



RACING APPEALS AND DISCIPLINARY BOARD

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APPEAL DECISION

DEAN YENDALL
and

RACING VICTORIA STEWARDS

Date of Hearing: 30 August 2016

Heard By: Mr Brian Forrest (Deputy Chair).

Appearances: Mr Peter Ryan appeared on behalf of the stewards.
Mr Yendall appeared on his own behalf, assisted by Mr Garry Murphy.

At Echuca on Monday 22 August 2016, jockey Dean Yendall was found guilty of a charge of careless riding on his mount *Volatile Mix (NZ)* in Race 4 the *Echuca Newsagent Maiden Plate (1)* over 1412m.

The careless riding being that near the 450m he permitted his mount to shift in when not sufficiently clear of *Lucky Ladybird* resulting in that filly being tightened for room and then checked.

Mr Yendall had his licence to ride in races suspended for a period to commence at midnight on Wednesday, 24 August 2016 and to expire at midnight on Sunday, 4 September 2016 – a total of 11 meetings (3 metropolitan, 8 provincial). In assessing penalty Stewards deemed the incident to be in the mid-range, took into account his record and the circumstances surrounding this incident.

A Notice of Appeal against the **severity of the penalty** was lodged on Tuesday, 23 August 2016. A stay of proceedings was not requested.

DECISION: Appeal dismissed. Penalty to remain standing.

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

MR B. FORREST, Deputy Chairman

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE ECHUCA NEWSAGENT MAIDEN PLATE
OVER 1412 METRES AT ECHUCA ON 22/8/16**

DEAN YENDALL

and

RACING VICTORIA STEWARDS

400 EPSOM ROAD, FLEMINGTON

TUESDAY, 30 AUGUST 2016

MR D. YENDALL (assisted by Mr G. Murphy) appeared on his own behalf

MR P. RYAN appeared on behalf of the RVL Stewards

DEPUTY CHAIRMAN: Jockey Dean Yendall has appealed the severity of an 11-meeting suspension, three metropolitan, eight provincial, for careless riding on his mount, Volatile Mix, in race 4 at Echuca on 22 August 2016.

The careless riding is said to have occurred near the 450-metre mark when he permitted his mount to shift in when not sufficiently clear of Lucky Ladybird, ridden by Ben Allen, resulting in that filly being tightened for room and then checked.

Steward Mr Anselmi, who was stationed on the home turn, made an initial report of his observations as detailed in the transcript at page 3, lines 34 to 44. Save for the amendment made by Mr Ryan this morning that Mr Yendall's horse was racing on the outside of Ben Allen, those observations which Mr Anselmi made were confirmed by the film shown to the Board of the race.

Stewards assessed the incident within the mid-range of careless riding offences and within that range imposed a penalty of 11 meetings, and stated that in doing so, took into account the circumstances surrounding the incident and Mr Yendall's record. In his notice of appeal against the severity of the penalty, Mr Yendall stated:

I do believe that there were a number of circumstances surrounding this incident that the stewards should have taken into account when determining an 11-meeting penalty was appropriate.

At this hearing, Mr Ryan expanded on the matters taken into account, that Dean Yendall's mount was a green horse, that there was insufficient room for the action he took and that his record of riding, while exemplary for the most part, until April this year, since then he has incurred four suspensions.

Mr Murphy, on behalf of Mr Yendall, submitted that there was a lack of intent to cause interference, but it should be stated that an absence of intent is not an escape clause, otherwise the riding may be regarded as reckless if there was a question of intent, so it is not an appropriate consideration in the determination of the appropriateness of a penalty.

I am satisfied that the relevant considerations taken into account as detailed by Mr Ryan here today satisfy me that the penalty imposed was in the circumstances appropriate and having regard to those matters, the appeal against the severity of the penalty is dismissed.
