

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 31 August 2015

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DALE SMITH**

Panel Mr Brian Forrest (Deputy), Mr Stephen Curtain, Mr Shaun Ryan.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Smith.
Mr Terry Bailey appeared on behalf of the stewards.

At Sandown Lakeside on Wednesday 26 August 2015, jockey Dale Smith was found guilty of two charges of careless riding on his mount *Jobodwana* in Race 6 the *Winners at #WillHillWolfpack Plate* (1200m) at William Hill Park Lakeside on Wednesday, 26 August 2015.

In relation to the first charge, the careless riding being that he permitted his mount to shift out near the 900m when insufficiently clear of *Stellar Collision* resulting in that horse being checked.

In relation to the second charge, the carelessness being that after passing the 800m he permitted his mount to shift back in tightening the running of *Stellar Collision*, which in turn caused crowding to *Alkaashef* which had to be checked out of its rightful running.

In relation to both charges Mr Smith had his licence to ride in races suspended for a period to commence at midnight on Saturday, 29 August 2015 and to expire at midnight on Wednesday, 9 September 2015 – a total of 11 race meetings, with the second suspension to be served concurrently with the first suspension he incurred.

In assessing penalty Stewards took into account the carelessness was in the mid-range and took into account *Jobodwana’s* racing manners.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Wednesday, 26 August 2015. A stay of proceedings was granted effective until midnight Sunday, 30 August 2015.

DECISION: **In relation to both charges the appeal against conviction is dismissed; the appeal in relation to severity of penalty is allowed.**

Taking into account the stay of proceedings the period of suspension will expire at midnight on Wednesday, 9 September 2015 (10 race meetings.)

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**MR B. FORREST, Deputy Chairman
MR S. CURTAIN
MR S. RYAN**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE #WILLHILLWOLFPACK PLATE
OVER 1200 METRES AT WILLIAM HILL PARK LAKESIDE
ON 26/8/15**

JOCKEY: DALE SMITH

MELBOURNE

MONDAY, 31 AUGUST 2015

MR T. BAILEY appeared on behalf of the RVL Stewards

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

CHAIRMAN: Dale Smith has appealed a suspension of 11 race meetings for two incidents of careless riding on his mount, Jobodwana, in race 6 at Sandown on 26 August 2015.

The first incident occurred near the 900-metre mark when shifting out when insufficiently clear of Stellar Collision ridden by Mark Zahra, causing that horse to be checked. The second incident occurred passing the 800-metre mark. In shifting back, Jobodwana tightened Stellar Collision which in turn crowded Alkaashef which was checked.

In his notice of appeal and before this board, Dale Smith attributed blame for the first incident to Craig Robertson, alleging that he crossed Smith when insufficiently clear, causing Smith's mount to react by running out, then raced erratically and out of control for the next hundred metres.

The crux of the first incident was whether Robertson had crossed when insufficiently clear. The Stewards' argument was that Smith moved out behind Robertson, whereas Mr O'Keeffe argued the opposite, that Robertson crossed when insufficiently clear of Smith.

Looking closely at the film and after hearing the submissions and evidence of Mr Bailey and Mr O'Keeffe, it appears to the Board that Smith appears to move out for more room, presumably in anticipation of Robertson crossing, as Robertson was looking to his inside. Jobodwana then shifts out abruptly when insufficiently clear of Stellar Collision, causing that horse to be checked.

Thereafter, Jobodwana races erratically with its head up. As Jobodwana negotiates the turn and after passing the 800 metres, it shifts back in from approximately four wide to one off the rail. In doing so, it tightens Stellar Collision which in turn crowds Alkaashef which was checked.

After careful consideration of the incidents, the Board accepts the degree of carelessness in both incidents. The Board also accepts a contributing factor was the reaction of the horse in, firstly, moving out abruptly and then racing erratically prior to the second incident. The Board also noted that Jobodwana was having its third race start, having won its previous start when also ridden by Dale Smith, an experienced senior rider.

On the question of penalty, the Board notes that Mr Smith had a stay of proceedings until midnight last night. Taking that into account and that the Stewards have noted the significance of the penalty, the expiration of the penalty insofar as the meeting at Mornington for Mr Smith and also noted the horse's racing manners. We think that in the circumstances and taking those factors into consideration, whilst jockeys - and the Board is completely conscious of this - have an obligation towards fellow riders, the period of suspension should expire as originally fixed by the Stewards, that is, on Wednesday week.
