



Decision

by

the FIBA Disciplinary Panel established in accordance with
Article 8.1 of the
FIBA Internal Regulations governing Anti-Doping
in the matter

DeJuan Collins
(born 20 November 1976)

hereafter:
(“the Player”)

(Nationality: U.S.A.)

Whereas, the Player underwent an in-competition doping test on 9 February 2012 in Kaunas, Lithuania, in the framework of a Euroleague game between Zalgiris BC and FC Barcelona;

Whereas, the analysis of the Player's sample (sample No: 3033856) was conducted at the WADA-accredited Laboratory in Barcelona, Spain (“Laboratory”). On 1 March 2012 the Laboratory informed FIBA that the analysis of the Player’s sample showed the presence of the prohibited substance “*11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid (cannabis metabolite)*” in a concentration (“*greater than 100 ng/ml*”) which is higher than the decision limit (*18 ng/ml*) established by the 2012 WADA List of prohibited substances;

Whereas, by letter dated 5 March 2012 FIBA informed the Player about the adverse analytical finding and about his right to request the analysis of bottle B;

Whereas, by letter dated 13 March 2012 the Player waived his right to the analysis of bottle B and provided FIBA with his position in writing;

Whereas, by letter dated 19 March 2012 FIBA informed the Player that the case was submitted to the FIBA Disciplinary Panel and provided to him the option of being heard either in person (for which a hearing in FIBA's headquarters in Geneva would have to be organised) or via telephone conference on 27 March 2012;

Whereas, on 22 March 2012 the Player confirmed his preference to and participation in a hearing by telephone conference;

Whereas, on 27 March 2012 the Player – assisted by the Zalgiris BC's Director Mr. Jonas Stadalninkas – was heard via telephone conference by a FIBA Disciplinary Panel composed of Dr. Wolfgang Hilgert, member of FIBA's Legal Commission and of Dr. Souheil Sayegh, Deputy-Chairman of FIBA's Medical Commission; Ms. Virginie Alberto, FIBA Anti-Doping Officer as well as Mr. Andreas Zagklis, FIBA Legal Advisor, were in attendance;

Whereas, in his written statement and at the hearing the Player:

- did not contest the result of the test;
- stated that on 19 January 2012 (approximately three weeks before the test) and following a home defeat of his club to Maccabi Tel Aviv partly caused by his low performance in the final minutes of the game, he felt frustrated and responsible for the team's bad results. This factor, alongside other factors of a private nature ("I was unable to sleep, and felt very homesick, not having seen my family for 3 months"), led him to go to a night club where

he became intoxicated and smoked a cigarette offered by some fans of his club sitting near him;

- stated that he was not aware about the possibility of a prohibited substance being included in this cigarette and that, in general, he has limited recollection of what happened that night;
- stated that he had no intention to enhance his performance and that the positive result "happened by accident";
- apologised for the adverse analytical finding and stated that this was a unique event, since he is not a regular smoker and has not used any drugs before or after that incident;
- asserted that this was his first anti-doping rule violation since he had never failed a drug test before in his 18-year long professional basketball career;

Whereas, at the hearing the club's representative expressed his confidence in the Player's version of the facts, although he did not witness them. He also informed the Panel that his club's last game for the season would take place on 17 May 2012.

Now, therefore, the Panel takes the following:

DECISION

A period of three (3) months' ineligibility, i.e. from 3 April 2012 to 2 July 2012, is imposed on Mr. DeJuan Collins.

Reasons:

1. Article 2.1 of the FIBA ADR reads as follows:

“ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

Players and other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.

The following constitute anti-doping rule violations:

2.1 The presence of a Prohibited Substance or its Metabolites or Markers in a Player’s Sample.

2.1.1 It is each Player’s personal duty to ensure that no Prohibited Substance enters his or her body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Player’s part be demonstrated in order to establish an anti-doping violation under Article 2.1. [...]”

2. The Player has committed an anti-doping-rule violation pursuant to Article 2.1 of the FIBA ADR since a metabolite of cannabis, a prohibited substance listed in WADA's 2012 Prohibited List (the “2012 Prohibited List”) under letter S.8 (Cannabinoids) was found in his urine sample. This fact remained uncontested.

3. According to Article 10.2 of the FIBA ADR

“The period of Ineligibility imposed for a violation of Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), [...] shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met:

First violation: Two (2) years' Ineligibility.”

4. According to Article 10.4 of the FIBA ADR:

“Where a Player or other Person can establish how a Specified Substance entered his or her body or came into his or her possession and that such Specified Substance was not intended to enhance the Player’s sport performance or mask the use of a performance-enhancing substance, the period of Ineligibility found in Article 10.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of Ineligibility from future Events, and at a maximum, two (2) years of Ineligibility.

To justify any elimination or reduction, the Player or other Person must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the use of a performance enhancing substance. The Players or other Person's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility."

5. In view of the fact that:

- the Player is responsible for the substance found in his body;
- the Player is a 35-year old professional athlete with a long career in FIBA clubs, has been playing this season for a top-level European professional club and was therefore aware that cannabis is prohibited;
- the Player admitted the violation and expressed his regret for his conduct, stating that the use of the substance was an isolated incident and a result of various personal and professional shortcomings;
- the Player had no intention to improve his athletic performance since he used cannabis just after a very important game of his team for the Euroleague Top-16 (the most important European club competition) and two days before the next game for a regional league;
- the Player affirmed that he had committed no previous anti-doping rule violation;

and based on previous practice, the Panel holds that it is appropriate to impose on the Player a sanction of three months.

6. The Panel deems it appropriate pursuant to Article 10.9 of the FIBA ADR that the period of ineligibility is to start on the date of this decision, namely on 3 April 2012.

7. This decision is subject to an Appeal according to the FIBA Internal Regulations governing Appeals as per the attached "Notice about Appeals Procedure".

Fédération Internationale
de Basketball



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Geneva, 3 April 2012

On behalf of the FIBA Disciplinary Panel

Dr. Wolfgang Hilgert

President of the Disciplinary Panel