

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 27 August 2013.

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: ANDREW MALLYON**

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

Appearances Mr Sam Hyland appeared on behalf of Mr Mallyon.
Mr Wade Hadley appeared on behalf of the Stewards.

At Geelong Synthetic on Tuesday 20 August 2013, jockey Andrew Mallyon pleaded guilty to a charge of careless riding on his mount *Oamaru Princess* in Race 6 the *E & S Trading BM70 Handicap* (1000m).

The careless riding being that after passing the 800m he permitted his mount to shift ground inwards when insufficiently clear of *Oamaru's Choice* resulting in that gelding being checked and losing ground and *Black Faith*, which was following, also having to be checked to avoid the heels of *Oamaru's Choice*.

Mr Mallyon had his licence to ride in races suspended for a period to commence at midnight on Thursday, 22 August 2013 and to expire at midnight on Thursday, 5 September 2013 - a total of 14 race meetings (3 metro, 11 provincial).

In assessing penalty Stewards took into account A Mallyon's guilty plea and overall good record and the careless riding was in the high range.

A Notice of Appeal against **the severity of the penalty** was lodged on Thursday, 22 August 2013. A stay of proceedings was not requested.

DECISION: **Appeal dismissed. Penalty to remain standing.**

**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 E AND S TRADING
BENCHMARK 70 HANDICAP OVER 1000 METRES
AT GEELONG SYNTHETIC ON 20/8/13**

JOCKEY: ANDREW MALLYON

MELBOURNE

TUESDAY, 27 AUGUST 2013

MR W. HADLEY appeared on behalf of the RVL Stewards

MR S. HYLAND appeared on behalf of the Appellant

CHAIRMAN: In this appeal, there is no doubt that the degree of interference was carelessness of a high degree. The next question is what were the consequences of that interference. In the Board's view, the Board is satisfied that the interference to Nikita McLean's mount resulted in interference to Dean Yendall's mount. In other words, the Board reject Mr Hyland's submission that the actions of Yendall's mount was independent of what occurred to Nikita McLean's mount.

Accordingly, the Board is of the view that there was a significant consequence as a result of the high degree of carelessness and therefore the Board is of the opinion that the penalty imposed by the Stewards should stand. That is, the appeal against penalty is dismissed.
