



APPEAL DECISION

JAKE DUFFY

and

RACING VICTORIA STEWARDS

Date of Hearing: 4 December 2017

Heard By: Judge Bowman (Chair)

Appearances: Geoff Hausfeld appeared on behalf of the stewards.
Des O'Keefe appeared on behalf of Mr Duffy.

At Seymour on Thursday 16 November 2017, jockey Jake Duffy pleaded guilty to a charge under AR 137(b) in that over the final four strides of the race he failed to ride his mount out to the winning post.

The charge relating to his ride on *Arthur Porrit (NZ)*, fourth place-getter, in Race 1 the *Great Northern Maiden Plate (1600m)*.

Mr Duffy was fined \$1,000. In assessing penalty, stewards took into account his guilty plea, record and that his actions may have affected the result.

A Notice of Appeal against **the severity of the penalty** was lodged on Saturday, 18 November 2017. A stay of proceedings was not requested.

DECISION: Appeal against severity of penalty allowed.
Penalty varied to a fine of \$750.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

JAKE DUFFY

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

MONDAY, 4 DECEMBER 2017

MR D. O'KEEFFE appeared on behalf of Mr J. Duffy

MR G. HAUSFELD appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Jake Duffy, you have pleaded guilty to a charge under AR 137(b), in that in race 1 over 1600 metres at Seymour on 16 November 2017, over the final four strides you failed to ride out your mount, Arthur Porrit, this being four strides before the winning post. Your horse finished fourth, beaten approximately three-quarters of a length for third. The Stewards took into account your record, your guilty plea, and the fact that in their opinion your failure to ride out Arthur Porrit may have affected the result. You were fined \$1000 and you are appealing against the severity of that penalty.

I have viewed the video footage. Whilst it is difficult to line up the horses in the straight, the video footage being taken well beyond the winning post and your horse being on the rails, and the ultimate third placegetter ridden by Linda Meech was many horses from the rails and not far from the outside rail, I am satisfied that her horse had you covered for about 30 or 40 metres or so from the line. Her horse was finishing well, your horse was tiring.

Mr O'Keeffe, on your behalf, has put before me a letter from Linda Meech, saying that she drew level with you about 60 metres from the post. I would have thought it was closer to the post than that but still about 30 to 40 metres from it. I agree with her observation that her horse was finishing strongly whilst your horse had been under the whip and was tiring.

There is no doubt that you stopped riding your horse well before you should have and you have pleaded guilty to that. I repeat that I doubt that it affected the placings.

However, that is not the end of the matter. There is also the issue of your obligation to give your horse every possible chance and the important issue of the appearance of the matter. Your horse was well in the market, second favourite, and as you yourself agreed when questioned by the Stewards, what happened was not a good look. The image of racing is not helped by a failure to ride a horse out to the line and, as Mr Hausfeld pointed out, not necessarily with the whip but hands and heels, so not only has it had every possible chance but is seen to have had that chance.

I appreciate that you are a jockey who principally rides around the country circuit. You have a wife and young child and money is obviously important to you. I also note that whilst your record in relation to this rule is far from good, it has improved in recent times. Further, Mr O'Keeffe has pointed out that the only relevant fine of \$1000 for this offence and in these sort of circumstances of recent times was that imposed on Jake Bayliss on 22 November 2016. His horse ran second, beaten 0.1 of a length.

Weighing all this up and bearing in mind my opinion that what occurred most likely did not affect the placings, I am prepared to vary the penalty. However, I also still bear in mind your record and the fact that this failure to ride out is over several strides and a considerable distance. The appeal is upheld and the penalty varied to \$750.
