

## Supplementary Issued Decision

# UK Anti-Doping and Alfredie (AJ) Roberts

### Disciplinary Proceedings under the Anti-Doping Rules of Basketball England

This is a Supplementary Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules of Basketball England ('BBE'). It concerns a violation of the ADR committed by Mr Alfredie (AJ) Roberts and is supplementary to the Issued Decision dated 19 December 2019.

The 2021 World Anti-Doping Code and the 2021 UK Anti-Doping Rules (the '2021 ADR') came into effect on 1 January 2021. Mr Roberts applied to UKAD on 2 November 2020 to reduce his period of Ineligibility in light of a *lex mitior* in the 2021 ADR. This Supplementary Issued Decision records UKAD's decision on that application and the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the 2021 ADR unless otherwise indicated.

### Background

1. On 19 December 2019 UKAD issued a Decision imposing a period of Ineligibility of two years on Mr Roberts, a basketball player who played for London City Royals, as a result of Mr Roberts committing an Anti-Doping Rule Violation ('ADRV') pursuant to the UK Anti-Doping Rules<sup>1</sup> (the '2015 ADR').
2. Mr Roberts committed an ADRV pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) of the 2015 ADR. The Prohibited Substance present in his Sample was carboxy-THC which is a metabolite of  $\Delta$ 9-tetrahydrocannabinol ('THC'), the psychoactive compound found in cannabis.
3. On the basis of the explanation provided by Mr Roberts for his ADRV and in light of the opinion UKAD received from Professor Kim Wolff, Head of the Drug Control Centre, King's College London, UKAD accepted the account given by Mr Roberts. UKAD was satisfied that Mr Roberts' ADRV was not intentional and that his ingestion of cannabis took place Out-of-Competition in a context unrelated to sport performance (applying the definition of Out-of-Competition and meaning of 'intentional' in Article 10.2.3 of the 2015 ADR).

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<sup>1</sup> UK Anti-Doping Rules, Version 1.0, dated 1 January 2015.

4. Mr Roberts' two-year period of Ineligibility was deemed to have commenced on 19 May 2019 and is to therefore expire on 18 May 2021.

#### **The 2021 World Anti-Doping Code and 2021 ADR**

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5. The 2021 World Anti-Doping Code and the 2021 ADR came into effect on 1 January 2021 (the 'Effective Date').
6. In accordance with Article 27.3 of the World Anti-Doping Code, Article 1.6.2(e) of the 2021 ADR allows an Athlete still serving a period of Ineligibility as of the Effective Date, to apply to UKAD for a reduction to their period of Ineligibility in light of a *lex mitior* in the 2021 ADR. Article 1.6.2(e) of the 2021 ADR provides:

*...Where a final decision finding an Anti-Doping Rule Violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to UKAD before the period of Ineligibility has expired to reduce the period of Ineligibility in light of a lex mitior in these Rules...*

7. The 2021 Prohibited List classifies THC as a 'Substance of Abuse'.
8. Article 10.2.4 of the 2021 ADR provides:

*Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:*

*(a) If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6...*

9. Out-of-Competition is defined in the 2021 ADR as:

*Any period which is not In-Competition.*

10. In-Competition is defined in the 2021 ADR as:

*The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition; provided, however, that WADA may approve, for a particular sport, an*

*alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport. Upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport.*

11. Accordingly, in relation to a Substance of Abuse, a period of Ineligibility of three (3) months applies under Article 10.2.4 of the 2021 ADR, where an Athlete can establish that ingestion occurred Out-of-Competition and was unrelated to sport performance.

### **Application of the 2021 ADR to Mr Roberts' ADRV**

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12. Mr Roberts is still serving the two-year period of Ineligibility imposed on him by UKAD's Issued Decision dated 19 December 2019.
13. UKAD is satisfied that Mr Roberts' ingestion of cannabis took place Out-of-Competition (as defined in the 2021 ADR) and was unrelated to sport performance.
14. In accordance with Articles 1.6.2(e) and 10.2.4 and a *lex mitior* in the 2021 ADR, UKAD therefore reduces Mr Roberts' period of Ineligibility from two years to three (3) months.
15. Mr Roberts' period of Ineligibility commenced on 19 May 2019. Mr Roberts has already served a period of Ineligibility of 19 months. Accordingly, Mr Roberts' period of Ineligibility expires on 1 January 2021.

### **Summary**

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16. For the reasons given above, UKAD has considered Mr Roberts' application, period of Ineligibility and issued this Supplementary Issued Decision which records that:
  - a. Mr Roberts is still serving the period of Ineligibility imposed on him by UKAD's Issued Decision dated 19 December 2019;
  - b. Mr Roberts applied to UKAD on 2 November 2020 to reduce his period of Ineligibility in light of a *lex mitior* in the 2021 ADR;
  - c. In accordance with Articles 1.6.2(e) and 10.2.4 of the 2021 ADR Mr Roberts' period of Ineligibility is reduced from two years to three (3) months; and
  - d. Given that Mr Roberts has served over 19 months of his period of Ineligibility, Mr Roberts' period of Ineligibility expires on 1 January 2021.

17. Mr Roberts, BBE, the International Basketball Federation, USADA and WADA have a right to appeal against this decision or any part of it in accordance with 2021 ADR Article 13.4.
18. This Supplementary Issued Decision will be publicly announced via UKAD's website in accordance with 2021 ADR Articles 8.5.3 and 14.1.3.

**1 January 2021**