



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: Tuesday, 3 April 2012

SUBJECT: **APPEAL HEARING RESULT**
JOCKEY: ANDREW MALLYON

Panel Judge Russell Lewis (Chair), Mr Ron Taylor, Mr Bill Kneebone.

Appearances Corie Waller appeared on behalf of the Stewards.
Sam Hyland appeared on behalf of Mr Mallyon.

At Cranbourne Turf Club Night Racing on Friday, 30 March 2012, jockey Andrew Mallyon was found guilty of a charge of careless riding on his mount *Ladretto* in Race 4 the *Plasta Masta Hallam SV 3YO Maiden Plate* (1200m).

The careless riding being that he permitted his mount to shift in near the 900m when not clear resulting in *Lawreny* being carried in onto *Number One Hussler*, which was tightened onto *Flying Kyle* which lost its rightful running and had to be checked.

Andrew Mallyon's licence to ride in races was suspended for a period to commence at midnight on Sunday, 1 April 2012 and to expire at midnight on Monday, 9 April 2012, a total of 8 race meetings (3 metropolitan, 5 country).

In assessing penalty, the Stewards took into account the incident was in the low range and Andrew Mallyon's good race riding record.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 2 April 2012. A stay of proceedings was not requested.

DECISION: **Appeal Allowed.**

Tara Watson
Acting Registrar - Racing Appeals & Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR W. KNEEBONE
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE PLASTA MASTA HALLAM SV
THREE-YEAR-OLD MAIDEN PLATE OVER 1200 METRES
AT CRANBOURNE (NIGHT) ON 30/3/12**

JOCKEY: ANDREW MALLYON

MELBOURNE

TUESDAY, 3 APRIL 2012

MR C. WALLER appeared on behalf of the RVL Stewards

MR S. HYLAND appeared on behalf of the Appellant

CHAIRMAN: This has been a troublesome case for the Board. In the end, there is no evidence from any of the riders by way of admission or otherwise which would lead the Board to say that the Stewards' case has been bolstered. On the other hand, there is no observation by the Steward in the relevant tower as to commenting on whether Andrew Mallyon was coming across when he was not entitled to do so. So what the case comes down to, in the absence of any admissions by Andrew Mallyon or the witnesses, is that it is the interpretation of the film which will decide this case.

Each member of the Board has been left in a state of mind where we cannot say individually, one way or the other, whether we are satisfied that Andrew Mallyon was careless. The standard of proof is that the Board must be satisfied that it is more likely than not that Andrew Mallyon was careless, and we are just simply in a position where the evidence does not enable us to say one way or the other whether he was. Accordingly, the appeal is allowed.
