

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 17 December 2014

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DALE SMITH**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Darren McGee.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Smith.
Mr Wade Hadley appeared on behalf of the Stewards.

At Kyneton on Thursday 11 December 2014, jockey Dale Smith was found guilty of a charge of careless riding on his mount *Arwa* in Race 2 the *Prendergast Earthmoving Maiden Plate* (1112m.)

The careless riding being that approaching the 250m he permitted his mount to shift ground outwards when insufficiently clear of *My Cat Mr Socks* and made contact with *My Cat Mr Socks* resulting in that becoming unbalanced before blundering and dislodging its rider, Glen Boss.

Mr Smith had his licence to ride in races suspended for a period to commence at midnight on Monday, 15 December 2014 and to expire at midnight on Wednesday, 31 December 2014 – a total of 17 race meetings (4 metro, 13 provincial.)

In assessing penalty Stewards took into account Dale Smiths good record, his shift led to a rider being dislodged and the mitigating circumstances.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Friday, 12 December 2014.

A stay of proceedings was not requested.

DECISION: **Appeal against conviction dismissed.**
Appeal against severity of penalty allowed.

The period of suspension will now expire at midnight on Thursday, 25 December 2014 (11 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST
MR D. McGEE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE PRENDERGAST EARTHMOVING
MAIDEN PLATE OVER 1112 METRES AT KYNETON ON 11/12/14**

JOCKEY: DALE SMITH

MELBOURNE

WEDNESDAY, 17 DECEMBER 2014

MR W. HADLEY appeared on behalf of the RVL Stewards

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

CHAIRMAN: In this appeal, the Board accepts the Stewards' evidence that the Appellant did shift and initiated the interference when there was insufficient room. Accordingly, the Board finds that the Appellant was careless.

The degree of carelessness, however, in the Board's view was in the low range, but the consequences were of course significant. That said, the Board believes that in the circumstances, the stewards placed too much emphasis on the consequences of the interference. The consequences were largely due, in the Board's view, to the behaviour of Boss's mount, as admitted by Boss. The Board is of the view that the penalty of suspension should expire at midnight on 25 December 2014.
