

DISCIPLINARY COMMISSION

In the Matter of
Basketball England
v
Brandon Wells

COMMISSION

The Commission members appointed by Basketball England were:

Chairman: Gerald Daish
Member: Andre Costa
Member: Tom Cleeve

Rachel Scase acted as Secretary to the Commission.

The hearing took place online via Microsoft Teams on 24/02/2022 commencing at 4.15pm.

Mr Wells was not present.

CHARGE

Basketball England charged Mr Wells on 2nd February 2023 with the following:

1. Breach of Disciplinary Code 5.2 Inappropriate behaviour, falling below the standard expected; and/or
2. Breach of Disciplinary Code 5.4 Language or Behaviour aggravated by reference to a protected characteristic.

It was alleged that Mr Wells used abusive language towards an opponent during the game, Beccles Bombers v Kings Lynn Basketball Club on 25/11/22, and it was further alleged that language used made reference to nationality. This referred to the comment(s) “fucking pussy” and/or “foreign pussy”.

RESPONSE

Mr Wells admitted using the words “fucking pussy” but denied using the words “foreign pussy”.

COMMISSION’S FINDINGS

The Commission considered statements by Brandon Wells, Eivydas Kriunas of Kings Lynn BC, and the Match Officials.

The Commission noted that the only person who heard the words “foreign pussy” was Mr Kriunas, who had reacted in a violent way. The words were not heard at all by the match officials, nor evidently by any other players, and the matter was not reported by Mr Kriunas until after the end of the match.

The Commission considered that the allegation amounted to 'one word against another' and that there was no compelling evidence to find that the words "foreign pussy" had been used. Mr Wells freely admitted using the words "fucking pussy" and the Commission considered it possible that Mr Kriunas may have mis-heard the comment.

COMMISSION'S DECISION

The Commission therefore found, on the balance of probability, the charge of a Breach of Disciplinary Code 5.4 NOT PROVEN, but found the charge of a Breach of Disciplinary Code 5.2 PROVEN.

SANCTION

1. Mr Wells is suspended from all basketball activity for TWO matches.
2. Mr Wells is fined £30.

RIGHT OF APPEAL

There is a right of appeal against this decision under Regulation 13 of the Disciplinary Code.

Chairman Gerald Daish

Date 24/02/2023