



## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
VJA  
TVN  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 28 May 2012

**SUBJECT:** **APPEAL HEARING RESULT – HERE DE ANGELS**

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**Panel** Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Geoff Ellis.

**Appearances** Mr Damian Sheales appeared as Counsel for Dr John Crowley, managing owner of *Here de Angels*.

Dr Cliff Pannam QC appeared as Counsel for the Stewards.

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Subsequent to a Stewards inquiry held at Racing Victoria on 4 April 2012, Stewards advised Dr John Crowley, managing owner of the horse *Here de Angels*, that the horse was barred from racing in accordance with the provision of AR 50 which states that nominations and entries may be declined at any time at the discretion of the Stewards.

*Here de Angels* was stood down indefinitely by RV Stewards at Caulfield on 11 February 2012 when it was scratched on veterinary advice after becoming fractious in the barriers and dislodging its rider.

It was the sixth time that *Here de Angels* had been suspended or barred as a result of unruly behavior in the barriers, with multiple warnings also afforded the eight year old throughout his career.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Friday, 27 April 2012.

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**DECISION:** Appeal dismissed. Penalty to remain standing.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR B. FORREST, Deputy Chairman  
MR G. ELLIS**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF AN APPEAL BY DR JOHN CROWLEY  
RE HERE DE ANGELS**

**MELBOURNE**

**MONDAY, 28 MAY 2012**

DR C.L. PANNAM QC appeared on behalf of the RVL Stewards

MR D.P. SHEALES appeared on behalf of the Appellant

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CHAIRMAN: Having heard the evidence and the submissions of counsel, the Board is satisfied that in the context of Australian Rule 50, safety concerns for horses, riders and barrier attendants are of paramount importance. The Board is satisfied, having regard to the previous unruly behaviour of Here De Angels, and in particular its behaviour on 11 February 2012, which has been correctly characterised as being violent, that the horse poses an unacceptable risk to industry participants.

The Board is not prepared to interfere with the penalty imposed by the Stewards and, accordingly, the appeal is dismissed.

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