



APPEAL DECISION

ANDREW MALLYON and RACING VICTORIA STEWARDS

Date of Hearing: 2 July 2019

Heard By: Judge John Bowman (Chair)

Appearances: Robert Cram appeared on behalf of the Stewards
Des O'Keeffe of the AJA appeared on behalf of Andrew Mallyon

At Caulfield on 29 June, rider Andrew Mallyon pleaded guilty to a charge of careless riding (under the provisions of AR 131(a)), on his mount *Sweet Jazz* in Race 4, MRC Membership Handicap (1100 meters).

The particulars of the charge being, "that near the 300 metres, he permitted his mount to shift out when insufficiently clear of *Graceful Storm* which resulted in that filly being tightened out onto *Angel Lass* and having to be checked."

Andrew Mallyon had his licence to ride in races suspended for a period to commence midnight 3 July 2019 to expire midnight 13 July 2019 a total of 10 meetings (3 Metro and 7 Provincial).

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

A Notice of Appeal against the severity of the penalty imposed was lodged on 30 June 2019.

A stay of proceedings was not requested.

DECISION: Appeal against penalty upheld and varied to 9 meetings commencing midnight Wednesday 3 July 2019 and expiring midnight Friday 12 July 2019.

**Grace Gugliandolo
Registrar - Racing Appeals & Disciplinary Board**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

ANDREW MALLYON

- and -

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 2 JULY 2019

MR D. O'KEEFFE appeared on behalf of Mr A. Mallyon

MR R. CRAM appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Andrew Mallyon, you have been charged with careless riding, in that in race 4 over 1100 metres at Caulfield on 29 June last, near the 300-metre mark you permitted your mount, Sweet Jazz, to shift out when insufficiently clear of Graceful Storm, ridden by Craig Williams, which resulted in that filly being tightened out onto Angel Lass, ridden by Dean Yendall, and having to be checked. Pariano, ridden by Lewis German, also had a role in events, in that it was to obtain a run to the outside of that horse that you shifted out. You pleaded guilty to the charge on the day and continue to plead guilty.

The Stewards took into account your guilty plea, your candid evidence and your record. The carelessness was assessed as being in the mid-range and you were suspended for a total of 10 meetings. You are appealing against the severity of that penalty.

As I have said many times, the three ranges of carelessness and corresponding penalties used by the Stewards are a very useful tool. They give jockeys some idea of the penalties that they may receive. However, they do not bind this Board, although they are always a helpful indication as to how the Stewards view the case and it assists in consistency of penalties.

I agree with Mr Cram on behalf of the Stewards that what occurred as a result of your shifting out does not look good. Craig Williams was certainly put in an awkward position. Dean Yendall, to the outside of Craig Williams, gives no ground. He holds his line, as he is entitled to do. You shift out to get around

Lewis German and take Craig Williams' running. There was nowhere to go because Dean Yendall was holding him in.

Certainly Craig Williams' horse had thrown its head around earlier in the race and its behaviour may have contributed to the appearance of what happened, but in my opinion not to the actual degree of interference that occurred.

Whether it was going to play a significant role in the finish of the race seems to me to be doubtful, but whatever chance it had was removed. Craig Williams had no option but to take a firm hold and restrain his mount quite noticeably.

There is one aspect of the penalty that I do place some emphasis upon. It was pointed out by Mr O'Keeffe on your behalf that it is an effective period of suspension of 14 days, embracing two Saturday metropolitan meetings and one midweek metropolitan meeting, apart from some country meetings. At another time of the year when there is also some or more night racing, a period of suspension of 10 meetings, such as you received, would expire prior to the second Saturday metropolitan meeting. That is how I understand the situation and I will be corrected if I am wrong, but that is what I understand about it.

There is no doubt that you pleaded guilty at the earliest possible opportunity. You were completely candid in your evidence. As stated very fairly by Mr Cram, you have a good record. I accept that you are a popular jockey with a busy riding schedule.

At the risk of being seen to tinker, I am prepared for those reasons to shave one day off your penalty. Candour and early pleas of guilty are to be encouraged if the circumstances warrant it. Your appeal is upheld and the period of suspension reduced to nine meetings. I uphold the appeal, imposing a one-meeting reduction on the understanding that this brings you back for the metropolitan meeting on Saturday, 13 July. I repeat that your early guilty plea, your immediate and candid evidence and your good record have played a major part in this reduction.
