



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 13 January 2011

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DANIEL SCHMITT**

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

Appearances Mr Schmitt appeared on his own behalf.
Mr Allan Reardon appeared on behalf of the Stewards.

At Mornington on Friday 7 January 2011, jockey Daniel Schmitt was found guilty of a charge of careless riding on his mount *Birralee Road* in Race 1 the *Peninsula Grange Retirement Village Maiden Plate* (1016m).

The careless riding being that approaching the 700 metres he permitted his mount to shift in when not sufficiently clear of *Swiftly Brave*, resulting in that gelding having to be checked.

Daniel Schmitt had his licence to ride in races suspended for a period to commence midnight on Sunday, 9 January 2011 and to expire at midnight on Saturday, 22 January 2011 - a total of 14 race meetings (5 metropolitan, 9 provincial). In assessing penalty, Stewards were of the view that the incident qualified for the mid-range category of carelessness.

A Notice of Appeal against **the severity of the penalty** was lodged on Sunday, 9 January 2011. A stay of proceedings was not requested.

DECISION: Appeal allowed.

Penalty varied – period of suspension to now expire at midnight on Wednesday, 19 January 2011.

**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 PENINSULA GRANGE
RETIREMENT VILLAGE MAIDEN PLATE OVER 1016 METRES**

JOCKEY: DANIEL SCHMITT

MELBOURNE

THURSDAY, 13 JANUARY 2011

MR A. REARDON appeared on behalf of the RVL Stewards

MR D. SCHMITT appeared on his own behalf

CHAIRMAN: In this case, the Board is of the view that the degree of carelessness was certainly in the mid-range, although perhaps not quite at the top of the mid-range. The matter which has caused the Board to vary the penalty in this case is the fact that not only was it not right at the top of the mid-range but the Board is also satisfied that early on in the transcript, admissions were made by Daniel Schmitt which clearly indicated that he regarded himself as guilty of careless riding but did not express his guilt in the formal way before the stewards. That is something which he will have to turn his mind to should there be any future occurrence.

So, all those things being considered, the Board is prepared to vary the period of suspension so that it expires at midnight on 19 January 2011.

END OF EXTRACT