



## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
ARB, ATA, TVN, VJA  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 18 February 2015

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: DWAYNE DUNN**

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**Panel** Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Darren McGee.

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

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At Caulfield on Saturday, 14 February 2015 jockey Dwayne Dunn was found guilty of a charge of careless riding on his mount *Top Me Up* in Race 4 the *Sportingbet Powered by William Hill Blue Diamond Prelude C&G*, Group 3, (1100m).

The careless riding being that near the 800m Mr Dunn permitted his mount to shift in when insufficiently clear of *Stylish Assassin* resulting in *Stylish Assassin* being taken in tightening the running of *Black Vanquish* which had to relinquish its position.

Mr Dunn had his licence to ride in races suspended for a period to commence at midnight on Saturday, 14 February 2015 and to expire at midnight on Saturday, 21 February 2015 – a total of 8 race meetings (3 metropolitan, 5 country).

In assessing the penalty Stewards deemed the incident to be in the low range and did take into account Mr Dunn’s guilty plea, and that he did make some attempt to straighten his mount.

A Notice of Appeal against **the severity of the penalty** was lodged on Monday, 16 February 2015.

A stay of proceedings was not requested.

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

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR B. FORREST, Deputy Chairman  
MR D. McGEE**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE SPORTINGBET POWERED BY  
WILLIAM HILL BLUE DIAMOND PRELUDE (COLTS AND  
GELDINGS) GROUP 3 OVER 1100 METRES AT CAULFIELD  
ON 14/2/15**

**JOCKEY: DWAYNE DUNN**

**MELBOURNE**

**WEDNESDAY, 18 FEBRUARY 2015**

MR T. BAILEY appeared on behalf of the RVL Stewards

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

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CHAIRMAN: Being on the outside of a number of horses, the onus was on the Appellant to ensure that he was clear before coming across to obtain his desired position in the race. He made an error of judgment. He tightened Oliver, who then caused Arnold to lose his position.

The Board accepts that the Appellant took immediate remedial action. However, the race was a Group 3 event of \$200,000 and as the name of the race indicates, a Prelude to the Blue Diamond.

The Board agrees that general deterrence therefore was an important sentencing consideration. As for the Appellant's record, the Board agrees that it is a good record. That said, the onus is on the Appellant to satisfy the Board that the penalty imposed was outside the range of penalties reasonably open to the Stewards. A penalty of seven meetings would have been available, but the Stewards decided in the circumstances not to impose that penalty.

The Board also has considered a seven-meeting penalty, but to impose that penalty would simply be to tinker with the penalty imposed by the Stewards. Such an approach would not be a proper basis on which to disturb the penalty imposed by the Stewards. Accordingly, the Board is of the opinion that the appeal should be dismissed.

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