



APPEAL DECISION

JYE MCNEIL

and

RACING VICTORIA STEWARDS

Date of Hearing: 8 January 2019

Heard By: Judge Bowman (Chair)

Appearances: Corie Waller appeared on behalf of the stewards.
Matt Hyland of the VJA appeared on behalf of Mr McNeil.

At Echuca on Monday 31 December 2018, jockey Jye McNeil was found guilty of a charge of careless riding under AR 137(a). The charge relating to his ride on *Johnny Handsome* in Race 2 the *Bourke Builders Maiden Plate* (1000m).

The particulars of the charge being that: near the 300m Mr McNeil permitted his mount to shift out when not sufficiently clear of *Persue*, hampering that mare and taking it out off its course resulting in *Nurse Finch* which was racing to the outside of *Persue* having to be restrained to avoid heels. The runners to *Nurse Finchs* outside, *Greetings Ned* and *Bright Steel*, were also hampered in this incident.

Mr McNeil had his licence to ride in races suspended for a period to commence at midnight on 10 January 2019 and to expire at the conclusion of the day meeting at Geelong on 17 January 2019, a period of 7 meetings, (2 metropolitan, 5 provincial), to be served cumulatively with his suspension commencing 2 January 2019.

In assessing penalty Stewards took into account Mr McNeil's record, that the carelessness was in the low range and made concessions so as that the total term of suspension was not manifestly excessive.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on 2 January 2019.

A stay of proceedings was not requested.

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

Penalty varied to a period of suspension for 5 race meetings, to expire midnight Tuesday, 15 January 2019.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

JYE McNEIL

- and -

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 8 JANUARY 2019

MR M. HYLAND appeared on behalf of Mr J. McNeil

MR C. WALLER appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Jye McNeil, you have pleaded not guilty to a charge of careless riding, in that at Echuca on 31 December last in race 2 over 1000 metres, you permitted your mount, Johnny Handsome, to shift out when not sufficiently clear of Persue, ridden by Jess Philpot, hampering it and taking it off its course. This in turn resulted in Nurse Finch, ridden by John Keating, to be restrained and further interference to be caused to Greetings Ned and Bright Steel which were further out.

The incident upon which the Stewards rely occurred on or very shortly after the home turn. The Stewards expressed the view that the carelessness was in the low range and imposed a suspension of seven meetings. You are appealing against both the decision and the severity of the penalty.

I have viewed the video many times. There is no doubt that interference was caused to John Keating's mount and that this also resulted in two horses to his outside being hampered. There is also no doubt that you moved your mount outward from behind the horse ridden by Nikita Beriman which had been racing to the outside of the leader. I also accept that Ms Beriman's mount did drift or hang out around the home turn.

During the course of the interview with jockeys after the race, Ms Beriman effectively said that what occurred was nothing to do with her and she was asked no further questions, either by the Stewards or by yourself. In my opinion, the video shows that you opted to come out from behind Nikita Beriman's mount when you were not sufficiently clear of Jess Philpot's mount.

You opted not to restrain your mount if Nikita Beriman's horse was starting to pose a problem, but rather to continue on a path around her, and it was this that caused the interference with John Keating's mount and the horses on its outside. You moved out and continued to ride your horse along when not sufficiently clear of Jess Philpot's mount.

As stated, if Ms Beriman's horse was causing a problem, there is no evidence of any attempt on your part to take hold of your mount but rather you opted to continue to ride along and get out or complete the getting out from behind her, and in my view this constitutes careless riding.

Despite Mr Hyland's forceful and well-reasoned submissions on your behalf, the charge has been made out and the appeal against the decision is dismissed. In the circumstances, I will reduce the penalty to five meetings.
