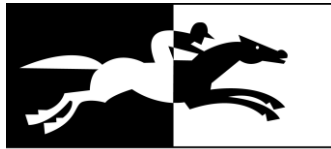


RACING VICTORIA LIMITED
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RACING APPEALS AND
DISCIPLINARY BOARD



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APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 23 September 2009

SUBJECT: **APPEAL HEARING RESULT – JOCKEY ‘B’ CROSS COUNTRY:
GARRY PRESTON**

Panel Judge Russell Lewis (Chair), Chris Enright, Graeme Ward

Appearances Mr Peter Ryan, Stipendiary Steward, appeared on behalf of the Stewards.
Mr Des O’Keeffe, Chief Executive – VJA, appeared on behalf of Garry Preston.

At an inquiry at Bendigo on Wednesday 9 September 2009, jockey Garry Preston pleaded guilty to a charge under the provisions of AR 81A.

The charge relating to Mr Preston providing a urine sample which contained the presence of a banned substance, namely cannabis, subsequent to riding track work at Bendigo racecourse on Tuesday 25 August 2009.

Mr Preston had his permit to ride in races and track work suspended for a period of 5 months to commence midnight 2 September 2009 and to expire midnight 2 February 2010. In assessing penalty stewards took into account Mr Preston’s guilty plea, his prior record in this area and the amount of race rides he had last racing season.

A Notice of Appeal against **the severity of the penalty** was lodged on Friday 11 September 2009.

DECISION: **Appeal allowed.**

The penalty imposed by the Stewards stands, save that the last 3 months of the period of suspension relating to track work is suspended on the condition that Mr Preston does not test positive to cannabis during this period. That is, subject to a clearance, Mr Preston is entitled to commence track work riding from midnight 1 November 2009.

Failure to comply with this condition will activate the additional 3 months of suspension relating to track work.

Georgie Curtis
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**MR RUSSELL LEWIS, CHAIRMAN
MR CHRIS ENRIGHT
MR GRAEME WARD**

IN THE MATTER OF: GARRY PRESTON

DECISION

MELBOURNE

WEDNESDAY, 23 SEPTEMBER 2009

MR D O'KEEFFE appeared on behalf of Mr Gary Preston

MR P RYAN appeared on behalf of the Stewards

CHAIRMAN: The Board regards this as an exceptional case, in as much as the Board is satisfied that the Stewards did not have before them the details of the triggering mechanism for Mr Preston's resumption of use of cannabis. That said, the Board although it will allow the appeal, it will only allow it in the sense that the penalty be varied. The appeal is allowed to the extent that the penalty imposed by the Stewards stands, save that, the last three months of that period, relating to track work is suspended on condition that Mr Preston does not test positive to cannabis during the period held in suspense. Failure to comply with this condition will reactivate the suspended period of three months. That is, Mr Preston is subject to clearance, entitled to commence riding track work from midnight on the 1st November 2009. That clear Mr O'Keeffe?

MR O'KEEFFE: Yes.

CHAIRMAN: Five months barred from riding, but he's able to resume track work as from midnight on the 1st November, subject to clearance.

MR O'KEEFFE: Yes.

CHAIRMAN: And between the 1st November and the 2nd February 2010, that's the period held in suspense.

MR O'KEEFFE: Yes.

CHAIRMAN: And if he tests positive in that period, well of course the penalty will be reactivated, the three months and of course he'll be dealt with for that further offence.

MR O'KEEFFE: Yes, we understand.

CHAIRMAN: Is that crystal clear Mr Preston?

MR PRESTON: Yes.

MR O'KEEFFE: You understand?

MR PRESTON: Yes.

CHAIRMAN: Are you agreed to accept those conditions?

MR PRESTON: Yes, yes.

CHAIRMAN: All right.

MR O'KEEFFE: Have you got them?

MR PRESTON: Yes.

MR O'KEEFFE: Okay.

MR PRESTON: So I'll be at track work on the 1st November.

CHAIRMAN: You can explain it to him outside?

MR O'KEEFFE: I will Mr Chairman.

CHAIRMAN: In fact, see if you can put it in legible handwriting, so he can print it up over his bed when he goes to sleep at night.

MR O'KEEFFE: Thank you.

CHAIRMAN: Thanks for your assistance in this case Mr Brown.

MR PRESTON: Thank you very much fellas.

CHAIRMAN: That's okay Mr Preston.