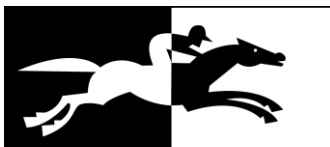


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RACING APPEALS AND
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APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 29 September 2009

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: STEVEN KING**

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

Appearances Terry Bailey, Chairman of Stewards, appeared on behalf of the Stewards.
Steven King appeared on his own behalf.

At Caulfield on Sunday 27 September 2009, jockey Steven King was found guilty of a charge of careless riding on his mount *Testaguy* in Race 8 the *Malua Handicap* (1800m).

The careless riding being that inside the final 200m he failed to make sufficient effort to prevent his mount shifting in, resulting in contact with *Dandaad* (NZ) which in turn shifted in across the running of *I Got One* which resulted in *Ready When You Are* having to be checked when taken across the heels of *Manhattan Sky*.

Steven King had his licence to ride in races suspended for a total of 13 meetings, to commence midnight Sunday 27 September 2009 and to expire midnight Friday 9 October 2009 (3 metropolitan, 10 country). In assessing penalty, Stewards took into account that the careless riding was in the high range category and his mount's racing manners.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday 28 September 2009. A stay of proceedings was not requested.

A late application to withdraw the appeal against decision was accepted by the Board.

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

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
MR B. KNEEBONE**

**IN THE MATTER OF THE MALUA HANDICAP
OVER 1800 METRES AT CAULFIELD ON 27 SEPTEMBER 2009**

JOCKEY: STEVEN KING

MELBOURNE

TUESDAY, 29 SEPTEMBER 2009

MR T. BAILEY appeared on behalf of the Stewards

MR S. KING appeared on his own behalf

CHAIRMAN: Ms Curtis.

MS CURTIS: This hearing is in the matter of an appeal made by jockey Steven King against the decision of the stewards and severity of the penalty imposed when he was found guilty of a charge of careless riding on his mount Testaguy in race 8, the Malua Handicap at Caulfield on Sunday, 27 September 2009.

CHAIRMAN: Mr Bailey, you appear on behalf of the stewards?

MR BAILEY: Yes, sir.

CHAIRMAN: Mr King?

MR O'KEEFFE: Mr Chairman, Mr King is appearing on his own behalf.

CHAIRMAN: I thought he would.

MR O'KEEFFE: But he would like to, with the board's permission and with the stewards' approval, vary his plea, having reviewed the situation, review it to a plea against the severity of the stewards' decision.

CHAIRMAN: He seeks leave to abandon his appeal against conviction.

MR O'KEEFFE: Correct.

CHAIRMAN: And plead guilty to careless riding.

MR O'KEEFFE: Correct, and vary it to an appeal against the severity of the penalty.

CHAIRMAN: Unless Mr Bailey has some objection, we have no difficulty with that application.

MR BAILEY: I don't have any objection, Mr Chairman.

MR KING: I don't want to waste everyone's time.

CHAIRMAN: Yes. This will be an appeal against the severity of the penalty.

MR O'KEEFFE: And Mr King is representing himself, Mr Chairman.

CHAIRMAN: Yes. I'll just make a note of this. Yes, Mr Bailey.

MR BAILEY: If I may just formally tender a copy of the transcript of the

evidence and the video footage of the incident.

CHAIRMAN: Yes.

MR BAILEY: Now that it's an appeal on the grounds of severity of the penalty, I will obviously outline how the stewards reached the 13-meeting suspension. The level of interference caused to a number of runners, the stewards were of the view that it sat in the high range, given the number of runners that were interfered with in the incident, which at this time of year, during the spring, equates to 14 meetings. The stewards took a meeting off for the fact that the horse was inclined to get in under pressure, and in fact that allowed Steven King to resume riding on a fairly big day, Caulfield Guineas Day.

CHAIRMAN: There was no stay sought, was there, in this matter?

MR KING: No, sir.

MR BAILEY: No.

CHAIRMAN: So you took your medicine then and there.

MR KING: Yes, Sunday.

MR BAILEY: Steven King's record shows - and it's in the transcript - he's had 62 rides since his last suspension incurred at Sandown on 5 August. His previous suspension was back at Flemington on 7 March. That's how the stewards found 13 meetings as the appropriate penalty. I can show the film to highlight the level of interference. There was a number of runners involved. That's why the stewards felt it sat at the high end, but made some allowances for the horse's racing manners and felt, given the penalty brought Steven King back for a feature meeting, we'd been more than fair. That's how we got to it anyway.

CHAIRMAN: Yes. Mr King, are you challenging the characterisation of the level of interference? Are you saying it was in the low range, medium or - - -

MR KING: I think, sir, when we view the video, I think the video will actually show the fact that the horse certainly contributes to the interference.

CHAIRMAN: Have you ridden him before?

MR KING: I have. It's only his second time with blinkers on and, you know, the fact that the rail was so far out and we're racing out in the middle of the track, I just think he got a bit lost. I don't deny the fact that the horse has

initially rolled in, but as I said in my evidence, I felt - well, I was clear of the runners behind me when I rolled in, but when I grabbed hold of the horse, I felt that he didn't respond as quickly as what I would have liked him to and I think the video actually shows that. There's no doubt that the horse certainly contributes to the interference and when it's happened, I've got both hands on the reins but unfortunately still - you know, it's quite a lightly raced horse.

As far as the meetings are concerned, I just felt at this time of year, sir, even though I don't miss two Saturdays, the provincial meetings and also the Friday night meetings are very important because even though - those lesser-scale horses certainly go through to towards the rest of the carnival.

CHAIRMAN: All right. We'd better have a look at the film then and Mr Bailey can tell us what his interpretation of the film is and you can question him, Mr King, if you wish, and then give us your interpretation of what happened. Yes, Mr Bailey.

MR BAILEY: That's Steven King in the pink and black, second from the outside.

FILM SHOWN

MR BAILEY: He does ride the horse out with the whip, starts to shift ground. To Steven King's credit, he puts the whip away but does continue to ride. When the interference occurs, then Steven King really turns its head and tries to relieve the pressure. Dwayne Dunn is in the red cap, green sleeves, the sort of baldy nosed horse you can see there. You will see - - -

CHAIRMAN: He actually moves out, doesn't he, the horse, before he starts to come in. Was he proving difficult to ride then, Mr King?

MR KING: Well, I just think the way the - - -

CHAIRMAN: He did seem to go out to me.

MR KING: Yes, well, it's his second time with blinkers and I think the fact that we were racing so wide that day, we weren't actually railing up, the fact is he's still a bit green and still a bit new, so in all fairness, he took me by surprise. I mean, he's never done that in his life, so as I said in the transcript, I was taken completely by surprise.

MR BAILEY: Where the debate was on the day is that when the horse does start to shift ground inwards, Steven King does put the whip away but he continues to ride his mount along. Just take it back. The stewards argued that in that period of time - like, if he'd have made the effort he did after the

interference occurred or made half that effort, we wouldn't have said that that was careless. We just felt that in the circumstances, he should have done more than he did.

CHAIRMAN: But even when he pulled the horse off, the horse seemed to race rather erratically to me, when he pulled the - - -

MR BAILEY: He certainly jagged it afterwards.

CHAIRMAN: Yes, just there.

MR BAILEY: And straightened it up.

CHAIRMAN: Yes, then he got his head up. Had you ridden him before with blinkers on?

MR KING: No, first time.

MR FORREST: You had ridden him three times before, looking at the - - -

MR KING: Yes.

CHAIRMAN: First time with blinkers.

MR FORREST: First time with blinkers.

MR KING: He raced at - - -

CHAIRMAN: Had you trialled him in blinkers? Had you trialled him?

MR KING: I worked him in blinkers at Flemington on the rail on the Viscoride; went to Bendigo when he won on firm ground and I watched his race that day and he actually raced pretty good on top of the ground, but I think the fact was being out where we were this day and the fact that the track was slow, which he didn't handle - look, as I said, he just took me completely by surprise. I mean, I could possibly have fought the charge but I just felt I would have been wasting, you know, 30 or 40 minutes trying to get that across, so I'm happy to accept that, but in saying that, I felt that I did as much as possible to avoid interference to the rest of the boys. Mr Bailey might be able to tell you later on that Mark Pegus also got a reprimand for this interference to young McCabe behind - I think he was in the green - - -

MR BAILEY: In the pink.

MR KING: Pink, was he, sorry - in the pink. Mark Pegus is in the red cap

with the red and white sash behind Dwayne Dunn and he actually put himself into an awkward position too. So there's a few instances in this one interference, sir. But, look, there's no doubt my horse has laid in. I've grabbed hold of him and obviously I've made contact with Dwayne Dunn's mount but - - -

CHAIRMAN: What you really seem to be saying is that the stewards didn't take sufficient account of your horse's waywardness and that you did everything you could but he was sufficiently wayward that he took you by surprise and there was nothing much you could do about it.

MR KING: Well, certainly I didn't - exactly right, I certainly wasn't pulling the stick on the horse and asking him for an effort, I actually put both hands on the reins and tried to correct him, but I don't question the fact I've made contact with Dwayne Dunn's mount.

CHAIRMAN: Yes.

MR KING: You can see that obviously.

CHAIRMAN: Your criticism, Mr Bailey, is that he should have taken remedial action earlier

MR BAILEY: Yes, Mr Chairman. For as long as I've been going to the races, and Steven King I think would agree, apprentices and riders are told all the way through their careers that if horses are going to shift ground, they are required to stop riding and straighten them. If they do that, they have met their responsibilities. In this case, Steven King half did it; he put the whip away but he kept riding. Had he have made a better effort to stop riding and straighten it, we would accept that explanation every time, because he's done what's required. If he stops riding, straightens and the interference still occurs, we wouldn't be holding any rider responsible for it if they have done sufficient effort to try and prevent it.

CHAIRMAN: What's your answer to that, Mr King?

MR KING: Well, once again, sir, I mean, I felt that I did everything possible to stop my mount from creating interference. As I said, I put the stick away, I put both - - -

CHAIRMAN: Going back one step; the criticism is that you did not stop riding early enough.

MR KING: Well, in saying that, sir, I was clear of the jocks behind me, so at that stage, you know, horses do shift. As long as you're clear, there's nothing to

answer to. But as far as Dwayne Dunn's mount is concerned, I felt I did grab hold of my horse. No doubt he has continued on an inward course for one stride which we've made contact, but I felt that, you know, I'd done as much as possible to avoid the interference to Dwayne Dunn. As far as the jocks behind me, I was obviously clear of them on the side-on shot.

CHAIRMAN: Who is the rider with the red cap and green sleeves?

MR BAILEY: That's Dwayne Dunn.

CHAIRMAN: That's Dunn, is it?

MR KING: Yes.

CHAIRMAN: That still looks as though his horse is under the stick.

MR BAILEY: Yes.

CHAIRMAN: Did you have his measure?

MR KING: Well, I sort of went past him, sir, but in saying that, you know, my horse was sort of towards the end of his race, yes.

CHAIRMAN: Did you say he wasn't handling the ground?

MR KING: Well, there's, yeah, no doubt, sir. He started favourite. He come off good winning form. He was entitled to beat that field and he failed.

CHAIRMAN: I don't think we need to ask the parties to retire. The board is satisfied that insufficient effort was made to stop riding Testaguy, and unfortunately, Mr King, we have no option but to dismiss your appeal.

MR BAILEY: Thanks, Mr Chairman.

MR KING: Thank you.

MATTER ADJOURNED ACCORDINGLY