



APPEAL DECISION

DALE SMITH and RACING VICTORIA STEWARDS

Date of Hearing: 29 May 2018

Heard By: Judge Bowman (Chair)

Appearances: Geoff Hausfeld appeared on behalf of the Stewards
Matthew Hyland of the VJA appeared on behalf of Dale Smith

At Geelong on 27 May, rider Dale Smith was found guilty of a charge of careless riding on his mount *Equiamico* in Race 3 the Viatek Maiden Plate (1107m).

The particulars of the charge, *“the carelessness being that near the 900m he permitted his mount to shift in when not clear of Pashing On, which in turn was crowded in onto Soudi resulting in that horse being crowded in onto Mr Jammo which was tightened and lost its rightful running.”*

Dale Smith had his licence to ride in races suspended for a period to commence at midnight 30 May and to expire at midnight 8 June – a total of 9 race meetings (2 metro and 7 provincial meetings).

In assessing penalty Stewards took into account his record and that the carelessness was in the low range.

A Notice of Appeal against the decision and severity of the penalty imposed was lodged on 28 May 2018. A stay of proceedings was not requested.

DECISION: Appeal against conviction dismissed
Appeal against penalty allowed and varied to a suspension of 8 meetings

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

DALE SMITH

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 29 MAY 2018

MR G.. HAUSFELD appeared on behalf of the RVL Stewards

MR M. HYLAND of the VJA appeared on behalf of Mr D. Smith

CHAIRMAN: Mr Dale Smith, you have been charged with careless riding, in that in race 3 over 1107 metres at Geelong on 27 May last, near the 900-metre mark, you permitted your mount, Equiamico, to shift in when not clear of Pashing On, ridden by Georgina Cartwright which, it is alleged, was crowded on to Souidi, ridden by Ben Thompson, resulting in it being crowded onto Mr Jammo, ridden by Jake Noonan, which was tightened and lost its rightful running. You pleaded not guilty. The Stewards took into account your record, considered the interference to be in the low range and suspended you for a total of nine meetings. You are appealing against the decision and the severity of the sentence.

I have viewed the video a number of times. That there is some interference to Jake Noonan's mount is clear. The interference effectively occurs on a bend, so there is an absence of full head-on coverage which is unfortunate but cannot be helped.

What seems clear to me is that the pressure on Mr Jammo came from the outside and in my opinion it came as you were moving from a position four wide to three wide. I do not accept that Ben Thompson had already taken Jake Noonan's running, and the side-on shot would appear to confirm this. Ben Thompson said, when interviewed by the Stewards, that he was being crowded by Georgina Cartwright's horse, and obviously there was a horse outside her. He said he was just trying to hold his spot and take care of Jake Noonan when it got tight and he had pressure on his outside.

Georgina Cartwright said that she heard Ben Thompson's call on her inside, so she released the pressure. They were rushing towards the turn and it got a bit tight as she got pressure from the outside, and that pressure came from you.

Overall, I am satisfied that the pressure came from you crossing from four wide to three wide when not sufficiently clear of Georgina Cartwright and there was a type of knock-on effect that resulted in Jake Noonan's running being taken. In other words, I am comfortably satisfied that it was your crossing from four wide to three wide when not sufficiently clear of Georgina Cartwright that was careless and caused the ultimate interference to Jake Noonan. So the appeal against the decision of the Stewards is dismissed.

I do not want to be seen as tinkering with the penalty, but several times I have imposed a penalty of eight meetings. I think the Stewards have sometimes as well. I know that fine-tuning has to be done to these things and there is a reason in the Stewards' minds as to why it should be nine and not eight, or nine and not 10, but I am inclined to say eight is around about the range that I would have had in mind. I appreciate also it is a not guilty plea. As I was watching it, I thought it was a slightly different careless riding charge, and we did not have the clearest of views. It was enough to satisfy me, but it was a knock-on effect sort of interference rather than the fairly clear deliberate taking of someone's running as we saw in the earlier case today. That was a guilty plea and it was also considered to be in the mid-range. It is probably not much consolation to Mr Smith, but I am inclined to make it eight, because that is basically what seems to me to be fair in the circumstances.

So the appeal against penalty is allowed and varied to a suspension of eight meetings.
