



APPEAL DECISION

MICHAEL POY and RACING VICTORIA STEWARDS

Date of Hearing: 26 March 2018

Heard By: Judge Bowman (Chair)

Appearances: James Hitchcock appeared on behalf of the Stewards
Darren Gauci appeared on behalf of Michael Poy

At Geelong on Saturday 17 March 2018, apprentice jockey Michael Poy was found guilty of a charge of careless riding on his mount *Finally Free* (NZ) in Race 7 the Agmin Chelates 0-58 Handicap (1300m).

The particulars of the charge being that near the 100m he failed to make sufficient effort to prevent his mount from shifting out when not sufficiently clear of *Captain Smooth*, that was steadied, and *Dancing Hare* which was hampered and carried wider resulting in *Frankincense* (NZ) having to be checked to avoid the heels of *Dancing Hare*. Further, approaching the winning post he again failed to make sufficient effort to prevent his mount shifting out when riding it along, and not sufficiently clear of *Avoid The Rush* that was severely checked. In laying the charge, Stewards acknowledge that the racing manners of *Finally Free* (NZ) contributed to the incident.

Michael Poy had his licence to ride in races suspended for a period to commence at midnight on 20 March 2018 and to expire at midnight on 29 March 2018 – a total of 11 race meetings (4 metro and 7 provincial).

In assessing penalty stewards took into account his record, the racing manners of *Finally Free* (NZ) and that the carelessness was in the mid-range.

A Notice of Appeal against the decision and severity of the penalty imposed was lodged on 20 March 2018.

A stay of proceedings was granted effective until midnight 25 March 2018.

DECISION: Appeal against decision dismissed
Appeal against severity of penalty allowed.

Penalty varied so that the period of suspension expires at midnight on Monday, 2 April 2018 (7 race meetings – 3 metro and 4 provincial).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

MICHAEL POY

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

MONDAY, 26 MARCH 2018

MR D. GAUCI appeared on behalf of Mr M. Poy

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Michael Poy, the Stewards have charged you with careless riding, in that in race 7 over 1300 metres at Geelong on 17 March last near the 100-metre mark, you failed to make sufficient effort to prevent your mount, Finally Free, from shifting out when not sufficiently clear of Captain Smooth, ridden by Rhys McLeod, and particularly, not when sufficiently clear of Dancing Hare, ridden by James Winks, which was hampered and carried wide. This in turn caused Frankincense, ridden by Brandon Stockdale, to be checked. Further, approaching the winning post, you were charged that you again failed to make sufficient effort to prevent your mount shifting out when riding it along, causing Avoid The Rush, ridden by Jarrod Fry, to be severely checked.

You pleaded not guilty to the charge. The Stewards found you guilty and suspended you for 11 meetings. The carelessness was placed in the mid-range. You are appealing against both the decision and the severity of the penalty. It should be added that the Stewards found that Finally Free's racing manners contributed to what occurred and informed the trainer that it was to trial prior to racing again. The trainer stated that it had not previously run out that badly.

I have viewed the video. There is no doubt that Finally Free proved a handful for you to ride once the pressure was on over the final 200 metres and particularly in the last 100 metres. There seems to be agreement that this turned out to be not a horse for an apprentice of eight months' experience, even a very talented and promising apprentice such as yourself.

Mr Hitchcock, on behalf of the Stewards, has stated that much of this charge and appeal centres on what is meant by "sufficient effort". This is at least partly true, but what also seems to me to be involved is a decision by you to resume riding the horse more vigorously, including the use of the whip after you had previously put the whip away shortly after the 200-metre mark and had then successfully straightened the horse.

It may be that the ultimate winner coming up on your inside caused your mount to shy away to the outside, but that may have been the time to put the whip away or not ride along vigorously. Ultimately the horse veered to the outside quite sharply and you put the whip away again but the damage was done.

Jarrold Fry's mount in fact caught a heel of Finally Free but happily no damage resulted. Nevertheless, the situation was not a good one.

In my opinion, you made the wrong decision and persevered with it too long. In so saying, I appreciate how quickly things happen and how difficult your mount was to ride, as evidenced by the fact that the Stewards required it to trial satisfactorily before racing again. However, I find the charge made out and the appeal against the decision is dismissed.

I think there is a fair bit to be said in relation to penalty and I appreciate that the situation could have been worse, given the catching of the heel. Obviously the horse, as I said in the reasons in relation to the decision, was a handful to ride and that is evidenced by the Stewards requiring it to trial satisfactorily before racing again.

Whilst Mr Gauci mentioned that Brian Higgins said something about it not being the easiest horse to ride previously, he also accepted that it had not quite behaved like that. This is a case with a bit of a difference. It happened very quickly to, as you say, a very promising apprentice.

I am inclined to vary the penalty. As I have said, I think the Stewards were justified in bringing the charge and finding it proven, but I am inclined to vary the penalty in this case because I think, as I say, it happened rapidly and the behaviour of the horse was, as we saw, quite erratic and continued after the post when it was not being ridden out.

In the circumstances, I am prepared to vary the penalty down to seven meetings. Mr Poy has been riding on a stay, so I am prepared to vary it down to seven meetings from this day.
