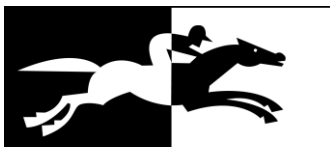


RACING VICTORIA LIMITED
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RACING APPEALS AND
DISCIPLINARY BOARD



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APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 4 February 2010

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: JASON BENBOW**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy Chair), Mr Bill Knights

Appearances Mr Corie Waller, Stipendiary Steward, appeared on behalf of the Stewards.
Mr Des O’Keeffe appeared on behalf of Jason Benbow.

At Mornington on Friday, 29 January 2010 jockey Jason Benbow was found guilty of a charge of careless riding on his mount *Devon Edge* in Race 5 the *Spuds ‘R’ Us 0-68 Handicap* (1223m).

The careless riding being that he allowed his mount to shift in approaching the 100m when insufficiently clear of *Regimental Dance*, resulting in *Regimental Dance* having to be checked.

Jason Benbow had his licence to ride in races suspended for a period to commence at midnight Monday, 1 February 2010 and to expire at midnight Wednesday, 10 February 2010 – a total of 10 race meetings (4 metropolitan, 6 country). In assessing penalty Stewards took into account that the careless riding was in the low range category.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Saturday, 30 January 2010.

DECISION: **Appeal allowed.**

Georgie Curtis
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

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

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SPUDS 'R' US 0-68 HANDICAP
OVER 1223 METRES AT MORNINGTON ON 29/1/10**

JOCKEY: JASON BENBOW

MELBOURNE

THURSDAY, 4 FEBRUARY 2010

MR C. WALLER appeared on behalf of the Stewards

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

CHAIRMAN: The Board understands that it is a question of interpretation of the film and we understand we are looking at it in hindsight, as it were, but notwithstanding all that, we believe there is some evidence that there was a shift, marginal as it might be, from Brad Rawiller. We also are prepared to accept that there was some measure of indirect influence by Ryan Maloney's mount, small as it be. We also are satisfied that Danny Nikolic was hoping to get a run, to use his words, a "neat" run. It was not a run where the Red Sea had opened up and let a horse go through.

For all those reasons, we are satisfied there was a combination of circumstances which existed here and the onus of proof is on the Stewards to satisfy us on the balance of probabilities that Jason Benbow was careless in all the circumstances which existed at the time.

We think that in all the circumstances we could not be satisfied to the requisite standard that Jason Benbow was careless in the circumstances as existed.

There was nothing that he did or failed to do, in all the circumstances, which would satisfy us that he was riding carelessly. So therefore the appeal is allowed.

END OF EXTRACT