

BETWEEN SOFTBALL NEW ZEALAND
Applicant

AND AARON NEEMIA
Respondent

**DECISION ON APPLICATION FOR PROVISIONAL SUSPENSION GIVEN
ON 30 MARCH 2009**

Hearing: Conference call 30 March 2009

Present: Dane Dougan and Megan Harlick for Applicant
 Respondent in person
 Paul David and Jayne Kernohan for Drug Free Sport

Tribunal members: Hon Barry Paterson, QC (Chair)
 Ron Cheatley
 Anna Richards

Registrar: Brent Ellis

1. Mr Neemia was tested in competition by Drug Free Sport on 28 February 2009. On 24 March 2009, the applicant was notified of an adverse analytical finding as the test showed a positive result for cannabis. The applicant in accordance with the Sports Anti-Doping Rules (2009) applied for provisional suspension.
2. The hearing took place by telephone conference on 30 March 2009.
3. Mr Neemia was a member of the Black Sox squad but withdrew from it last week. He has no immediate plans to play softball. This is his second infringement for cannabis. He does not intend to have the B sample tested.
4. The Tribunal does not see any reason not to provisionally suspend Mr Neemia. He is therefore provisionally suspended as from today's date.
5. The Tribunal will expedite the substantive hearing when Drug Free Sport brings the application. It is asked to do so without delay. Mr Neemia will be entitled to have a reduced sanction considered if he can establish to the satisfaction of the Tribunal how the cannabis entered his body and that it was not intended to enhance his sports performance.

Dated 30 March 2009



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Hon B J Paterson QC (Chair)