

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

# APPEAL DECISION

#### JOHN ALLEN

and

# **RACING VICTORIA STEWARDS**

Date of Hearing: 15 February 2018

Heard By: Judge Bowman (Chair)

**Appearances:** Rob Montgomery appeared on behalf of the stewards. Matt Hyland appeared on behalf of Mr Allen.

At Caulfield on Saturday 10 February 2018, jockey John Allen pleaded guilty to a charge of careless riding on his mount *Goldstream (ITY)* in Race 1 *The Big Screen Company Handicap* (1800m).

The carelessness being that near the 250m he permitted his mount to shift out when not sufficiently clear of *Adirondack* which was tightened out onto *Self Sense* and had to be checked.

Mr Allen had his licence to ride in races suspended for a period to commence at midnight on Saturday, 10 February 2018 and to expire at midnight on Sunday, 18 February 2018 – a total of 9 race meetings (3 metro, 6 provincial).

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

A Notice of Appeal against the **severity of the penalty** was lodged on Monday, 12 February 2018. A stay of proceedings was not requested.

DECISION: Appeal dismissed. Penalty to remain standing.

# TRANSCRIPT OF PROCEEDINGS

# RACING APPEALS AND DISCIPLINARY BOARD

# HIS HONOUR JUDGE J. BOWMAN, Chairman

# EXTRACT OF PROCEEDINGS

DECISION

# JOHN ALLEN

and

# **RACING VICTORIA STEWARDS**

# **RACING VICTORIA CENTRE, FLEMINGTON**

# THURSDAY, 15 FEBRUARY 2018

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

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

CHAIRMAN: Mr John Allen, you were found guilty by the Stewards of a charge of careless riding, in that in race 1 over 1800 metres at Caulfield on 10 February last, you permitted your mount Goldstream to shift out when not sufficiently clear of Adirondack, ridden by Dwayne Dunn, which was tightened out onto Self Sense, ridden by Clayton Douglas. This is alleged to have occurred near the 250-metre mark. The Stewards accepted your plea of guilty and imposed a period of suspension of nine meetings. You are appealing against the severity of that penalty. In imposing it, the Stewards took into account your plea of guilty and that they considered the carelessness to be in the low range. They also considered your record.

I have viewed the video material. There is no doubt but that you are careless, which you frankly admit, and that Dwayne Dunn was put into an awkward situation. It may be that his horse was tiring but Dwayne Dunn was put into a position where he had to check to avoid heels and having Clayton Douglas on his outside is quite clear.

Like the Stewards, I take into account your guilty plea. I also consider that the interference, whilst quite noticeable, is in the low range. Your record is not good. I appreciate, as pointed out by Mr Hyland on your behalf, that you work very hard, ride a lot of horses and are much in demand. However, the fact remains that this is your third suspension this calendar year and you had six suspensions last year.

Of course a suspension during the autumn carnival for a jockey such as yourself is more costly than it might be for a jockey essentially riding at country meetings who is not as much in demand or as popular as you are. However, it might also be said that more is expected of a jockey as talented and popular as you obviously are.

My conclusion is that the penalty imposed was a fair one. It is regrettable that you will miss some important rides, but I am afraid that is my opinion, namely that the appeal should be dismissed.

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