



## **Decision**

by

the FIBA Disciplinary Panel established in accordance with  
Section H.7.8.3 of the  
Internal Regulations governing Doping Control  
in the matter

**Anthony Jewell Akins**

**(born 3 July 1980)**

**("the Player")**

(Nationality: USA)

**Whereas**, the Player underwent a doping test on 3 May 2008 in Split (Croatia) during a match of the regular season of the Croatian A-1 Men League between BC Split Croatia and BC Sabena.

**Whereas**, the analysis of the Player's sample was conducted at the Laboratory of Seibersdorf (Austria) which is a WADA-accredited laboratory. The sample showed the presence of metabolites of cannabis in excess of 15 ng/ml (level reported: 82+17 ng/ml).

**Whereas**, the Player did not request an analysis of the B sample, which confirmed the adverse analytical finding.

**Whereas**, on 2 September 2008 the Player and his Attorney, William McCandless, Esq. were heard via telephone conference by a FIBA Disciplinary Panel composed of Mr. Antonio Mizzi, President of FIBA's Legal Commission and of Dr. Heinz Günter, Vice President of FIBA's Medical Commission. Ms. Cendrine Guillon, FIBA's Anti-Doping Officer and Dr. Dirk-Reiner Martens, FIBA Legal Advisor were also in attendance.

**Whereas**, the Player

- did not contest the result of the test;
- admitted in his affidavit dated August 30, 2008 that he smoked marijuana;
- argued that he had no intention to enhance his performance,
- stated that since the start of ineligibility imposed by the Croatian Basketball Federation on 20 May 2008 he was unable to play professional basketball, including the NBA Summer League; and
- affirmed that he committed no previous Anti-Doping rules violation.

Now, therefore the Panel takes the following (Art. H.7.8.3.1 FIBA Internal Regulations hereafter "IR"):

## **DECISION**

**A period of three months ineligibility, i.e. from 20 May 2008 to 19 August 2008, is imposed on Mr. Anthony Jewell Akins**



### **Reasons:**

1. The Player has committed an anti-doping-rule violation pursuant to H 7.2.1.1. of the IR as a prohibited substance (cannabinoids), listed in WADA's Prohibited List (in force since 1 January 2008) under letter S8 was found in his urine sample. This fact remained uncontested.
2. WADA's Prohibited List identifies cannabinoids as a Specified Substance, for which, according to H 7.8.2.2. of the IR, in the event that the Athlete can establish that the use of such substances was not intended to enhance his sport performance, the period of ineligibility is as follows
  - First violation: At a minimum, a warning and reprimand and no period of ineligibility for further Events, and at a maximum one year ineligibility.
  - Second violation: Two years ineligibility
  - Third violation: Lifetime ineligibility
3. In view of the fact that
  - the Player represented to have used marijuana only for personal reasons and not in order to improve his athletic performance;
  - the Player has expressed his regret for the violation committed.
4. Based on previous practice, the Panel holds that, in the absence of exceptional circumstances, it is appropriate to impose on the Player a sanction of three months.



5. The Panel deems fair pursuant to Art. H.7.8.2.7 IR that the period of ineligibility is to start on 20 May 2008, as he was unable to play and did not play professional basketball since that date, i.e. more than three and a half months.
6. As a result, the above sanction has already expired and the Player is eligible to play immediately.
7. This decision is subject to an Appeal according to the FIBA Internal Regulations governing Appeals as per the attached "Notice about Appeals Procedure".

Geneva, 15 September 2008

On behalf of the FIBA Disciplinary Panel

Patrick Baumann  
FIBA Secretary General