

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	MKU Nairobi vs. Kenya Police		
Player's Club	Kenya Police	Competition	Nationwide League, Nairobi
Date of match	30 November 2024	Match Venue	JKUAT Karen Campus Grounds, Nairobi
Rules to apply	REGULATION 17 WORLD RUGBY HANDBOOK & KENYA RUGBY UNION'S DISCIPLINARY CODE & RUGBY XV's COMPETITION MANUAL		

PARTICULARS OF OFFENCE			
Player's surname	Clinton	D.o.B / Age	03Aug1998 / 26yr.
Forename(s)	Billy		
Referee Name	Abdulaziz Franc	Plea	Admitted <input checked="" type="checkbox"/> Not admitted <input type="checkbox"/>
Offence	9.12: A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching , contact with the eye or eye area, striking with any part of the arm, shoulder, head or knee(s), stamping, trampling, tripping or kicking.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify: Two YELLOW CARDS leading to automatic RED CARD	
Summary of Sanction	The Judicial Officer categorised the RED CARD (as defined in the KRU Rugby XV's Competition Manual – Appendix Rules 20/21/22) as mid-range on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a three (3) week/match suspension. In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 30 November 2024. No award was made as to costs.		

HEARING DETAILS			
Hearing date	03 Dec 2024, 12:00 hr.	Hearing venue	On-line Meeting
Chairman/JO	Aggrey Chabeda		
Other Members of Disciplinary Committee			
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	1. Fred Hamisi – TM, Kenya Police 2.	Disciplinary Officer and/or other attendees	1. Alfred Okwemba: - KRRA 2. Kevin Wambura: KRU – League Fixtures & Competitions
List of documents/materials provided to Player in advance of hearing	1. 241203 Notice of Disciplinary Hearing – Billy Clinton 2. 241203 Notice of Disciplinary Hearing - Billy Clinton - email 3. 241203 South Coast Pirates vs. Kabras Sugar - Billy Clinton - Send-off & Match Sheet		

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

Referee's Report on Ordering-off

Refer to detailed "Referee's Report on Ordering Off" as attached.

1. In the 69th minute of the match, with MKU Nairobi on the offensive, their player (unidentified) went into contact and onto the ground, where a Ruck was formed.
2. Kenya Police Player No.10 Billy Clinton, who was behind the ruck, came and punched the MKU player on the face while he was on the ground in clear sight.
3. It was the view that KP player No.10 demonstrated ignorance to player safety and failed to promote the spirit of the game.
4. KP player No.10 was ordered-off by way of a RED CARD.

Disciplinary Designated Officer / Citing Commissioner's Report

1. Not Applicable

Match Sheet

Match Sheet, attached::

1. Confirms that Team B (Kenya Police) Player No.11 Billy Clinton received a RED CARD, in the 69th minute of a Nationwide Nairobi League match between MKU Nairobi and Kenya Police, resulting in ordering-off of the player.
2. Marks all incidents clearly, save for Substitutions, to the nearest min/sec of the match.
3. Substitutions are not recorded.

DVD Footage

1. No DVD footage was presented.

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

Medical

1. No report.

SUMMARY OF PLAYER'S EVIDENCE

The player: Billy Clinton

1. Admitted the to the charge
2. Stated that his actions were not intentional
3. Claimed to have apologised to the victim of his actions

Player Representative – Fred Hamisi: Team Manager, Kenya Police:

1. Both players were on the ground so he was not in a position to comment on the incident..
2. He was happy to accept the decision of the match referee.
3. He made an impassioned plea for forgiveness of the player as he was new to the game.

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FINDINGS OF FACT

KRRS Representative - Alfred Okwemba

1. No Comment

Match Officials

1. Not present

KRU Official – Kevin Wambura

1. No comment

JO’s Comments

1. Match Sheet:
 - a. A very high level of detail including timing to min/sec for all key milestones during the match, save for substitutions, is captured.
 - b. Substitutions are not captured.
 - c. Commendable report.
2. Referee’s Report:
 - a. The victim subject the act of foul play is not identified.
 - b. The safety or welfare of the victim is not captured
 - c. The effect of the act of foul play on the match is not captured

JO’s Decision

The Judicial Officer categorised the RED CARD (as defined in the KRU Rugby XVs Competition Manual – Appendix Rules 20/21/22) as **mid-range** on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a three (3) week/match suspension.

In accordance with the R.17.19.10 and in line with the player’s schedule, he will serve suspension from 30 November 2024.

No award was made as to costs..

DECISION

Breach admitted	Proven	Not proven	Other disposal (please state)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a & b) (or equivalent Tournament rule)	
Intentional/deliberate <input checked="" type="checkbox"/>	Reckless <input type="checkbox"/>
State Reasons	
As defined in the Match Referee’s report.	
Gravity of player’s actions - R 17.18.1(b) (or equivalent Tournament rule)	
Potential injury to opponent	
Nature of actions - R 17.18.1(c) (or equivalent Tournament rule)	
Existence of provocation - R 17.18.1(d) (or equivalent Tournament rule)	
None	
Whether player retaliated - R 17.18.1(e) (or equivalent Tournament rule)	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
No	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
Not mentioned in referee’s Report	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
Not mentioned in referee’s Report	
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)	
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)	
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)	
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)	
Offending player claimed to have apologised to the victim after the match – not verified	

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ASSESSMENT OF SERIOUSNESS CONTINUED					
KINDLY REFER TO ATTACHED DOCUMENTS – PLAYER SANCTIONS (LAST PAGE)					
9.12: A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, punching or striking with hand, arm, elbow or shoulder.					
<u>Low end</u>	<u>Weeks / Matches</u>	<u>Mid-range</u>	<u>Weeks / Matches</u>	<u>Top-end*</u>	<u>Weeks /</u>
<input type="checkbox"/>	2 (Two)	<input checked="" type="checkbox"/>	6 (Six)	<u>Matches</u>	<input type="checkbox"/> 10 (Ten) to 52(Fifty Two) Max

Notes

1. *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.
2. Appendix 2 - WORLD RUGBY SANCTIONS FOR FOUL PLAY (REGULATION 17): Any act of foul play which results in contact with the head shall result in at least a mid-range entry point sanction.
3. 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
Not Applicable

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS
Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
1. First offender
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
1. Yes
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
1. None

Number of additional weeks:

Nil(0)

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RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.1(b) (or equivalent Tournament rule)
1. Admitted the breach immediately	1. First offender
Youth and 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)
1. 26 years old but new to the game	1. Respectful
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)
1. Player expressed remorse.	

Number of weeks deducted:

Weeks Two (3) – See Regulation 17.19.2 below for maximum

17.19.2 Subject to Regulations 17.19.3 and 17.21.1, for acts of Foul Play the Disciplinary Committee or Judicial Officer cannot apply a greater reduction than 50% of the relevant entry point suspension (prior to any increase for aggravating factors). In assessing the percentage reduction applicable for mitigating factors, the Disciplinary Committee or Judicial Officer shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.
The total sanction below replaces the automatic one-match ban for a RED CARD sending-off.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	Entry point = 6 weeks Mitigating factors = 3 week Aggravating factors = 0 week Total after aggravating & mitigating = 6 - 3 + 0 = 3 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	30 November 2024	
Sanction concludes	KRU sanctioned Match weekends in which sanctioned player’s Team participates (as per Kenya Rugby Union Disciplinary Code & Tournament Participation Rules for 15s tournaments.	
Matches/tournaments included in sanction	Nationwide Nairobi League.	

Costs	None
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Signature (JO or Chairman)	 Aggrey Chabeda	Date	03 December 2024
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NOTE: YOU HAVE **7 (SEVEN) DAYS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE KRU COMPETITIONS DEPARTMENT – R 17.22.2(a) (or equivalent Tournament rule)



Referee's Report on an Ordering Off

OFFICIATING

Player's Union	Kenya Police			Player Number	20		
Full Name of Player	Billy Clinton						
Venue	JKUAT Karen			Date of Incident	30 Nov 2024		
Match Result	MKU Nairobi		09	pts	Kenya Police		29 pts

Nature of Offence: (Please indicate appropriate offence)

Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>
3.7		9.7 (d)		9.12	<input checked="" type="checkbox"/>	9.17		9.20 (c)		9.25	
4.7		9.8		9.13	<input checked="" type="checkbox"/>	9.18		9.21		9.26	
9.7 (a)		9.9		9.14		9.19		9.22		9.27	
9.7 (b)		9.10		9.15		9.20 (a)		9.23		9.28	
9.7 (c)		9.11		9.16		9.20 (b)		9.24			

Please give a short description of the Law

A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm, shoulder, head or knee(s), stamping, trampling, tripping or kicking.

Period (of game when incident occurred):	1 st Half		2 nd Half	<input checked="" type="checkbox"/>	Extra time		Elapsed time in half	
Proximity of Official(s) to incident	5					metres		
Score at that time	MKU Nairobi		09	pts	Kenya Police		29	pts
Had any cautions been issued to	a) Individual	Yes	No	<input checked="" type="checkbox"/>	b) General	Yes	No	<input checked="" type="checkbox"/>
Was the Player ordered off further to the report of an Assistant Referee? <i>(If yes, a separate form may need to be completed and submitted by the assistant referee)</i>	Yes					No	<input checked="" type="checkbox"/>	

Referee's Name	Abdulaziz Frank	Union	NRRS
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Please give a detailed report below (PLEASE WRITE CLEARLY)

Towards the last quarter of the game, MKU Nairobi were making an attempt to go for a try. The ball carrier went into contact and while on the ground, Billy Clinton, who was behind the ruck, clearly came and punched the player on the face while he was on the ground. That clearly shows ignorance to player safety and doesn't promote the spirit of the game in any way.

Signed	J.N	Date	30 Nov 2024
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THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH

KENYA RUGBY UNION MATCH SHEET

3753

Match	Team A: NKU NAIROBI	Team B: KENTA POLICE	Tournament: NATIONWIDE
	Full Time: A 9 v B: 29	Half Time: A 6 v B: 24	Venue: JKUAT KAREN
Referee:	Name: ABDULAZIZ FRANC	ARI	Date: 30/11/2024
	Country:	Name: ~	Kick-off Time: 1 pm
		Country:	Match Commissioner: ~

Team A: First Name, Surname	Team B: First Name, Surname
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Score Sequence. Please indicate shirt number, time, score and event											
FIRST HALF						SECOND HALF:					
No.	Team	Time	Event	Score		No.	Team	Time	Event	Score	
				A	B					A	B
1.	JOHN KIKIGU										
2.	DAVID MACHARIA	1. CHARASTO OKETCHI									
3.	MOSES NDEGE	2. BRAYIL ATIKA	12	B	1:00	T					
4.	BEN YEGO	3. GIDEON MIKA	13	B	1:10	C					
5.	FRANCIS KIMANI	4. SEMO HOGAN	14	B	5:30	T					
6.	IAN OTIENO	5. ALEX KIMANI	13	B	6:00	C					
7.	JOHN PAUL MAKORI	6. ERIC MUYAKA	12	B	13:10	T					
8.	DAN OKWARA	7. BENNY OTENGA	13	B	13:55	C					
9.	MARIL DKECH	8. EMMANUEL MUKABA	5	A	20:10	Y					
10.	NICKSON WANJA	9. BILLY MSAJANI	13	B	25:06	P					
11.	SAMUEL MWANGI	10. JIMMY OMENDO	10	A	26:10	P					
12.	CORNELIUS BAKASA	11. DOUGLAS OKUNU	10	A	30:10	P					
13.	DERICK MWISI	12. ELIUS OYIER	10	B	35:10	T					
14.	BOAZ KIBAGENDI	13. STEPH OMONDI									
15.	HARISI MUSA	14. DANIEL WACHIRA									
16.	COLLINS KANGOGO	15. FELIX LINGOYE									
17.	ALUBALA OMOLLO	16. DANIEL BRINDA									
18.	ALEX WANJOHI	17. ARTHUR NYAKUNDI									
19.	CLINTON NYANDERA	18. WYCHEFE OMBAJA									
20.	KENEDY MUGWANGA	19. LITHY MIANO									
21.	POWELL ODONGO	20. BILLY CLINTON									
22.	CEPHAS MUNENE	21. MCELIN KIPKURUBA									
23.	CALEB KIMANI	22. DAVID MUYABI									
		23. CAUS KIFUZA									

HT: 6 - 24

FT: 9 - 29

Signed TM: 	Signed TM: 	Match Commissioner Comments:	Weather:
		Other Comments:	Pitch Condition: MUDDY
		Signed:	

- T = Try
- C = Conversion
- DG = Drop Goal
- P = Penalty
- S = Substitution
- Y = Yellow Card
- R = Red Card

NOTICE OF DISCIPLINARY HEARING - BILLY CLINTON (KENYA POLICE) - 3RD DECEMBER 2024, 12PM

KRU Competitions

Mon 2 Dec, 23:20 (2 days ago)

to Kenya, gilbertmuneneh@gmail.com, isabel.atieno@gmail.com, Fredrick, Duncan, Daniel, Willy, george, me, Thomas, Kevin, alfred.okwemba@kenyareferees.co.ke, victor.oduor@kenyareferees.co.ke

Greetings Fred and the entire Kenya Police Rugby team,

Subject matter refers.

We are in receipt of a sending off report for the above-named player, Billy Clinton from the Nairobi Nationwide league match between MKU Nairobi and Kenya Police RFC on the 30th November, 2024 at JKUAT Karen Campus Grounds.

Guided by the KRU Regulations 19.6 all the way to 19.10, a virtual disciplinary hearing has therefore been slated for the **3rd December 2024 at 12pm.**

Find attached the notice of disciplinary hearing, the match sheet and the sending off reports. The link to the hearing is also attached:

G.M Ndemi is inviting you to a scheduled Zoom meeting.

Topic: KRU DISCIPLINARY HEARINGS

Time: Dec 3, 2024 09:00 AM Nairobi

Join Zoom Meeting

<https://us02web.zoom.us/j/85096297818?pwd=W6r62vcoFHdyKbabH5ofF0qWN2lxgQ.1>

Meeting ID: 850 9629 7818

Passcode: 507025

Kind regards,

Competitions Department, Kenya Rugby Union
Tel: +254724 256 179 /733 256 179 | www.kru.co.ke
RFUEA Grounds Ngong Road

NOTICE OF DISCIPLINARY HEARING



Position: Billy Clinton
Club: Kenya Police
Date Time: 3rd December 2024, 12pm
Place of hearing: Virtual (Zoom Hearing)
Reason: DISCIPLINARY HEARING
Match: MKU Nairobi vs Kenya Police (30th November 2024)

Notes:

- The player/official shall attend the hearing in person.
- If the player/official is unable to attend the hearing, he should advise the **Competitions Administrator at competitions@kru.co.ke** immediately.
- The Player/Official is entitled to adduce evidence and make submissions, be represented by his Club and/or a legal advisor and may bring witnesses to the hearing.
- The Official is not eligible to play/manage rugby activities pending the final resolution of the case.
- During the hearing, the Judicial Officer will review the evidence and receive the official submissions and evidence, including hearing from any witnesses.
- In advance of the hearing, the Player/official and/or his advisors/Club should review the incident on the Union's/Host clubs copy of the DVD (per the time marker indicated on the report) if available. The Player/official should also review the regulations of the world rugby.
- The Player/official should be prepared with any arguments he may wish to present, including for the purposes of sanctioning, with respect to off-field mitigating factors (on-field mitigating factors are considered in setting the entry point in regulations) and/or the absence of any aggravating factors.
- The official should bring with him a copy of his disciplinary record in all rugby (Fifteens and Sevens at all levels, including, for the avoidance of doubt, international, junior and Club) and other sports if relevant. If a copy is not available, the Player shall inform the Judicial Officer orally of his disciplinary record when requested. The Player should be careful not to make any inaccurate or misleading statements in this regard.

Competitions Administrator - competitions@kru.co.ke

Attached documents: Team Sheet, Match Officials' Reports