



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 4 December 2012

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: CRAIG NEWITT**

Panel Judge Russell Lewis (Chair), Professor Raymond Harbridge, Mr Ron Taylor.

Appearances Mr Newitt appeared on his own behalf.
Mr Terry Bailey appeared on behalf of the Stewards.

At Caulfield on Saturday, 1 December 2012 jockey Craig Newitt pleaded guilty to a charge of careless riding on his mount *Help (NZ)* in Race 5 the *East Malvern Community Bank Handicap* (1800m).

The careless riding being that near the 1000m he permitted his mount to shift out from behind the leader and in doing so made heavy contact with *Model To Nite (NZ)* resulting in that horse becoming unbalanced and forced wider on the track.

Craig Newitt had his licence to ride in races suspended for a period to commence at midnight on Saturday, 1 December 2012 and to expire at midnight on Monday, 10 December 2012 - a total of 10 race meetings (3 city, 7 country).

In assessing penalty Stewards took into account Craig Newitt's guilty plea and excellent record and that the careless riding was in the mid-range category.

A Notice of Appeal against **the severity of the penalty** was lodged on Monday, 3 December 2012. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

Penalty varied - the period of suspension to now expire prior to the commencement of the night meeting at Moonee Valley on Friday, 7 December 2012 (6 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
PROF R. HARBRIDGE
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE EAST MALVERN COMMUNITY BANK
HANDICAP OVER 1800 METRES AT CAULFIELD ON 1/12/12**

JOCKEY: CRAIG NEWITT

MELBOURNE

TUESDAY, 4 DECEMBER 2012

MR T. BAILEY appeared on behalf of the RVL Stewards

MR C. NEWITT appeared on his own behalf

CHAIRMAN: The nub of this case is the extent to which the Appellant was careless. This question involves a consideration of whether the actions of Knobel, in turning his mount's head in, accompanied by his head movement, in which he abused the Appellant, was the natural reaction of a rider who had been forced out or whether it was a retaliatory action, that is, an attempt to push the Appellant's mount back in.

The Board is not satisfied with the Stewards' contention that Knobel's actions were part of, as it were, the one transaction. On the contrary, the Board is satisfied that Knobel's actions were unjustified. In the Board's view, the carelessness was in the lower registers of the mid-range, and after taking into account the significant discounting factors, the Board is of the opinion that the penalty should be varied so that the suspension expires on Friday next, prior to the Moonee Valley meeting.
