

## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
ARB, ATA, TVN, VJA  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 24 July 2015

**SUBJECT:** **APPEAL HEARING RESULT – JUMPS JOCKEY: TOM RYAN**

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**Panel** Mr Brian Forrest (Deputy), Prof Raymond Harbridge, Dr June Smith.

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

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At Racing.com Park Synthetic on Tuesday 21 July 2015, jumps jockey Tom Ryan was found guilty of a charge of careless riding on his mount *Abichi* in Race 2 the *PakenhamRacing.com.au BM64 Highweight Handicap* (2200m).

The carelessness being that near the 300m he permitted his mount to shift out resulting in *Lacey’s Revenge*, which was racing to his outside, being hampered. In issuing the charge Stewards concede his mount was laying out however he failed to make sufficient effort to stop and straighten.

Mr Ryan had his licence to ride in races suspended for a period to commence at midnight on Tuesday, 21 July 2015 and to expire at midnight on Sunday, 26 July 2015 – a total of 3 jumps races.

In assessing penalty Stewards took into account Tom Ryan’s good record and the races he will miss, his mount was laying out and that the incident was in the mid-range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 23 July 2015. A stay of proceedings was not required.

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

**Penalty varied so that the period of suspension expires at midnight on Saturday, 25 July 2015 (1 jumps race).**

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**MR B. FORREST, Deputy Chairman  
PROF R. HARBRIDGE  
DR J. SMITH**

## **EXTRACT OF PROCEEDINGS**

## **DECISION**

**IN THE MATTER OF THE PAKENHAMRACING.COM.AU  
BM64 HIGHWEIGHT HANDICAP OVER 2200 METRES AT  
RACING.COM PARK SYNTHETIC ON 21/7/15**

**JUMPS JOCKEY: TOM RYAN**

**MELBOURNE**

**FRIDAY, 24 JULY 2015**

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

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

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DEPUTY CHAIRMAN:

This is an appeal by jumps jockey Tom Ryan against a careless riding charge and the penalty of three jumps races imposed by stewards at Pakenham on 21 July 2015 for his riding on his mount Abichi in Race 2 that day.

The film shows jockey Tom Ryan making ground as he rounded the turn into the straight. He was hard on the inside rein and using the whip in his right hand as his mount was laying out. He rides along with the whip as Abichi shifted out and bumped Lacey's Revenge on his outside. That horse was not making ground.

In laying the charge and before the Board Mr Montgomery for the stewards maintained that Ryan had permitted Abichi to shift out and failed to make sufficient effort to stop riding and straighten.

The Board regards the reason Ryan, an experienced jockey, gave for riding Abichi in the manner he did rather than stop riding as a generally plausible explanation and in circumstances where his mount had a tendency to lay out as it had displayed at its previous start.

The Board accepts that there was some degree of carelessness in the way Ryan rode his mount and accordingly the appeal against conviction is dismissed.

In the assessment of the Board the carelessness was in the low range.

As Mr Montgomery pointed out the stewards had assessed the penalty for a mid range offence where as the Board, having regard to Ryan's explanation and having viewed and considered the films, has come to the conclusion that the offence should be assessed as low range.

That being so, the penalty regime for highweight jockeys which has regard to the number of races rather than meetings, as is the case for flat race jockeys, the Board having assessed the carelessness in the low range and taking into account the mitigating factors as did the stewards, particularly Ryan's good record, has decided that the penalty be varied so as to expire at midnight on Saturday, 25 July 2015.

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