

## APPEAL RESULT

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

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

**DATE:** 11 December 2014

**SUBJECT:** **APPEAL HEARING RESULT – APPRENTICE JOCKEY:  
PATRICK MOLONEY**

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**Panel** Judge Russell Lewis (Chair), Mr Geoff Ellis, Prof Raymond Harbridge.

**Appearances** Mr John Didham appeared on behalf of Mr Moloney.  
Mr Corie Waller appeared on behalf of the stewards.

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At Moonee Valley on Friday 5 December 2014, apprentice jockey Patrick Moloney was found guilty of a charge of careless riding on his mount Last Sight in Race 8 the *Sportingbet Powered by William Hill Handicap* (1200m.)

The careless riding being that near the 900m he permitted his mount to shift in when insufficiently clear of *Hunting Hill* which had to be restrained.

Patrick Moloney had his permit to ride in races suspended for a period to commence at midnight Saturday, 6 December 2014 and to expire at midnight Sunday, 14 December 2014 - a total of 9 race meetings (3 metropolitan, 6 provincial).

In assessing penalty Stewards took into account the carelessness was in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 8 December 2014.

A stay of proceedings was granted effective until midnight Wednesday, 10 December 2014.

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**DECISION:** **Appeal dismissed.**

**Taking into account the stay of proceedings the period of suspension will now expire at midnight on Tuesday, 16 December 2014.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR G. ELLIS  
PROF R. HARBRIDGE**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE SPORTINGBET POWERED  
BY WILLIAM HILL HANDICAP OVER 1200 METRES  
AT MOONEE VALLEY ON 5/12/14**

**APPRENTICE JOCKEY: PATRICK MOLONEY**

**MELBOURNE**

**THURSDAY, 11 DECEMBER 2014**

MR C. WALLER appeared on behalf of the RVL Stewards

MR J. DIDHAM appeared on behalf of the Appellant

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CHAIRMAN: The question in this case is what caused Jordan Childs to take hold. The stewards argue that Patrick Moloney shifted in when insufficiently clear of Childs' mount thus causing the interference, albeit allowing for the behaviour of Childs' mount.

Mr Didham argues that Childs' took hold and eased because his mount was not taking the 900m corner well. And that therefore the whole cause of the interference was the behaviour of Childs' mount.

What is clear is that Patrick Moloney's mount was never two lengths clear when Childs took hold. The Board is also of the view that before Childs took hold, Moloney's mount was still on an inwards course and was inside the three-wide line.

In the Board's view the stewards were correct in finding that Patrick Moloney was careless and that after taking into account the behaviour of Childs' mount that the carelessness was in the mid-range.

The appeal against conviction is dismissed.

CHAIRMAN: The Board has considered the further submission in relation to Patrick Moloney and whilst we are sympathetic to that argument, in the Board's view it would be creating a dangerous precedent which would come back to haunt the Board, because we would have other riders in the same position saying that mitigating factors should include the fact that they had ridden that

day and it was late at night and that their concentration was limited. The Board is of the view that that is a dangerous road to go down and in the circumstances do not take that matter into consideration.

Accordingly, the period of suspension will expire at midnight on Tuesday, 16 December 2014. That being the case, it would be a matter for the Stewards in relation to the suspension incurred yesterday whether they make that period of suspension cumulative or partially cumulative. That is a matter for the Stewards. Accordingly, the appeal against penalty is dismissed.

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