



## **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

**Nathaniel Justin Fox**  
(born 14 April 1977)

("the Player")  
(Nationality: USA)

**Whereas**, the Player underwent a doping control on 2 March 2008 in Leverkusen (Germany) after a game of the German Bundesliga in Leverkusen.

**Whereas**, the analysis of the Player's sample was conducted at the Laboratory of the Deutsche Sporthochschule in Cologne (Germany) 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 did not request an analysis of the B sample.

**Whereas**, on 16 September 2008 the Player and his Agent, Patrick King, 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 he had smoked marijuana one week before the test at a party after an important win of his team against Alba Berlin,
- contended that he had no intention to enhance his performance,
- stated that he was suspended by the Anti-Doping Commission of the German Basketball Federation for a period of 7,5 months from 13 March 2008 until 26 October 2008 and that he did not play since the day of his test 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 March 2008 to 1 June 2008, is imposed on Nathaniel Justin Fox.**



### **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 March 2008, as the Player was unable to play and did not 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