



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 22 May 2012

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: MICHAEL WALKER**

Panel Judge Russell Lewis (Chair), Mr Darren McGee, Mr Graeme Ward.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Walker.
Ms Heidi Lester appeared on behalf of the Stewards.

At Echuca on Tuesday, 15 May 2012 jockey Michael Walker was found guilty of a charge of careless riding his mount *Harry’s Magic* in Race 9 the *Laser Electrical Class 1 Handicap* (1316m).

The careless riding being that approaching the winning post he permitted his mount to shift in when being ridden along thereby tightening *Kargil* in onto *Gigabyte* which resulted in *Kargil* having to be checked.

Michael Walker had his licence to ride in races suspended for a total of 8 meetings, to commence at midnight on Thursday, 17 May 2012 and to expire at midnight on Friday, 25 May 2012 – a total of 8 race meetings (2 metro, 6 provincial).

In assessing penalty Stewards considered the incident to be in the low range category and took into account upcoming feature race meetings and that there may have been some bearing on the severity of the incident by *Gigabyte*.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 17 May 2012.

A stay of proceedings was granted effective until midnight on Monday, 21 May 2012.

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

Taking into account the stay of proceedings, the suspension will now expire at midnight on Tuesday, 29 May 2012.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR D. McGEE
MR G. WARD**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE LASER ELECTRICAL CLASS 1
HANDICAP OVER 1316 METRES AT ECHUCA ON 14/5/12**

JOCKEY: MICHAEL WALKER

MELBOURNE

TUESDAY, 22 MAY 2012

MS H. LESTER appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

CHAIRMAN: The Board has given consideration to the points put by both the Stewards and Mr O'Keeffe, and indeed Mr Walker. In the end, the Board is of the view that Mr Walker was careless. We thought he was unlucky, but nevertheless careless.

The overwhelming factor which the Board took into account was that this was not just a case of where a horse ducks in after being hit with the whip and the rider makes every effort to pull it off, this is a case where it is clear that from shortly after they turned into the straight, Walker's mount was on an inward course - we think that is significant - and it continued to be on an inward course. In the circumstances, a rider of his experience, having regard to where the other horses were, should have appreciated that trouble was looming.

In the circumstances, the Board is of the view that he should have taken evasive action earlier than he did. We think he was a little unlucky that the circumstances came about as they were but nevertheless we are satisfied that Michael Walker was careless.

The appeal fails and, having regard to the period of the stay, the suspension will expire at midnight on Tuesday, 29 May 2012.
