

RACING VICTORIA LIMITED

RACING APPEALS AND
DISCIPLINARY BOARD



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APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 21 October 2010

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: GERALD MOSSE**

Panel Judge Russell Lewis (Chair), Mr Darren McGee, Mr Graeme Ward.

Appearances Mr Des O’Keeffe, Chief Executive VJA, appeared on behalf of Mr Mosse.
Mr Terry Bailey, Chairman of Stewards, appeared on behalf of the Stewards.

At Caulfield on Saturday 16 October 2010, jockey Gerald Mosse was found guilty of a charge of careless riding on his mount *Mr Medici (IRE)* in Race 8 the *BMW Caulfield Cup (2400m)*.

The careless riding being that turning out of the home straight on the first occasion he permitted his mount to shift in to a point where he left insufficient room for runners to his inside, namely *Harris Tweed*, which was taken in onto *Faint Perfume* which had to be checked severely. As a result *Mourayan (IRE)* was also tightened for room.

Gerald Mosse had his licence to ride in races suspended for a period to commence at midnight on Sunday, 17 October 2010 and to expire at midnight on Wednesday, 27 October 2010 - a total of 10 race meetings (1 metropolitan, 9 provincial). In arriving at penalty Stewards took into account that *Faint Perfume* was already racing in restricted room after having made contact with *Mourayan (IRE)* and shifted out towards *Harris Tweed* and accepted that this was a contributing factor leading up to the interference that occurred subsequently. For this reason Stewards were of the view that the carelessness qualified in the mid range category.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 18 October 2010.

A stay of proceedings was granted effective until midnight Wednesday, 20 October 2010.

DECISION: **Appeal dismissed.**

Penalty varied – taking into account the stay of proceedings (2 days) the period of suspension to expire at midnight on Wednesday, 27 October 2010.

Georgie Curtis
Registrar - Racing Appeals & Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR D. McGEE
MR G. WARD

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE BMW CAULFIELD CUP
OVER 2400 METRES**

JOCKEY: GERALD MOSSE

MELBOURNE

THURSDAY, 21 OCTOBER 2010

MR T. BAILEY appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

CHAIRMAN: Having heard the comprehensive submissions made by both Mr Bailey and Mr O'Keeffe, the Board has now come to its decision. The Board is satisfied that the appellant's mount shifted ground, causing Rawiller's mount to shift in, causing further interference to an already out of control Faint Perfume, ridden by Glen Boss. Accordingly, the Board is satisfied that the appellant was careless.

However, the Board is of the opinion that the contribution by Faint Perfume to the interference was more significant than that found by the Stewards. Unless there is some special plea to be put by Mr O'Keeffe, the Board takes into account that there has been a stay of two days since the lodging of an appeal and would be prepared to vary the penalty so that it expires on the original date of expiration, namely midnight, Wednesday, 27 October 2010.

END OF EXTRACT