

## 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:** 1 December 2011

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

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**Panel** Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy Chair), Mr Graeme Ward.

**Appearances** Mr Sam Hyland appeared on behalf of Mr Mallyon.  
Mr Darren Triandafillou appeared on behalf of the Stewards.

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At Cranbourne on Saturday, 26 November 2011, jockey Andrew Mallyon was found guilty of a charge of careless riding on his mount *Khandallah* in Race 2 the *Frankston Dandenong Cars SV 3YO Maiden Plate* (1300m).

The careless riding being that he permitted his mount to shift out passing the 700 metres when insufficiently clear of *Phryne*, resulting in that horse clipping the heels of *Khandallah* and blundering.

Andrew Mallyon had his licence to ride in races suspended for a period to commence at midnight on Monday, 28 November 2011 and to expire after the Mornington meeting on Friday, 9 November 2011 – a total of 12 race meetings (2 metro, 10 provincial).

In assessing penalty Stewards were of the view that the incident qualified for the mid range category of carelessness and took into account his excellent record.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 28 November 2011. A stay of proceedings was not required.

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**DECISION:** **Appeal allowed.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR B. FORREST, Deputy Chairman  
MR G. WARD**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE FRANKSTON DANDENONG CARS  
SUPER VOBIS THREE-YEAR-OLD MAIDEN PLATE OVER  
1300 METRES AT CRANBOURNE ON 26/11/11**

**JOCKEY: ANDREW MALLYON**

**MELBOURNE**

**THURSDAY, 1 DECEMBER 2011**

MR D. TRIANDAFILLOU appeared on behalf of the RVL Stewards

MR S. HYLAND appeared on behalf of the Appellant

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CHAIRMAN: Since the nub of the case is whether Andrew Mallyon steered the horse out or whether it took him out there because of its behaviour, the Board is of the view that the film is inconclusive. We cannot make up our mind one way or the other about that.

That being the case, the Stewards have got to carry the burden of proving it to our satisfaction on the balance of probabilities, and therefore we are in the position where we must allow the appeal.

**END OF EXTRACT**