

BETWEEN DRUG FREE SPORT NEW ZEALAND

Applicant

AND JARED NEHO

Respondent

AND NZ RUGBY LEAGUE

Interested Party

**PROVISIONAL SUSPENSION DECISION
Dated 11 December 2012**

Hearing: 11 December 2012
by telephone conference

Tribunal: Barry Paterson QC (Chairman)
Sir Bruce Robertson
Chantal Brunner

Present: Jared Noho (Athlete)
Graeme Steel (Drug Free Sport New Zealand)
Jayne Kernohan (Drug Free Sport New Zealand)
Kevin Bailey (NZ Rugby League)

Registrar: Brent Ellis

1. Mr Neho joined the hearing late and by that time the representatives of Drug Free Sport and NZ Rugby League had left the conference. In the circumstances, it was not deemed necessary to invite them to rejoin.
2. Drug Free Sport has brought an application for provisional suspension arising from a random in-competition test at Auckland on 1 October 2012. Mr Neho tested positive for a metabolite of cannabis.
3. Mr Neho waived his entitlement to have the B sample tested. He has not opposed provisional suspension.
4. A provisional suspension order is made commencing from 11 December 2012.
5. The substantive hearing will take place by telephone conference at **noon on Monday, 17 December 2012.**
6. Mr Neho had explained to him during the conference the provisions of the Sports Anti-Doping Rules (2012). They are repeated hereunder.
7. The mandatory suspension for an anti-doping violation for a Prohibited Substance is a term of 2 years. However, in the case of cannabis, if Mr Neho can establish how the cannabis entered his body and that the smoking of cannabis was not intended to enhance his sports performance, he can seek a reduced period of suspension or, at a minimum, a reprimand.
8. To obtain a reduction in the suspension, Mr Neho must produce evidence in addition to his own word which establishes to the comfortable satisfaction of the Tribunal the absence of an intent to enhance sports performance.
9. Mr Neho has advised that he will forward to the Tribunal by email this evening (11 December) his own witness statement and that

of another person so that the Tribunal can consider the appropriate sanction. It was on this basis that the hearing has been fixed for noon on Monday, 17 December 2012.

10. If Mr Noho requires any further explanation of the position, he is advised to seek advice from either his trainer, coach or a lawyer. The Registrar of the Tribunal, Mr Ellis, if contacted, will be able to provide names of lawyers who may be prepared to give this advice free or for little charge.

Dated 11 December 2012

A handwritten signature in blue ink, appearing to read 'B J Paterson', is positioned above a dotted line. The signature is fluid and cursive.

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B J Paterson QC
Chairman