

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 18 February 2014

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DAMIAN LANE**

Panel Judge Russell Lewis (Chair), Prof Raymond Harbridge, Mr Jeremy Rosenthal.

Appearances Mr Lane appeared on his own behalf.
Mr Rob Montgomery appeared on behalf of the Stewards.

At Ararat on Tuesday 11 February 2014, jockey Damian Lane was found guilty of a charge of careless riding on his mount *Hammering Home* in Race 2 the *Kookaburra Motor Lodge 3YO Fillies Maiden Plate* (1100m).

The careless riding being that on straightening he permitted his mount shift to out to obtain a run to the outside of *Princess Hussey* when not sufficiently clear of *Grand Faith* resulting in *Grand Faith* having to be checked.

Mr Lane had his licence to ride in races suspended for a period to commence at midnight on Thursday, 13 February 2014 and to expire at midnight on Thursday, 20 February 2014 – a total of 8 race meetings (3 metro, 5 provincial).

In issuing the charge stewards deemed the incident to be in the low range, acknowledged that *Grand Faith* was laying in and had a minor contribution to the incident, and also took into account Damian Lane's good recent riding record.

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

A stay of proceedings was granted effective until midnight Monday, 17 February 2014.

DECISION: **Appeal allowed.**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
PROF R. HARBRIDGE
MR J. ROSENTHAL**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE KOOKABURRA MOTOR LODGE
THREE-YEAR-OLD FILLIES MAIDEN PLATE AT ARARAT
ON 11/2/14**

JOCKEY: DAMIAN LANE

MELBOURNE

TUESDAY, 18 FEBRUARY 2014

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

MR D. LANE appeared on his own behalf

CHAIRMAN: The critical issue on this appeal is did James Winks' mount commence to lay in before Damian Lane's mount began its shift.

Mr Montgomery, who appeared on behalf of the Stewards, is of the opinion that the shift occurred before the other horse commenced to lay in. The Board disagrees. In the Board's opinion, the head-on shot and so much of the side-on shot which is in evidence demonstrates that Winks's mount began to lay in before Lane's mount began to shift.

Accordingly, the Stewards' case then rests upon the back shot and Winks's opinion. In the Board's view, the back shot is inconclusive as to how far ahead of Winks's mount Damian Lane's mount was when it began to shift.

The onus is upon the Stewards to prove their case. The standard of proof is on the balance of probabilities. In this case, the Board is left in the position where it is unable to say whether Damian Lane's mount shifted ground when he was not entitled to do so. Accordingly, the appeal is allowed.
