



APPEAL DECISION

KATELYN MALLYON *and* RACING VICTORIA STEWARDS

Date of Hearing: 7 March 2017

Heard By: Judge Bowman (Chair).

Appearances: Mr Terry Bailey appeared on behalf of the stewards.
Mr Des O'Keeffe appeared on behalf of Ms Mallyon.

At Flemington on Saturday 4 March 2017, jockey Katelyn Mallyon was found guilty of a charge of careless riding on her mount *Northwest Passage* in Race 8 the *3AW Roy Higgins Quality* (Listed, 2600m).

The carelessness being that near the 300m she permitted her mount to shift in when insufficiently clear of *Dandy Gent* which had established a run to the inside of her mount for some distance, resulting in that horse being checked severely.

Ms Mallyon had her licence to ride in races suspended for a period to commence at midnight on Saturday, 4 March 2017 and to expire at midnight on Tuesday, 14 March 2017 – a total of 12 race meetings (2 metro, 10 provincial).

In assessing penalty Stewards took into account her good record and that the carelessness was in the mid-range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday 6 March 2017. A stay of proceedings was not requested.

DECISION: Appeal dismissed. Penalty to remain standing.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

KATELYN MALLYON

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 7 MARCH 2017

MR D. O'KEEFFE appeared on behalf of Ms K. Mallyon

MR T. BAILEY appeared on behalf of the RVL Stewards

CHAIRMAN: Ms Katelyn Mallyon, you have pleaded not guilty to a charge of careless riding in race 8, the Roy Higgins Quality over 2600 metres at Flemington on Saturday, 4 March last. Near the 300-metre mark, you permitted your mount, Northwest Passage, to shift in when insufficiently clear of Dandy Gent, ridden by Dean Yendall. It was alleged that Dandy Gent had established a run to the inside of your mount for some distance and that your shifting in caused Dandy Gent to be checked severely. Stewards found the charge of careless riding proven and imposed a period of suspension of 12 meetings. You are appealing against that decision and the severity of the penalty.

I have viewed the video footage which was shown several times. There is essentially only one question to be determined in relation to the Stewards' decision and it is a question that has been there from the start: was there a run for Dean Yendall's mount on the rails at the relevant time? There is no dispute but that there was a run inside your mount after the horses were turning for home, and had that run then effectively closed, the extent that there was no longer a full run before Dean Yendall went to take it.

In my view, there was such a run. It was tight. If Northwest Passage had maintained racing in a straight line after straightening and by the time Yendall's mount was inside its heels, the incident would not have occurred.

Mr Bailey estimated that that Dandy Gent was inside Northwest Passage's heels for about eight strides. That appeared to me to be correct.

In other words, for about 40 metres there was a tight run there and you should not have permitted Northwest Passage to roll back to the rails.

I appreciate Mr O'Keeffe's argument that horses do not necessarily race flush against the rails during a race, but this was in the home straight. Jockeys are looking for runs, including tight ones. In my opinion, there was such a run available for Dean Yendall and he attempted to take it. As he said on the day when interviewed, initially he thought that there was a full run there for him and he got, to quote him, "pretty close" to obtaining it. Unfortunately your mount moved back towards the rails as this was happening and prevented this, causing Dandy Gent to be quite severely checked.

I find the charge of careless riding made out. On balance, the interference was such that the Stewards are probably correct in putting the carelessness in the mid-range. I say every time I know these ranges are not something that are set in stone, but they are a guide to consistent penalties being imposed so jockeys have some idea of what to expect. I certainly would not have reduced it to allow Ms Mallyon to ride on Saturday because I think it is clearly too low. On balance, I think the correct penalty was imposed.
