

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 19 August 2014

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

Panel Judge Russell Lewis (Chair), Mr Geoff Ellis, Professor Raymond Harbridge.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Smith.
Mr Gerard Bush appeared on behalf of the Stewards.

At Geelong Synthetic on Tuesday 12 August 2014, jockey Dale Smith was found guilty of a charge of careless riding on his mount *Kirchner* in Race 2 the *Geelong Cup Packages Maiden Plate* (1900m).

The careless riding being that he permitted his mount to shift out when riding it along to the outside of the heels of *Moon Dance*, and in doing so took the rightful running of *Smokeytown* which had to be checked.

Mr Smith had his licence to ride in races suspended for a period to commence at midnight on Thursday, 14 August 2014 and to expire at midnight on Sunday, 24 August 2014 – a total of 10 race meetings (3 metro, 7 provincial.)

In assessing penalty, Stewards took into account Dale Smith’s good record, the careless riding was in the mid range and that *Kirchner* did have a tendency to get out.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 14 August 2014.

A stay of proceedings was granted effective until midnight Monday, 18 August 2014.

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

Penalty varied so that the period of suspension will now expire at midnight on Sunday, 24 August 2014 (6 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. ELLIS
PROF R. HARBRIDGE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE GEELONG CUP PACKAGES
MAIDEN PLATE OVER 1900 METRES AT GEELONG SYNTHETIC
ON 12/8/14**

JOCKEY: DALE SMITH

MELBOURNE

TUESDAY, 19 AUGUST 2014

MR G. BUSH appeared on behalf of the RVL Stewards

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

CHAIRMAN: In this appeal, the Board is satisfied that the Appellant failed to take sufficient remedial action, knowing that his horse was shifting ground.

The Board is also of the view that the consequences of the shift were exacerbated by the behaviour of Cartwright's mount, either because of his own behaviour among other horses and/or its overreaction to the presence of Thompson's mount.

It therefore follows that the appeal against conviction is dismissed, but in the Board's opinion, the level of carelessness was in the lower registers of the low range. Taking that into account, together with the contribution of the other horse and taking into account the fact that Dale Smith had a stay of proceedings of four days, the Board is of the view that the suspension should expire at midnight on Sunday, 24 August 2014, in other words, it is a six-day penalty.
