

APPEAL RESULT

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: 29 April 2014

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: MARC MUNDAY**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Ron Taylor.

Appearances Mr Munday appeared on his own behalf.
Mr Robert Cram appeared on behalf of the Stewards.

At Donald on Sunday, 20 April 2014, jockey Marc Munday was found guilty of a charge of careless riding on his mount *Switch Point* in Race 3 the *Wama Maiden Plate* (1350m).

The careless riding being that passing the 600 metres he permitted his mount *Switch Point* to shift out to obtain a position to the outside of *El Gaucho* when there was not sufficient room to do so, thereby bumping *Valjean* outwards, resulting in that colt clipping the heels of *Vice President* and blundering dislodging its rider L Meech.

Mr Munday had his licence to ride in races suspended for a period to commence at midnight on Sunday, 20 April 2014 and to expire at midnight on Tuesday, 13 May 2014 - a total of 23 race meetings (6 metro, 17 provincial).

A Notice of Appeal against **the severity of the penalty** was lodged on Wednesday, 23 April 2014. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

Penalty varied so that the period of suspension will now expire at midnight on Saturday, 10 May 2014 (20 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

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

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE WAMA MAIDEN PLATE
OVER 1350 METRES AT DONALD ON 20/4/14**

JOCKEY: MARC MUNDAY

MELBOURNE

TUESDAY, 29 APRIL 2014

MR R. CRAM appeared on behalf of the RVL Stewards

MR M. MUNDAY appeared on his own behalf

CHAIRMAN: In this appeal, the Appellant, Marc Munday, has put as his fundamental submission that Jason Lyon, who was riding El Gaucho, shifted ground and reduced the gap then between El Gaucho and Dean Yendall's mount, Vice President.

The film which has been shown to the Board is somewhat inconclusive, in that there was no proper head-on shot, but the film is clearly evidence that Marc Munday was careless.

However, the Board is of the view that the Appellant is a truthful witness and, in the circumstances, accepts that there was a marginal shift by Jason Lyon's mount and accordingly there was some slight contribution to the incident. In the circumstances the Board is of the view that it would be reasonable to vary the penalty so that the suspension will expire at midnight on Saturday, 10 May 2014.
