



## APPEAL RESULT

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

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

**DATE:** 13 June 2013

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

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**Panel** Judge Russell Lewis (Chair), Professor Raymond Harbridge, Mr Graeme Ward.

**Appearances** Mr Des O’Keeffe appeared on behalf of Mr Smith.  
Mr James Hitchcock appeared on behalf of the Stewards.

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At Geelong Synthetic on Thursday 6 June 2013, jockey Dale Smith was found guilty of a charge of careless riding on his mount *Come By Often* in Race 10 the *Centrebet Showcase 0-68 Handicap* (1100m).

The careless riding being that at approximately the 100m he carelessly permitted his mount to shift in when not clear of *Danlight Dancer* resulting *Danlight Dancer* having to be checked.

Mr Smith had his licence to ride in races suspended for a period to commence at midnight on Monday, 10 June 2013 and to expire at midnight on Sunday, 23 June 2013 – a total of 13 meetings (4 city, 9 country). In assessing penalty Stewards took into account the incident was in the mid-range and the racing manners of *Come By Often* and *Danlight Dancer*.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Friday, 7 June 2013. Mr Smith subsequently applied to withdraw the appeal against conviction and proceed with the appeal against **the severity of penalty only**.

A stay of proceedings was not requested.

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

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

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

## **EXTRACT OF PROCEEDINGS**

## **DECISION**

**IN THE MATTER OF THE CENTREBET SHOWCASE 0-68  
HANDICAP OVER 1100 METRES AT GEELONG ON 6/6/13**

**JOCKEY: DALE SMITH**

**MELBOURNE**

**THURSDAY, 13 JUNE 2013**

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of Mr D. Smith

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CHAIRMAN: In this appeal, the Board is of the opinion that Dale Smith's mount did behave in such a way as to take it, the horse, inwards, but the Board then takes the view that once Dale Smith knew that was the situation, and it must have been obvious to him, his obligation was to take care of his fellow riders. The Board's opinion is that he should not have pushed, and therefore he was the author of his misfortune. Accordingly, we must dismiss the appeal.

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