



APPEAL DECISION

GLEN BOSS

and

RACING VICTORIA STEWARDS

Date of Hearing: 18 October 2017

Heard By: Judge Bowman (Chair)

Appearances: James Hitchcock appeared on behalf of the stewards.
Des O'Keefe appeared on behalf of Glen Boss.

At Caulfield on Saturday 14 October 2017, jockey Glen Boss pleaded guilty to a charge of careless riding on his mount *Riven Light (IRE)* in Race 7 the *Ladbroke's Stakes* (Group 1, 2000m).

The carelessness being approaching the 200m he permitted his mount to shift out causing tightening to Calderon and Hartnell which were both checked severely.

Mr Boss had his licence to ride in races suspended for a period to commence at midnight on Sunday, 15 October 2017 and to expire at midnight on Tuesday, 24 October 2017 - a total of 10 race meetings (2 metro, 8 provincial).

In assessing penalty Stewards took into account his guilty plea and good record and that the carelessness was in the mid-range.

A Notice of Appeal against **the severity of the penalty** was lodged on Monday, 16 October 2017. A stay of proceedings was not requested.

DECISION: Appeal allowed.

Penalty varied so that the period of suspension expires at midnight on Saturday, 21 October 2017 (7 race meetings).

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

GLEN BOSS

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

WEDNESDAY, 18 OCTOBER 2017

MR D. O'KEEFFE appeared on behalf of Mr G. Boss

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Glen Boss, you have pleaded guilty to a charge of careless riding on Riven Light in race 7, the Ladbrokes Stakes over 2000 metres at Caulfield on Saturday last, 14 October. The interference occurred near the 200-metre mark. Your horse moved out twice. It had been running close to the rails but not on them, moved out approximately one horse and bumped Calderon, ridden by Luke Currie. It might have been closer to two horses that it moved, but approximately that. I agree that it then had clear running ahead of it and on the outside of Jon Snow, ridden by Stephen Baster. However, your horse then moved out again and bumped Calderon far more severely which in turn caused noticeable interference to Hartnell. You were suspended for 10 meetings and you are appealing against the severity of that penalty. The Stewards considered the carelessness to be in the medium range.

I might say I seem to be having a run of cases which have unusual features. Perhaps it is the time of the year. In any event, this case has a couple of very unusual features. Firstly, you are an international jockey riding in Singapore to which you have returned, flying out on Saturday night. That might not be that extraordinary but it does add at least a minor level of complexity. What is perhaps more unusual is that following the race, it was discovered that your mount, Riven Light, had very unfortunately suffered a fracture of its off-fore joint. It is a horse that had come all the way from Ireland where it is trained by Willie Mullins. It was to contest the Cox Plate. It is a very sad result for the connections, although the horse has been saved and will require surgery in the nature of insertion of screws. Whether it will race again is a moot point.

Mr O'Keeffe put before me two media extracts in which Mr Mullins described the injury and also said as follows, if I can quote from one of those articles:

I knew there was something wrong as when he was pulled out by the rider, he weakened quickly, having been holding his position easily. Perhaps he was feeling the ground. He was travelling very well and when he was pulled out, he seemed to get the injury.

You have given evidence over the speakerphone that after the first bump, you had clear running when the horse suddenly veered out again, causing the major interference before you could straighten it. In other words, you were arguing that the horse sustained the injury and veered out as a result, a situation which you could do little to control.

On behalf of the Stewards, Mr Hitchcock argued that the veering out was more gradual and the horse was able to finish off the race. In addition, possible injury to the horse was something that you did not raise in the Stewards' inquiry. Your response was that it was late in the day and you had an evening flight to Singapore.

You had pointed out to the Stewards that the second veering out was sudden. You did not think that the horse finished the race off well, having previously believed, as you have told us today, that it was going to be right in the finish. Instead, it weakened to finish seventh, 4.65 lengths behind the winner.

Mr O'Keeffe argued that new evidence is now available that could well have a bearing on the whole incident and particularly on the severity of the interference caused. Of course that new evidence is the evidence and the observations of Mr Mullins.

It is apparent from the video that the horse veered out reasonably rapidly at the second bump and that you took immediate action to straighten it. This is a difficult case. I accept, as you do, that you were careless overall. The first bump was your fault and perhaps you should have been more alert to the situation prior to the second bump, although I accept that you had running that, if not clear, was close to it.

Mr O'Keeffe has asked me to vary the penalty by imposing a seven-meeting suspension. There is no secret to the fact that this would permit you to ride in Singapore on Sunday next. You may or may already have missed out on a Caulfield Cup ride. You have an excellent record in Singapore this calendar year, 350 rides without a suspension or even a warning.

The whole business of the injury and the observation of Mr Mullins as to what occurred is new evidence. I have now viewed the video many times.

Sufficient doubt has been created in my mind as to when the injury occurred and its impact and as a result, I give you the benefit of that doubt and accede to Mr O'Keeffe's submission. The appeal is allowed and the suspension is reduced to seven meetings.

I will repeat that this is a very unusual case and by imposing a period of seven meetings, I am not attempting to interfere with the range of suspensions normally imposed by Stewards. Those ranges, whilst not law or rules and not binding on this Board, do provide a helpful and informative guide. I repeat that I am not trying to introduce new periods of suspension for medium-range interference which was how the Stewards saw the level of that carelessness. This is very much a one-off situation. As I say, the suspension is reduced to seven meetings.
