



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 27 April 2016

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: LUKE NOLEN**

Panel Judge Bowman (Chair), Mr Geoff Ellis, Prof Raymond Harbridge.

Appearances Mr Terry Bailey appeared on behalf of the stewards.
Mr Nolen appeared on his own behalf.

At Caulfield on Saturday 23 April 2016, jockey Luke Nolen was found guilty of a charge of careless riding on his mount *Kapset* in Race 3 the *Selangor Turf Club Handicap* (1800m).

The carelessness being that near the 700m he permitted his mount to shift out when insufficiently clear of *Bantry Bay (IRE)* resulting in that horse being checked and shifting out inconveniencing *Morning Mix (IRE)*.

Mr Nolen was suspended for a period to commence at midnight on Tuesday, 26 April 2016 and to expire at midnight on Monday, 2 May 2016 – a total of 8 race meetings (2 metro, 6 provincial).

In assessing penalty Stewards took into account his good record and that the carelessness was in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 25 April 2016. A stay of proceedings was not requested.

DECISION: **Appeal against conviction dismissed.**
Appeal against severity of the penalty allowed.

Penalty varied so that the period of suspension will expire at midnight on Saturday, 30 April 2016 (6 race meetings).

Noting that this will be followed by the commencement of the suspension incurred at Flemington on 25 April 2016.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR G. ELLIS
PROF R. HARBRIDGE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SELANGOR TURF CLUB HANDICAP
OVER 1800 METRES AT CAULFIELD ON 23/4/16**

JOCKEY: LUKE NOLEN

MELBOURNE

WEDNESDAY, 27 APRIL 2016

MR T. BAILEY appeared on behalf of the RVL Stewards

MR L. NOLEN appeared on his own behalf

CHAIRMAN: Mr Luke Nolen has pleaded not guilty to a charge of careless riding on his mount Kapset in race 3 at Caulfield on 23 April 2016. It is alleged that near the 700-metre mark, he permitted his mount to shift out when not sufficiently clear of Bantry Bay, ridden by Michelle Payne, inconveniencing Morning Mix, ridden by Katelyn Mallyon.

Mr Nolen effectively claims that Orient Line, ridden by Thomas Sadler, had dropped back into his lap at about the same time that Michelle Payne's mount, which was not racing generously, brushed or contacted Mr Nolen's mount from behind. He asserts that he had no real option but to pull out to avoid clipping the heels of Sadler's mount.

We have viewed the patrol video. We are of the opinion that the charge of careless riding has been made out. Mr Nolen's mount was travelling one off the rail and there was no horse on his inside. Mr Nolen has frankly admitted that he did not look before moving out one horse and he did not see Michelle Payne's mount. He also agreed that he was not two lengths clear of her mount when he made his move. It is not entirely clear to us that Sadler's mount dropped back suddenly into his lap. We are also of the view that whilst it may not have been his preferred option, there was room on his inside. In addition, we are of the view that any interference to Katelyn Mallyon's mount was insignificant.

However, our overall opinion is that the charge of careless riding has been made out and the appeal in relation to that is dismissed.

We have considered the circumstances. It did seem to us to be interference very much at the lower end of the scale. We appreciate that there has been a plea of not guilty, but by the same token, there are fairly frank admissions which made the appeal more difficult for Mr Nolen with his frank admissions. In the circumstances, we are going to vary the penalty and reduce it to six meetings. We appreciate that as far as this charge is concerned, he is eligible to ride on Sunday. We cannot really take into account the cumulative penalty that is awaiting him. The period of suspension will expire at midnight on Saturday, 30 April 2016 (six race meetings).
