

## 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:** 9 May 2012

**SUBJECT:** **APPEAL HEARING RESULT – APPRENTICE JOCKEY: OMER AY**

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**Panel** Judge Russell Lewis (Chair), Professor Raymond Harbridge, Mr Jeremy Rosenthal.

**Appearances** Mrs Joelene McSwain appeared on behalf of the Stewards.  
Mr Sam Hyland appeared on behalf of Mr Ay.

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At Kilmore on Monday, 30 April 2012, apprentice jockey Omer Ay was found guilty of a charge of careless riding on his mount *Cyclone Sarah* in Race 8 the *Ashley's Kids Rides 0-62 Handicap* (1100m).

The careless riding being that near the 800 metres he permitted his mount to shift in when not sufficiently clear of *Our Cover Girl* resulting in that filly being tightened in on to *Our Testament* and making contact with that mare, which then in turn, shifted in across the running of *Togni*, resulting in *Togni* losing its rightful running and having to be checked.

Omer Ay had his licence to ride in races suspended for a period to commence at midnight on Tuesday, 1st May 2012 and to expire at midnight on Saturday, 12 May 2012 - a total of 11 race meetings (3 city, 8 country).

In assessing penalty, the Stewards deemed the incident to be in the mid range and took into account Mr Ay's good record.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Wednesday, 2 May 2012.

A stay of proceedings was granted effective until midnight Tuesday, 8 May 2012.

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**DECISION:** **Appeal against decision dismissed.**  
**Appeal against severity of penalty allowed.**

**Taking into account the stay of proceedings the period of suspension will now expire at midnight on Tuesday, 15 May 2012 (8 meetings).**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

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

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF ASHLEY'S KIDS RIDES 0-62 HANDICAP  
OVER 1100 METRES AT KILMORE ON 30/4/12**

**APPRENTICE JOCKEY: OMER AY**

**MELBOURNE**

**WEDNESDAY, 9 MAY 2012**

MS J. McSWAIN appeared on behalf of the RVL Stewards

MR S. HYLAND appeared on behalf of the Appellant

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CHAIRMAN: In this matter, the Board is of the view that Omer Ay did permit his mount to shift in when not sufficiently clear of Nikita McLean's mount and there was a chain reaction. Therefore, the Board finds that the appeal against conviction is dismissed.

Having said that, the next question is the question of penalty. The Board is of the view that there was some contribution from Steven King and that will go to the question of penalty.

#### DISCUSSION

The Board is satisfied that contribution has been made out, namely that Steven King contributed to the ultimate interference and in the circumstances, the Board is prepared to vary the penalty. The penalty will be varied so that the suspension expires at midnight on Tuesday, 15 May 2012.

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