

Racing Appeals and Disciplinary Board 400 Epsom Road Flemington VIC 3031 Telephone: 03 9258 4260 radboard@racingvictoria.net.au

## **APPEAL DECISION**

#### CRAIG WILLIAMS

and

#### **RACING VICTORIA STEWARDS**

Date of Hearing: 8 November 2017

<u>Heard By:</u> Judge Bowman (Chair)

<u>Appearances:</u> Terry Bailey appeared on behalf of the stewards. Damien Sheales of Counsel appeared on behalf of Mr Williams.

At Flemington on Tuesday 7 November 2017, Craig Williams pleaded not guilty to a charge of careless riding on his mount *Ozi Choice* in Race 3, the *Lavazza Short Black* (1400m).

The Stewards found Mr Williams guilty of a charge of careless riding under the provisions of AR137(a), the carelessness being that approaching the 800m he permitted his mount to shift in when not fully clear of *Snipfit*, resulting in *Snipfit* having to be checked.

Craig Williams had his licence to ride in races suspended for a period to commence at midnight 9 November 2017 and to expire at midnight 17 November 2017, a total of eleven race meetings (two metropolitan, nine provincial). In assessing penalty Stewards took into account the carelessness was in the mid-range.

A Notice of Appeal against **the conviction and the penalty** was lodged on Wednesday, 8 November 2017. A stay of proceedings was not requested.

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

> Penalty varied so that the period of suspension expires at the conclusion of the day race meeting on 16 November 2017 - a total of 8 race meetings (two metropolitan and seven provincial).

# TRANSCRIPT OF PROCEEDINGS

#### RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

CRAIG WILLIAMS

and

### **RACING VICTORIA STEWARDS**

### RACING VICTORIA CENTRE, FLEMINGTON

### WEDNESDAY, 8 NOVEMBER 2017

MR D. SHEALES appeared on behalf of Mr C. Williams

MR T. BAILEY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Craig Williams, you have been charged with careless riding in race 3 over 1400 metres at Flemington on Tuesday, 7 November 2017, in that approaching the 800-metre mark, you permitted your mount, Ozi Choice, to shift in when not fully clear of Snipfit, ridden by Luke Nolen, resulting in that horse having to be checked. Before the Stewards, you pleaded not guilty to the charge but were found guilty and you were suspended for a total of 11 meetings and you are now appealing against both the conviction and penalty.

I have viewed the videos and particularly the shot from behind the horses and the overhead shot. It was argued by Mr Sheales on your behalf that you looked carefully on a number of occasions before crossing from a position three wide to two wide and that Nolen's horse had shown a tendency to move out about half a horse from its position one off the rails. He argues that you showed due care and that Nolen's horse was effectively being pulled to the left before you crossed. In other words, you were not careless and the situation was in essence created by the behaviour of Nolen's horse. That is a very brief summary of the helpful submissions on your behalf.

Mr Bailey on behalf of the Stewards has submitted that essentially you were not clear of Nolen's horse when you moved from three wide to two wide and that the effect of your careless crossing was emphasised by an attempt on your part to slacken the pace. I am quite satisfied that you crossed when not sufficiently clear of Nolen and I accept that you had looked earlier, but the fact of the matter is that Nolen's horse was well and truly within two lengths when you crossed and there was notable interference to it when you so crossed. Doubtless you wished to move from three wide to two wide and it may be that you thought you were clear, but the crossing should not have occurred when you were not safely clear of Nolen. I appreciate that horses change their positions and this can be unexpected. However, the bottom line is that you crossed when not sufficiently clear of Luke Nolen's horse, causing it to be checked.

The obligation is on you to ensure that you can make this move without risking interference to the horse on your inside. You did not satisfy that obligation and that was careless. I am of the opinion that the charge of careless riding has been made out and the appeal against conviction is dismissed.

I have considered the submissions regarding penalty. As I have said many times, this Board is not bound by the concept of ranges but they can be helpful as a guide and they represent an attempt by the Stewards to achieve some parity of sentencing and to give jockeys some idea of what they might expect. In the present case, you, Mr Williams, do not get the benefit of a guilty plea. In comparison with other careless riding charges, some of which have involved guilty pleas, your offending is not what I would put in the mid-range. I consider it to be in the lower range and if there was interference to one horse, that interference did not go on for long. However, whilst I do put it in the low range, I am of the view that there should be interference with your licence. There was a real risk of a more serious outcome of your carelessness, it being at the front of a reasonably closely packed field.

I am of the view that there should be suspension for eight meetings which, by the way, is towards the end of the lower range, if one is talking in terms of ranges. So the appeal against penalty is upheld and the penalty is varied to a suspension to eight meetings.

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