

## 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:** 16 February 2015

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: JOHN KEATING**

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**Panel** Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Darren McGee.

**Appearances** Mr John Didham appeared on behalf of Mr Keating.  
Ms Joelene McSwain appeared on behalf of the stewards.

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At Tatura on Monday 9 February 2015, jockey John Keating was found guilty of a charge of careless riding on his mount *Bolshoi Bandit* in Race 8 the *XXXX Gold 0-58 Handicap* (1600m).

The careless riding being that near the 350m he attempted a run between *Keepcalmandcarryon* and *Raggerty* where there was insufficient room resulting in *Raggerty* being tightened for room and having to be checked.

Mr Keating had his licence to ride in races suspended for a period to commence at midnight on Wednesday, 11 February 2015 and to expire at midnight on Saturday, 21 February 2015 – a total of 12 race meetings (5 metro, 7 provincial.)

In assessing penalty Stewards deemed the incident to be in the mid range however took into account John Keating's good riding record of recent times.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Wednesday, 11 February 2015.

A stay of proceedings was not requested.

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**DECISION:** **Appeal allowed**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR B. FORREST, Deputy Chairman  
MR D. McGEE**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE XXXX GOLD 0-58 HANDICAP  
OVER 1600 METRES AT TATURA ON 9/2/15**

**JOCKEY: JOHN KEATING**

**MELBOURNE**

**MONDAY, 16 FEBRUARY 2015**

MS J. McSWAIN appeared on behalf of the RVL Stewards

MR J. DIDHAM appeared on behalf of the Appellant

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CHAIRMAN: This is an appeal against careless riding by John Keating. The evidence presented by the Stewards is put two ways. First, the Stewards rely on the films on the day and, secondly, the Stewards rely on certain aspects of evidence taken in the Stewards' room which of course is recorded on the transcript.

As to the films, the films are inconclusive. There was no head-on film. The side-on films were taken from angles which were not the most helpful, but they do show one thing and that is that Andrew Mallyon did receive a check and that the check was caused by John Keating. That still, however, does not answer the primary question as to what caused John Keating's mount to shift in.

The evidence from the Steward in tower 1 was simply that he saw Andrew Mallyon check, but there was no further evidence from the Steward in tower 1 as to what caused Andrew Mallyon to check. The evidence from Billy Egan was equivocal; that is to say, he was not quite sure of whether his mount shifted in or did not shift in, which is the case put by John Keating, that Billy Egan's mount did shift in, thus causing him to interfere with Andrew Mallyon.

The onus is on the Stewards to prove their case on the balance of probabilities. Unfortunately, in this case for the Stewards, having regard to all the evidence put before the Board, the Board has been left in a position where it cannot say one way or the other whether John Keating was careless. Accordingly, the appeal is allowed.