



## 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:** 12 September 2011

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

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**Panel** Judge Russell Lewis (Chair), Mr Bill Kneebone, Mr Graeme Ward.

**Appearances** Mr Des O’Keeffe appeared on behalf of Mr Nolen.  
Mr Terry Bailey appeared on behalf of the Stewards.

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At Moonee Valley on Saturday, 10 September 2011 jockey Luke Nolen was found guilty of a charge of careless riding on his mount *Kulgrinda* in Race 6 the *Mitty’s McEwan Stakes* (Group 3, 1000m).

The careless riding being that after passing the 300m that he attempted to shift out where there was insufficient room to improve his position severely crowding *Satin Shoes* which was taken out onto *First Command* which in turn shifted out causing hampering to *Zedi Night* and *Atomic Force*.

Luke Nolen had his licence to ride in races suspended for a period to commence at midnight on Saturday, 10 September 2011 and to expire at midnight on Tuesday, 20 September 2011 - a total of 10 race meetings (2 metropolitan, 8 country). In assessing penalty Stewards deemed the incident to be in the low range and took into account Luke Nolen’s recent careless riding record.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Sunday, 11 September 2011. A stay of proceedings was not requested.

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**DECISION:** **Appeal dismissed.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR W. KNEEBONE  
MR G. WARD**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**JOCKEY: LUKE NOLEN**

**MELBOURNE**

**THURSDAY, 8 SEPTEMBER 2011**

MR T. BAILEY appeared on behalf of the RVL Stewards

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

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CHAIRMAN: In this case, the Board is mindful of the consequences which flowed from the decision of the Stewards to find Luke Nolen, the Appellant, guilty of careless riding, particularly at this time of the year. The Board is mindful of the onus of proof which is on the Stewards and also the standard of proof which is on the balance of probabilities.

Mr O'Keeffe, at the beginning of this appeal, made it clear that his case was that the cause of the crowding was due to the actions of Lisa Cropp and that Luke Nolen was entitled to attempt to take a run because of the behaviour of Cropp's mount.

However, upon consideration of the evidence and the films, the Board is not with Mr O'Keeffe on this occasion. The Board is well satisfied that Luke Nolen attempted to force a passage when there was insufficient room and regrettably, the Board must therefore dismiss the appeal.

**END OF EXTRACT**