

**DECISION OF TRIBUNAL ON APPLICATION
FOR PROVISIONAL SUSPENSION**

1. The applicant, Basketball New Zealand, applies pursuant to Rule 12.1 of the Sports Anti-Doping Rules 2010 ("the Rules") for provisional suspension of the Respondent Kavossy Franklin. The application was received on the evening of 22 June 2010, and a teleconference hearing conducted on the morning of Wednesday 23 June 2010.
2. Mr Franklin underwent an in-competition test on 21 May 2010. The application is based on an adverse analytical finding for the prohibited substance cannabis, from the "A" Sample taken.
3. At the date of the provisional suspension hearing the B sample analysis was not available, but was requested.
4. Rule 12 governs provisional hearings and suspensions. The Tribunal's approach has been set out in several decisions on its website.
5. Rule 12.8 empowers the Tribunal to impose a provisional suspension where there is a prima facie case as here, and the athlete did not suggest otherwise. There is no reason not to make the provisional order provided for in Rule 12.8.
6. The effect of a provisional suspension is to prohibit participation in any event or activity organised, sanctioned or authorised by Basketball New Zealand or any member, organisation or club, of Basketball New Zealand. The provisional suspension also applies to other sports as a result of an amendment to Rule 12.9 in the 2010 version of the Rules. Basketball New Zealand is also directed by Rule 12.9 to take all necessary steps to have the provisional suspension recognised by other anti-doping organisations.
7. Under Rule 12.7 the provisional suspension is to remain confidential until publication of the final decision on the alleged Anti-Doping Rule Violation unless following an application the Tribunal considers

that it is in the interests of Basketball New Zealand and its members that the decision in relation to provisional suspension be publicly reported.

Decision

8. The provisional suspension has immediate effect and was announced at the hearing.
9. Kavossy Franklin is provisionally suspended as described above in accordance with the provisions of Rule 12.

Dated this 23 day of June 2010



Nicholas Davidson QC
Chairperson (for the Tribunal)

Adrienne Greenwood

Ron Cheatley