

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

Cartier Alexander MARTIN
(born 20 November 1984)

("the Player")
(Nationality: USA)

Whereas, the Player underwent a doping control on 14 April 2008 in Ankara (Turkey) on the occasion of the Turkish Beko Basketball League.

Whereas, the analysis of the Player's sample was conducted at the Laboratory in Ankara which is a WADA-accredited laboratory. The sample showed the presence of metabolites of Carboxy-THC (cannabinoids) in a quantity in excess of the minimum threshold provided for in the WADA International Standard for Laboratories.

Whereas, the Player requested the analysis of the B sample which confirmed the result of the analysis of the A-sample.

Whereas, on 16 September 2008 the Player and his Attorney, Benan Arseven. 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. Mr. Amir Ibrahim from FIBA's Anti-Doping Department and Dr. Dirk-Reiner Martens, FIBA Legal Advisor were also in attendance.

Whereas, the Player

- did not contest the result of the test;
- admitted that approximately one week before his doping test at a private party he had smoked a cigar which had been offered to him by a team mate that this cigar was most likely the cause of his positive test,
- contended that he had no intention to enhance his performance,
- stated that on 18 June 2008 he was suspended by the Disciplinary Board of the Turkish Basketball Federation for a period of two years from the date of the notification of the decision and that he did not play since 2 May 2008, the date of his provisional suspension, which caused him a substantial financial loss.; and
- confirmed that he committed no previous Anti-Doping rule 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 2 May 2008 to 1 August 2008, is imposed on Cartier Alexander MARTIN.

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 S 8 of the WADA Prohibited List (in force since 1 January 2008) was found in his urine sample. This fact remained uncontested.
2. The WADA 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's ineligibility.
 - Second violation: Two years' ineligibility
 - Third violation: Lifetime ineligibility
3. Based on previous practice and 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

the Panel holds that, in the absence of exceptional circumstances, it is appropriate to impose on the Player a sanction of three months ineligibility.

4. The Panel deems it fair pursuant to Art. H.7.8.2.7 of the IR that the period of ineligibility is to start on 2 May 2008, the date of his provisional suspension, as the Player was unable to play professional basketball since that date, i.e. almost for seven months.
5. As a result, the above sanction has already expired and the Player is eligible to play immediately.
6. This decision is subject to an Appeal according to the FIBA Internal Regulations governing Appeals as per the attached "Notice about Appeals Procedure".

Geneva, 23 September 2008

On behalf of the FIBA Disciplinary Panel



Antonio Mizzi
President of the Disciplinary Panel