



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 26 February 2013

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DAMIAN LANE**

Panel Judge Russell Lewis (Chair), Professor Raymond Harbridge, Mr Bill Kneebone.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Lane.
Mr Wade Hadley appeared on behalf of the Stewards.

At Kyneton on Tuesday 19 February 2013, jockey Damian Lane was found guilty of a charge of careless riding on his mount *The Road Ahead* in Race 7 the *Sportsbet.com.au Top Tote Plus 0-58 Handicap* (1469m).

The careless riding being that at approximately the 1300 metres he permitted his mount to shift inwards when insufficiently clear of *Liberty Shopper* resulting in that gelding being crowded in on to *Bellman True* which was checked and lost its position.

Damian Lane had his licence to ride in races suspended for a period to commence at midnight on Thursday, 21 February 2013 and to expire at midnight on Sunday, 3 March 2013 – a total of 12 race meetings (5 city, 7 country). In assessing penalty Stewards deemed the incident to be in the mid range and took into account Damian Lane’s recent race riding record.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 21 February 2013.

A stay of proceedings was granted effective until midnight on Monday, 25 February 2013.

DECISION: **Appeal dismissed. Penalty to remain standing.**

Taking into account the stay of proceedings the period of suspension to now expire after the conclusion of the meeting at Stawell on Friday, 8 March 2013.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
PROF R. HARBRIDGE
MR W. KNEEBONE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SPORTSBET.COM.AU TOP TOTE PLUS
0-58 HANDICAP OVER 1468 METRES AT KYNETON ON 19/2/13**

JOCKEY: DAMIEN LANE

MELBOURNE

TUESDAY, 26 FEBRUARY 2013

MR W. HADLEY appeared on behalf of the RVL Stewards

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

CHAIRMAN: The Stewards' case is that Damian Lane permitted his mount to shift and too late tried to correct it. By that stage, the damage was done. The Appellant's case is that he realised that his mount was shifting in but that was due to his horse reacting to the presence of Nikita McLean's mount and despite his efforts to control it, he continued to shift.

In the Board's view, the Appellant was on an inward course in the expectation of obtaining the position outside Maloney's mount which he had expected to lead. He misjudged the extent to which his horse was moving inwards and too late attempted to correct the situation. The Board is of the opinion that the pre-race observations of cadet steward Rhoden accurately encapsulates the events which occurred. Accordingly, the appeal against conviction is dismissed.

The Board has given consideration to the question of penalty. In the end, it has come to the conclusion that the Stewards' penalty should not be interfered with. We also take into account the fact that Damian Lane sought a stay which was effectively four days. In the end, the Board has come to the view that the penalty should stand and that the period of suspension, as luck would have it for Mr Lane because of the structure of the racing calendar, will expire on 8 March 2013, immediately after the meeting at Stawell.
