



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 24 November 2010

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: CHRIS SYMONS**

Panel Judge Russell Lewis (Chair), Mr Stephen Curtain, Mr Ron Taylor.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Symons.
Ms Heidi Lester appeared on behalf of the Stewards.

At an adjourned inquiry on Friday 12 November 2010, jockey Chris Symons pleaded guilty to charge of careless riding on his mount *Ask Me Nicely (NZ)* in Race 7 the *Mitchelton Wines 0-62 Handicap* at Seymour on Wednesday, 10 November 2010.

The careless riding being that approaching the 200m he did permit his mount *Ask Me Nicely (NZ)* to shift in when not clear of *Kokoda Mist*, resulting in that gelding clipping the heels of *Ask Me Nicely (NZ)* and blundering badly.

Chris Symons had his licence to ride in races suspended for a period to commence at midnight on Wednesday, 24 November 2010 (at the expiration of his current suspension which was incurred at Bendigo on 11 November 2010) and to expire at midnight on Wednesday, 8 December 2010 - a total of 16 race meetings. In arriving at penalty Stewards considered the careless riding to be in the high category.

A Notice of Appeal against **the severity of the penalty** was lodged on Monday, 15 November 2010. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

Penalty varied – the period of suspension to be partially cumulative with the suspension incurred at Bendigo, that is the period of suspension to now expire at midnight on Friday, 3 December 2010.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR S. CURTAIN
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE MITCHELTON WINES 0-62 HANDICAP
OVER 1300 METRES AT SEYMOUR ON 10 NOVEMBER 2010**

JOCKEY: CHRIS SYMONS

MELBOURNE

WEDNESDAY, 24 NOVEMBER 2010

MS H. LESTER appeared on behalf of the RVL Stewards

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

CHAIRMAN: The Board is cognisant of Australian Rule of Racing 196(3) that unless otherwise ordered, penalties in these types of cases should be cumulative. However, obviously it is implicit in that rule that an appellant tribunal such as the Racing Appeals and Disciplinary Board has a discretion.

In this case, the Board is of the opinion that the penalty of 27 meetings was excessive and that the Board should interfere with that total period of suspension.

In the Board's opinion, partial cumulation is appropriate, so that the suspension should expire at midnight on 3 December 2010.

END OF EXTRACT