

## APPEAL RESULT

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

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

**DATE:** 4 May 2016

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

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**Panel** Judge Bowman (Chair).

**Appearances** Mr Corie Waller appeared on behalf of the stewards.  
Mr Moloney appeared on his own behalf.

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At Caulfield on Saturday 30 April 2016, Patrick Moloney pleaded guilty to a charge of careless riding on his mount *Atlantic Express* in Race 5 the *Thoroughbred Club Cup* (Listed, 1200m).

The carelessness being that he permitted his mount to shift out on straightening when insufficiently clear of *Vanquish* resulting in *Vanquish* being hampered and having to be checked.

Mr Moloney had his licence to ride in races suspended for a period to commence at midnight on Sunday, 1 May 2016 and to expire at the conclusion of the day meeting on Thursday, 12 May 2016 – a total of 11 race meetings (2 metro, 9 provincial).

In assessing penalty Stewards took into account Patrick Moloney's guilty plea and recent good record and the racing manners of *Atlantic Express*.

A Notice of Appeal against **the severity of the penalty** was lodged on Monday, 2 May 2016.

A stay of proceedings was not requested.

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

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE THOROUGHBRED CLUB CUP (LISTED)  
OVER 1200 METRES AT CAULFIELD ON 30/4/16**

**JOCKEY: PATRICK MOLONEY**

**MELBOURNE**

**WEDNESDAY, 4 MAY 2016**

MR C. WALLER appeared on behalf of the RVL Stewards

MR P. MOLONEY appeared on his own behalf

CHAIRMAN: Mr Patrick Moloney, you have pleaded guilty to a charge of careless riding in race 5 at Caulfield on 30 April 2016, when you permitted your mount, Atlantic Express, to shift out on straightening when insufficiently clear of Vanquish, ridden by Mark Zahra.

The Stewards took into account your plea of guilty, your recent good record and the racing manners of your mount. Having done that, they suspended you for a total of 11 meetings and you are appealing against the severity of that penalty.

I have viewed the patrol film. There is no doubt that your mount caused quite noticeable interference to Mark Zahra's horse. It also seems to me that Mr Waller was correct when he argued that you continued to ride your mount out after it shifted towards Mark Zahra's horse and indeed struck it once with the whip.

You agreed that you initiated the outward manoeuvre but argued that the two horses ahead of you and to your inside, being the mounts of James Winks and Stephen Baster, moved out, and your horse in essence shied away from them. This was a race for two-year-olds and perhaps some green behaviour is to be expected.

However, in my mind, the problem is that you continued to ride the horse out and wave or apply the whip on one occasion as it moved out, and the interference to Mark Zahra's horse is quite pronounced.

I appreciate that you reacted quickly and what occurred happened rapidly, but this interference seems to me to fall in the mid-range if the Stewards' ranges are to be adopted. The plea of guilty should be taken into account, as should the circumstances of the particular case.

Your record for the overall season is not particularly good but clearly it is good for the calendar year. I accept that you are making a large attempt to improve your performance. You are a highly promising jockey, well presented, very much in demand and should be encouraged for your efforts. However, the penalty of 11 meetings imposed by the Stewards seems to me to be fair and appropriate bearing in mind all the circumstances, and the appeal is dismissed accordingly.

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