



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 4 April 2013

SUBJECT: **APPEAL HEARING RESULT: JOCKEY – REECE WHEELER**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Bill Kneebone.

Appearances Mr Robert Blacker appeared on behalf of Mr Wheeler.
Ms Joelene McSwain appeared on behalf of the Stewards.

At Tatura on Saturday 30 March 2013, jockey Reece Wheeler was found guilty of a charge of careless riding on his mount *He's A Miracle* in Race 3 the *Northern Vic Fresh Tomato Industry Development Committee Maiden Plate* (1400m).

The careless riding being that approaching the 1000m he permitted his mount, which did have a tendency to race greenly, to shift out when not sufficiently clear of *Dazzle 'em* resulting in that colt having to be checked severely to avoid the heels of *He's A Miracle*.

Mr Wheeler had his licence to ride in races suspended for a period to commence at midnight on Sunday, 31 March 2013 and to expire at midnight on Sunday, 7 April 2013 – a total of 8 race meetings (3 metro, 5 country).

When assessing penalty Stewards deemed the incident to be in the low range taking into account *He's A Miracle* was inclined to race greenly and also that R Wheeler had recently returned to riding from a long break from injury.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Tuesday, 2 April 2013. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chairman
MR W. KNEEBONE

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE NORTHERN VIC FRESH TOMATO
INDUSTRY DEVELOPMENT COMMITTEE MAIDEN PLATE
OVER 1400 METRES AT TATURA ON 30/3/13**

JOCKEY: REECE WHEELER

MELBOURNE

THURSDAY, 4 APRIL 2013

MRS J. McSWAIN appeared on behalf of the RVL Stewards

MR R. BLACKER appeared on behalf of the Appellant

CHAIRMAN: In this appeal, the Board has been left in a position, after hearing submissions and after viewing the film on several occasions, where it is unable to say one way or the other whether Reece Wheeler was careless. Since the standard of proof is on the balance of probabilities, it follows that the appeal is allowed.

I might say that Mrs McSwain put the case for the Stewards in a precise, concise way. The submissions made on her behalf have been considered and we are left in that position that I have indicated.
