: | |

| HEARING DETAILS | | | |
|--|---|------------------|---|
| Hearing date | 16/11/2021 | Hearing venue | Microsoft Teams |
| Chairperson/JO | Mike Hamlin | | |
| Other Members of the Disciplinary Panel | Dany Roelands Donal Courtney | | |
| Appearance Player | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Appearance Union | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Player's Representative(s) | Austeja Minkeviciute and Vaidotas Girdvainis | Other attendees | |
| List of documents / materials provided to Player in advance of hearing | 1. Red Card Report (R) 2. Red Card Report (AR) 3. Match Sheet 4. Video Clip 1 5. Video Clip 2 | | |

| SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE |
|--|
| <p>1. The Referee's report stated that he had received a report from his assistant referee (Killian O'Brien). "I have clear contact to the jaw/neck area, reckless foul play, high force and no mitigation factors. It was agreed from this report that a Red Card should be issued." There was no Television Match Official appointed for this match and the officials did not have the opportunity to review the incident on a screen. The referee did not see the incident. The Assistant Referee's report stated</p> |

"In attempting to make a tackle, No 14 from LT makes contact with the jaw/neck area of No 18 CH. I deemed the attempted tackle to be foul play as it was reckless. The attempted tackle was performed with a lack of control and high speed. It was also upright and dynamic with a clear view of the Swiss player. The degree of danger involved was high and no mitigating factors were present. Following consultation with the match referee, it was determined that a red card should be issued."

2. The footage showed the incident from one angle only. The Disciplinary Committee viewed the footage numerous times in real time and slowed down. The Player approaches his opponent in a semi upright position at speed with his arms out in an attempt to wrap. His right arm appears to aim to wrap the ball carrier's upper arm area. His left arm cannot be seen. The Player's head turns to the right of the ball carrier immediately before contact. From the footage it appears that the Player's head strikes the left shoulder of the ball carrier. His right arm is in the process of wrapping the ball carrier. As his head strikes the ball carrier's left shoulder, he falls to the ground motionless. The ball carrier continues to run with the ball. The Player's left arm is partially obscured from sight. From the footage there is no clear evidence that either the Player's head or arms came into contact with the jaw, neck or head of the ball carrier. The ball carrier's head or neck does not move backwards and he maintains his ball carrying position, but after his shoulder contacts the Player's head, he spins to the left and side on and then continues running. The Player lies on the ground and is then treated by the medical staff. The footage does not show the dismissal.

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

N/A

SUMMARY OF PLAYER'S EVIDENCE

The Player in a written statement stated that he "attempted to tackle and turned his head the wrong way. My head bounced back from the ball carrier's shoulder and from there I have collapsed. The action was not intentional, as I wrapped my arms around the ball carrier. The ball carrier after collision with me, pushed me with his right arm and was able to continue to attack with no injuries. I feel sorry for my actions. As you can see from the longer video, my two previous tackles were low and safe."

The Player confirmed the above in his oral evidence. He recalled putting his head in the wrong position and grabbing the ball carrier and as he did so his face was in the ball carrier's shoulder. He was close to the ball carrier's head but did not believe he contacted any part of his head or neck. He said he believed he was unconscious for a few seconds.

FINDINGS OF FACT

These findings and our decision are unanimous and each of the Disciplinary Committee has contributed to them. As a short form judgement it is necessarily a summary of all the evidence and material which we have considered. We have given appropriate weight to all the evidence. The burden of proof is on the Player to show that the issue of the red card was more likely than not wrong. The Disciplinary Panel, to an extent, was possibly assisted by the fact that the Committee comprised three former senior referees, two of whom were former International Referees. We, as a Disciplinary Committee have the time and opportunity of considering all the evidence, including the footage and the Player's evidence. In this case the

match officials did not have such an opportunity. They had to make an assessment of the incident without the benefit of the footage and additional evidence which we have considered. We make no criticism of their decision.

1. The Player attempted a tackle which was poorly executed. We accept he placed his head in the wrong position to make the tackle he intended. As a consequence his head struck the left shoulder of the ball carrier causing him to fall to the ground and lose consciousness for a few seconds.

2. We find that he wrapped or attempted to wrap his arms around the ball carrier, especially his right arm.

3. We accept the Player's evidence, which is supported by a careful analysis of the footage, that no part of his head or arms or shoulders came into contact with the ball carrier's jaw or neck.

4. The collision between the Player and the ball carrier was with force but it is not likely that there was contact to the neck or jaw of the ball carrier as described by the Assistant Referee.

DECISION

Proven Not proven Other disposal (please state)

Based upon our findings set out above, we unanimously came to the conclusion that on the balance of probabilities the officials were in error in awarding a red card. We were not satisfied that the Player committed an act of foul play. We were not satisfied to the required standard that there was any direct or indirect contact to the neck or jaw of the ball carrier. Accordingly, we extinguish the red card from the Player's record and he is free to play forthwith.

SANCTIONING PROCESS

| ASSESSMENT OF SERIOUSNESS | | |
|--|---|---|
| As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby | | |
| Assessment of Intent | | |
| <input type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless | | |
| State Reasons | | |
| N/A | | |
| Gravity of player's actions | | |
| N/A | | |
| Nature of actions | | |
| N/A | | |
| Existence of provocation | | |
| N/A | | |
| Whether player retaliated | | |
| N/A | | |
| Self-defence | | |
| N/A | | |
| Effect on victim | | |
| N/A | | |
| Effect on match | | |
| N/A | | |
| Vulnerability of victim | | |
| N/A | | |
| Level of participation/premeditation | | |
| N/A | | |
| Conduct completed/attempted | | |
| N/A | | |
| Other features of player's conduct | | |
| N/A | | |
| Entry point | | |
| <input type="checkbox"/> Top end [XX] Weeks | <input type="checkbox"/> Mid-range [XX] Weeks | <input type="checkbox"/> Low-end [XX] Weeks |
| *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. | | |
| Reasons for selecting Entry Point above Top End | | |
| N/A | | |

| ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS | | |
|---|--|--|
| As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby | | |
| Player's status as an offender of the Laws of the Game | | |
| N/A | | |
| Need for deterrence | | |
| N/A | | |
| Any other off-field aggravating factors | | |
| N/A | | |

Number of additional weeks: [XX]

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|---|
| Summary of reason for number of weeks added: |
| N/A |

| RELEVANT OFF-FIELD MITIGATING FACTORS | |
|---|--|
| As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby | |
| Acknowledgement of guilt and timing | Player's disciplinary record/good character |
| N/A | N/A |
| Youth and inexperience of player | Conduct prior to and at hearing |
| N/A | N/A |
| Remorse and timing of remorse | Other off-field mitigation |
| N/A | N/A |

Number of weeks deducted: [XX]

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|--|
| Summary of reason for number of weeks deducted: |
| N/A |

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 – RE Discipline Regulations 4.1.4 / 4.4 (or equivalent Tournament rule)

| | | |
|--|-----|--|
| Total sanction | N/A | <input checked="" type="checkbox"/> Sending off sufficient |
| Sanction commences | | |
| Sanction concludes | | |
| Matches/tournaments included in sanction | | |

| | |
|-------|--|
| Costs | |
|-------|--|

| | |
|----------------------------|--------------------|
| Date | 24/11/2021 |
| Signature (JO or Chairman) | <i>Mike Hamlin</i> |

NOTE: You have 48 hours from notification of the decision of the chairman/jo to lodge an appeal with the tournament director – RE Discipline Regulations 4.6.2 (or equivalent Tournament rule)