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## **APPEAL DECISION**

**JARROD FRY**

*and*

**RACING VICTORIA STEWARDS**

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**Date of Hearing:** 5 January 2018

**Heard By:** Judge Bowman (Chair)

**Appearances:** James Hitchcock appeared on behalf of the stewards.  
Matt Hyland appeared on behalf of Mr Fry.

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At Kyneton on Saturday 23 December 2017, jockey Jarrod Fry was found guilty of a charge of careless riding on his mount *Poppi Rox* in Race 6 the *bet365 F&M 0-58 Handicap* (1450m).

The careless riding being that passing the 900m he permitted his mount to shift in when not sufficiently clear of *C'mon Honey* resulting in that mare having to be checked to *Poppi Rox* heels. In issuing the charge Stewards acknowledge the racing manners of *C'mon Honey* leading up to the incident.

Mr Fry had his licence to ride in races suspended for a period to commence at midnight on Wednesday, 27 December 2017 at to expire at midnight on Wednesday, 3 January 2018 – a total of 8 meetings (3 metro, 5 provincial).

In assessing penalty Stewards deemed the incident to be in the low range and took into account his good record.

A Notice of Appeal against the **decision and severity of the penalty** was lodged on Sunday, 24 December 2017.

A stay of proceedings was granted effective to midnight Thursday, 4 January 2018.

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**DECISION:** Appeal against decision dismissed.  
Appeal against severity of penalty allowed.

Penalty varied to a period of suspension for 5 meetings, expiring at midnight on Monday, 8 January 2018.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**JARROD FRY**

**and**

**RACING VICTORIA STEWARDS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**FRIDAY, 5 JANUARY 2018**

MR M. HYLAND appeared on behalf of Mr J. Fry

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Jarrod Fry, you have been charged with a breach of AR 137(a), namely careless riding, that in race 6 over 1450 metres at Kyneton on 23 December 2017, near the 900-metre mark, you permitted your mount, Poppi Rox, when not sufficiently clear of C'mon Honey, ridden by Rose Pearson, to cross that horse, causing it to be checked.

Stewards took into account your good record and considered the interference to be in the low range. However, they found that the charge had been made out and suspended you for eight meetings. You are appealing against both the conviction and the penalty.

I have had the benefit of reading the transcript and viewing the video. I also noted the careful submissions made by Mr Hyland on your behalf. My conclusion is this: I do find the charge of careless riding to be made out, but I also consider that you were somewhat unlucky in the way things unfolded. You sat outside Rose Pearson in the lead for approximately 400 metres. It became apparent to you, and she has said on the transcript, that she wanted to surrender the lead to you and obtain cover. She admits that, given her horse's racing style, that was probably an error of judgment. You had another couple of looks and then crossed her. You were almost sufficiently clear of her but not quite. I do not accept that she kicked up again inside you at the relevant time, but I do accept, as did the Stewards, that her horse's racing style contributed to what occurred. However, the bottom line is that in my opinion, you cut it just a bit fine and she had to check.

Being two lengths clear is not a requirement of the rule but it is a very useful measure of safety and care. When you finally crossed into her line, in my opinion you were not two lengths clear. As I have said, you were unlucky in the way things unfolded but the bottom line is that you were not sufficiently clear when ultimately crossing into her line and her horse had to be checked. So the charge of careless riding is made out.

I am prepared to vary penalty, but I do not want other jockeys to think that this is some new below-the-range range, but I do think this is an unusual case, and I will vary the period of suspension to five meetings. The rules are there and have to be obeyed. The period of suspension will expire midnight, 8 January 2018.

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