

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 3 March 2015

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: JAKE NOONAN**

Panel Judge Russell Lewis (Chair), Prof Raymond Harbridge, Dr June Smith.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Noonan.
Mr Rob Montgomery appeared on behalf of the stewards.

At Ballarat on Thursday 26 February 2015, jockey Jake Noonan was found guilty of a charge of careless riding on his mount *Posh Rock* in Race 3 the *racing.com Maiden Plate* (1400m).

The careless riding being that approaching and passing the winning post he permitted his mount to shift in when not sufficiently clear of *Worth The Wait* which had to be checked.

Mr Noonan had his licence to ride in races suspended for a period to commence at midnight on Monday, 2 March 2015 and to expire at midnight on Monday, 9 March 2015 – a total of 8 race meetings (3 metro, 5 provincial.)

In assessing penalty Stewards took into account Jake Noonan’s excellent riding record and that the carelessness was in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Friday, 27 February 2015. A stay of proceedings was not requested.

At the hearing an application was made by Mr Noonan to amend the Notice of Appeal against severity of penalty only – the application was accepted by the Board.

DECISION: **Appeal allowed.**

Penalty varied so that the period of suspension expires at midnight on Sunday, 8 March 2015 (7 race meetings.)

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
PROF R. HARBRIDGE
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE RACING.COM MAIDEN PLATE
AT BALLARAT ON 26/2/15**

JOCKEY: JAKE NOONAN

MELBOURNE

MONDAY, 2 MARCH 2015

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

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

CHAIRMAN: It transpires that had Jake Noonan pleaded guilty to the charge laid by the Stewards that Mr Montgomery and his panel would have reduced the penalty otherwise imposed. The difficulty was that the charge at the time included Jake Noonan's riding just prior to the winning post and subsequent to the winning post. It then appears that at the hearing before the Board this day that Mr Montgomery said that the Stewards imposed the penalty really in relation to what transpired after the winning post. In other words, had the charge just been limited to what transpired after the winning post, Jake Noonan would have pleaded guilty.

In all the circumstances, the Board does not feel that it is constrained by the principle which is generally referred to as "tinkering" and, since the plea in this case had been amended to an appeal against sentence only, proposes to reduce the penalty by varying it so that the period of suspension expires on Sunday, 8 March 2015.
