



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 19 January 2012

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: MATTHEW ALLEN**

Panel Judge Russell Lewis (Chair), Mr Joshua Bornstein, Mr Jeremy Rosenthal.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Allen.
Mr Brett Wright appeared on behalf of the Stewards.

At Mornington on Friday, 13 January 2012 jockey Matthew Allen was found guilty of a charge of careless riding on his mount *Six Beat* in Race 2 the *Bata Shoes Maiden Plate* (1207m).

The careless riding being that near the 300 metres he made insufficient effort to prevent his mount from having *Street Diamond* (Ruth Bradley) tight, leaving that runner with insufficient racing room, which resulted in *Street Diamond* making contact with the running rail, rolling out slightly and then making contact with *Six Beat’s* hind leg. As a consequence *Street Diamond* blundered and dislodged R Bradley.

Matthew Allen had his licence to ride in races suspended for a period to commence at midnight on Sunday, 15 January 2012 and to expire at midnight on Thursday, 9 February 2012 - a total of 28 meetings (9 metro, 19 provincial).

In assessing penalty Stewards took into account the circumstances of the incident and his good record.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Saturday, 14 January 2012. A stay of proceedings was not requested.

DECISION: Appeal allowed.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR J. BORNSTEIN
MR J. ROSENTHAL**

DECISION

EXTRACT OF PROCEEDINGS

**IN THE MATTER OF THE BATA SHOES MAIDEN PLATE
OVER 1217 METRES AT MORNINGTON ON 13/1/12**

JOCKEY: MATTHEW ALLEN

MELBOURNE

THURSDAY, 19 JANUARY 2012

MR B. WRIGHT appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared behalf of the Appellant

CHAIRMAN: The Board finds that where Ruth Bradley had her mount was unusually close to the rail and carried with it the potential for a dangerous situation to develop, as indeed it did. There is no question but that there was general tightening of the field on the home turn and that, in particular, the Appellant's mount and Bradley's mount were tight.

On the point of the turn, the Board finds that Bradley's mount did come out, accentuating the tightening. There was only one option for the Appellant to take, that is, to shift out. The Appellant was well aware of the presence of Noonan on his outside about three-quarters of a length back. He was of the view that to shift out would have imperilled Noonan. The Stewards disagreed, saying that a slight move would have eased the pressure on Bradley and may have not involved Noonan. The Stewards therefore say that the Appellant failed to take reasonable care for the safety of Bradley by not giving her sufficient room when he could have done so.

This argument, given the circumstances, has not persuaded the Board to the requisite standard of proof. The lesser of two evils argument is an insufficient basis, in the Board's view, for founding a charge of careless riding.

Accordingly, the appeal is allowed.
