

MEDIA RELEASE

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Sports Tribunal suspends former NBL basketball player for cannabis violation

The Sports Tribunal has suspended basketball player, Kavossy Franklin, from participating in sport for two years because of an anti-doping violation relating to cannabis.

Mr Franklin tested positive to cannabis after playing for the Harbour Heat in a National Basketball League match. Upon receiving an urgent application for provisional suspension from Basketball New Zealand, the Tribunal provisionally suspended Mr Franklin on 23 June 2010. Drug Free Sport New Zealand subsequently referred the alleged anti-doping violation to the Tribunal to decide. The Tribunal heard the matter, and issued its decision, on 18 August.

Under the Sports Anti-Doping Rules 2010 (based on the WADA Code), the penalty for an anti-doping violation involving a prohibited substance is 2 years' suspension but in the case of specified substances, such as cannabis, the athlete can receive a lesser penalty but only if they can establish certain requirements. The Rules essentially require that the athlete:

- establishes how the cannabis got in their system;
- establishes that it was not taken with the intention of enhancing their sports performance; and
- produces corroborating evidence in addition to his or her own word, which means that the athlete has to provide a witness to back up his or her evidence about the above.

Mr Franklin admitted the violation in e-mail correspondence. The Registrar of the Tribunal informed Mr Franklin on several occasions by e-mail and telephone about the requirements of the Rules including the need to have a witness to corroborate his evidence.

The hearing was held by teleconference as Mr Franklin had moved to the USA. Mr Franklin had difficulty connecting and the hearing was adjourned for a week. Mr Franklin failed to participate in the rescheduled hearing and made no further contact to explain why.

The Tribunal was satisfied that Mr Franklin had been made fully aware of the requirements under the Rules. However, the Tribunal was also aware from previous discussions between the Registrar and Mr Franklin, that Mr Franklin felt unable, for personal reasons, to provide the evidence of a corroborating witness.

The Tribunal commented on difficulties athletes may have in some circumstances of providing corroborating evidence but without this evidence the Tribunal has no choice under the Rules and has to impose a two year suspension. In this case, as Mr Franklin did not participate in the hearing, the Tribunal did not have either his direct evidence or that of a witness.

The Tribunal therefore suspended Mr Franklin for two years commencing from 23 June 2010. The Tribunal noted the suspension applies worldwide and not just in New Zealand.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Drug Free Sport New Zealand v Kavossy Franklin* (ST 10/10). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sporttribunal.org.nz).