

APPEAL RESULT

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

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 9 October 2013

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: JARROD FRY**

Panel Mr Brian Forrest (Deputy), Dr June Smith, Mr Ron Taylor.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Fry.
Mr Geoff Hausfeld appeared on behalf of the Stewards.

At Benalla on Sunday 6 October 2013, jockey Jarrod Fry was found guilty of a charge of careless riding on his mount *Get’s Better* in Race 5 the *Exton’s Earthmoving BM64 Handicap* (1206m).

The careless riding being that passing the 900m he permitted his mount to shift ground inwards when insufficiently clear of *One Moment*, which was crowded in onto *Hennessy’s View*, resulting in that horse being crowded and becoming severely unbalanced. *Havelock Express*, which was following was also hampered as a result.

Jarrod Fry had his licence to ride in races suspended for a period to commence at midnight on Tuesday, 8 October 2013 and to expire at midnight on Thursday, 17 October 2013 – a total of 10 race meetings (3 metro, 7 provincial).

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 7 October 2013. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**MR B. FORREST, Deputy Chairman
DR J. SMITH
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE EXTON'S EARTHMOVING
BENCHMARK 64 HANDICAP OVER 1026 METRES
AT BENALLA ON 6/10/13**

JOCKEY: JARROD FRY

MELBOURNE

WEDNESDAY, 9 OCTOBER 2013

MR G. HAUSFELD appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

DEPUTY CHAIRMAN: Jockey, Jarrod Fry, was found guilty of careless riding on his mount, Get's Better, in race 5 at Benalla on 6 October 2013 and suspended from race riding from midnight last night, 8 October, expiring midnight, 17 October, a total of 10 race meetings, three metropolitan, seven provincial. Jarrod Fry has appealed the conviction and penalty.

The Stewards' case is that passing the 900 metres, Fry permitted his mount to shift ground inwards when insufficiently clear of One Moment, which was crowded in onto Hennessy's View, resulting in that horse being crowded and becoming severely unbalanced. Havelock Express, which was following, was also hampered as a result.

The onus is on the Stewards to establish carelessness. In this case, we have the film evidence, the transcript of the inquiry and the evidence of the jockeys in the race. Unfortunately, the Board does not have the benefit of the observations of the Steward in the tower closest to the event.

That being so, on the film evidence which we have, Fry was conscious of riders on his inside when he heard a call which he immediately responded to by relieving the pressure. Fry asserted this to the stewards, that the pressure on Smith was relieved in one stride. This is confirmed by Smith who, at page 5, line 24, said:

I called to him and in fairness to Jarrod, he relieved it as quick as he rolled in. So in one stride he relieved the pressure. It was just unfortunate it was at the point of the corner; mine was getting away, sort of made a hip into Brad, Brad has overcompensated and his has over-exaggerated.

In our opinion, having considered all of the evidence and material, Fry's actions on this day were not sufficient to constitute carelessness. The Board is persuaded by the submissions of Mr O'Keeffe, the film evidence and the jockeys' evidence, such as to raise sufficient doubt in the mind of the Board that the charge of carelessness is not sustained. Accordingly, the appeal is allowed.
