



APPEAL DECISION

MITCH AITKEN *and* RACING VICTORIA STEWARDS

Date of Hearing: 22 May 2018

Heard By: Judge Bowman (Chair)

Appearances: James Hitchcock appeared on behalf of the Stewards
Matt Hyland appeared on behalf of Mitch Aitken

At Casterton on 20 May, rider Mitch Aitken was found guilty of a charge of careless riding on his mount *Last Wish* in Race 7 the Casterton Foodworks Cup (2000m).

The particulars of the charge being that “*near the 1800m, M Aitken carelessly permitted Last Wish to shift in when not sufficiently clear of Woolsthorpe Store carrying that gelding in and resulting Wannan Warrior being checked and losing its rightful racing position.*”

Mitch Aitken had his licence to ride in races suspended for a total of 8 meetings (7 provincial, 1 metro) commencing midnight 20 May 2018 and concluding midnight 26 May 2018.

In assessing penalty “*Stewards deemed the incident in the low range and took into account his good record.*”

A Notice of Appeal against the decision and severity of the penalty imposed was lodged on 21 May 2018.

A stay of proceedings was not requested.

DECISION: Appeal allowed, charge dismissed.

**Grace Gugliandolo
Registrar
Racing Appeals & Disciplinary Board**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

MITCH AITKEN

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 22 MAY 2018

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR M. HYLAND appeared on behalf of Mr M. Aitken

CHAIRMAN: Mr Mitch Aitken, you have pleaded not guilty to a charge of careless riding, in that in race 7 over 2000 metres at Casterton on Sunday, 20 May last, near the 1800-metre mark you permitted your mount, Last Wish, to shift in when not sufficiently clear of Woolsthorpe Store, ridden by Dean Holland, resulting in that horse shifting in and causing Wannon Warrior, ridden by Jackie Beriman, to be checked and lose its position. The Stewards found the charge proven. They deemed the interference to be in the low range and took into account your good record. A penalty of suspension for eight meetings was imposed. You are appealing against the decision and the penalty.

I have viewed the video of the race several times, particularly the head-on video, although I have also viewed the side-on video again. There is no doubt but that some interference occurred to Jackie Beriman's mount early in the race. Unfortunately the video is not particularly clear because the interference occurred at the back of a field of 13 runners. Dean Holland's mount had drawn 11, yours had drawn 12 and Jackie Beriman's had drawn 6 but was not particularly well away. Both you and Dean Holland were attempting to get across and take up a position at the back of the field.

What occurred is not all that easy to make out. I have to be comfortably satisfied that the charge is proven. As best as I can assess it, the interference to Jackie Beriman commenced before your mount completed crossing to the outside of Dean Holland. As far as I can see, your mount did not touch or brush Dean Holland's mount. I repeat: exactly what occurred is difficult to make out from the video.

When interviewed, Dean Holland may well have been trying to protect his own interests. It is clear that you did have a good look whilst crossing. The bottom line is this: that there was interference to Jackie Beriman is clear. You have maintained from the outset that it was nothing to do with you and not caused by your mount.

After viewing the video many times, I cannot be comfortably satisfied that you did cause or contribute to the interference. The unusual absence of a clear video head-on shot because of the position of the horses clearly contributes to this finding. The side-on shot, which I have viewed again, does not help. The appeal is upheld and the charge dismissed.
