

**MEDIA RELEASE**

**16 June 2009**

**Sports Tribunal suspends Blacksox softball player for second cannabis violation**

The Sports Tribunal has suspended New Zealand representative softball player, Aaron Neemia, from participating in sport for 18 months because of an anti-doping violation relating to cannabis.

Mr Neemia tested positive to cannabis after competing in the Men's National Softball League Finals on 28 February 2009. Upon receiving an application for provisional suspension from Softball New Zealand, the Tribunal provisionally suspended Mr Neemia on 30 March 2009.

Drug Free Sport New Zealand subsequently referred the alleged anti-doping violation to the Tribunal to decide. The Tribunal heard the matter on 12 June 2009 and issued its decision that same day.

This was Mr Neemia's second doping violation involving cannabis. On 7 April 2006, the Tribunal warned and reprimanded Mr Neemia for testing positive after a softball national final and warned him that if he were to offend again he would face an automatic suspension of two years (according to the law in force at that time).

The law has changed this year, as a result of changes to the World Anti-Doping Code and the Sports Anti-Doping Rules. If an athlete, who is facing a second cannabis violation, can establish that he or she did not take the cannabis to enhance their sports performance, the Tribunal has a discretion to impose a period of suspension between one and four years.

Mr Neemia admitted the violation. The Tribunal accepted evidence that the cannabis was taken at the suggestion of a friend to help him sleep and help with pain relief for a knee injury and was not used with the intention of enhancing his sports performance.

The Tribunal did not consider that there were any mitigating factors. Taking cannabis for pain relief or to help sleep is not a mitigating factor. There will be consequences to Mr Neemia from even a minimum suspension of one year in that he has had to withdraw from the New Zealand Blacksox squad and will miss the World Cup and will be unable to take up a playing contract in the USA. However, the issue for the Tribunal was the degree of fault of Mr Neemia and not the consequences of this violation on him.

There were aggravating factors in that Mr Neemia is an international player who is expected to set an example to other players, particularly younger players. Despite a strong warning from the Tribunal less than three years ago, he was prepared to smoke cannabis again just two or three days before a national final.

In these circumstances, the Tribunal did not consider that the minimum suspension of one year was appropriate. The Tribunal imposed 18 months' suspension commencing from the date of provisional suspension (30 March 2009).

The decision in this case will be made available for download from the website of the Sports Tribunal ([www.sportstribunal.org.nz](http://www.sportstribunal.org.nz)). See *Drug Free Sport New Zealand v Aaron Neemia* (ST 02/09). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: [info@sportstribunal.org.nz](mailto:info@sportstribunal.org.nz)).