



APPEAL DECISION

CHRIS SYMONS

and

RACING VICTORIA STEWARDS

Date of Hearing: 8 August 2017

Heard By: Judge Bowman (Chair)

Appearances: Brent Scarlett appeared on behalf of the stewards.
Chris Symons appeared on his own behalf.

At Sale on Wednesday 2 August 2017, jockey Chris Symons was found guilty of a charge of careless riding on his mount *Dominant Witness* in Race 4 the *Sale Cup 29th October 3YO Maiden Plate (1)* (1200m).

The carelessness being that after passing the 500 metres he permitted his mount *Dominant Witness* to shift out when not sufficiently clear of *Think Cathy* ridden by Daniel Moor, which as a result had to be taken hold of to avoid the heels of *Dominant Witness*.

Mr Symons had his licence to ride in races suspended for a period to commence at midnight on Saturday, 5 August 2017 and to expire at midnight on Monday, 14 August 2017 – a total of 9 race meetings (2 metro, 7 provincial).

In assessing penalty Stewards took into account Chris Symons' record and deemed the interference to be in the low range.

A Notice of Appeal against the decision and severity of the penalty was lodged on Thursday, 3 August 2017. A stay of proceedings was granted effective to midnight Sunday, 6 August 2017.

DECISION: Appeal against decision dismissed.
Appeal against severity of penalty allowed.

Taking into account the stay of proceedings, the period of suspension will now expire at midnight on Saturday, 12 August 2017 (6 race meetings).

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

CHRIS SYMONS

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 8 AUGUST 2017

MR C. SYMONS appeared on his own behalf

MR B. SCARLETT appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Chris Symons, you have pleaded not guilty to a charge of careless riding, in that in race 4 at Sale on 2 August last, the race being a maiden over 1200 metres, after passing the 500-metre mark, you permitted your mount, Dominant Witness, to shift out when not sufficiently clear of Think Cathy, ridden by Daniel Moor, which then had to be taken hold of to avoid the heels of your horse.

The Stewards found the charge of careless riding proved and imposed a penalty of a period of suspension of nine meetings. You are appealing against that decision and against the severity of the penalty.

I have viewed the video footage of it more than once. The central issues are whether you moved out from our position, causing Daniel Moor to take hold of his mount or whether Daniel Moor in fact took hold because he anticipated that you might be going to move outwards and where another runner, The Sword, ridden by Arron Lynch, which was further out, in fact hung or moved in on Moor's mount, causing Moor to take hold.

I agree that the video is not perfect, being largely side-on. However, I am of the view that when that passage of the race is viewed as a whole, you did move outwards off your line when not sufficiently clear of Daniel Moor's mount and this caused him to take hold. That you did make an outward movement is quite clear as you ultimately ended up effectively to Moor's outside and, whilst the vision is not perfect, I am satisfied that it was the commencement of that outward movement that caused Moor to take hold when you moved into his

line. I am not satisfied that Lynch's mount played any role. I would also point out that the transcript shows that originally you said that Moor was back to your outside and as far as you were aware, he just dropped out. Even the side-on vision makes it clear that Moor had not dropped out and was certainly less than two lengths behind you when he had to take hold.

I appreciate that the Steward in the tower at the home turn did not report the incident but overall I am persuaded by the video which I have seen. In short, I find the charge proven and the appeal against the decision is dismissed.

As has been pointed out, Mr Symons pleaded not guilty to it. Frankly, I am of the view that nine meetings is too severe a penalty for that level of interference. Whilst I have not found in Mr Symons' favour in relation to the decision itself, it is a case where I can understand why a jockey might fight it. It was not such a blatant situation that it was a stupid decision to fight it. So I am minded to reduce the penalty. I see Mr Symons has had a number of suspensions during the season that has just concluded. In all the circumstances, I propose to reduce the period of the penalty to one of six meetings. I appreciate that is a penalty which is very much at the low end, but I do think that the level of interference was comparatively minor. I just do not think there was a great deal of interference that was caused to Moor's horse, but it does not excuse moving into his line. The suspension is to commence midnight on Sunday, 6 August, to expire midnight Saturday, 12 August 2017.
