



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 18 January 2010

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: BRADY CROSS**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy Chair),
Mr Stephen Curtain

Appearances Mr Corie Waller, Stipendiary Steward, appeared on behalf of the Stewards.
Mr Des O'Keeffe, Chief Executive VJA, appeared on behalf of Mr Cross.

At an adjourned inquiry on Friday, 8 January 2010, jockey Brady Cross was found guilty of a charge under the provisions of AR 135(b) and AR 135(c) which states that the rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or obtain the best possible place in the field.

The charge relating to his ride on *Horace* in Race 8 the *Deniliquin RSL Country Showcase 0-68* Handicap at Echuca on Thursday, 31 December 2009. The particulars of the charge being:

- a) That after *Horace* settled at the rear of the field Mr Cross failed to make a sufficient attempt to improve *Horace's* position from the 1200m until near the 500m when in the opinion of the Stewards there were opportunities to do so; and
- b) That over the final 400m Mr Cross failed to ride *Horace* with sufficient vigour when at all times it was reasonable and permissible to do so.

Mr Cross had his licence to ride in races suspended for a period of three months, commencing at midnight on Tuesday, 12 January 2010 and to expire at midnight on Monday, 12 April 2010.

A Notice of Appeal against **the severity of the penalty** was lodged on Sunday, 10 January 2010. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

**Penalty varied – suspension to now expire at midnight on Tuesday,
23 February 2010.**

Georgie Curtis
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chairman
MR S. CURTAIN**

EXTRACT OF PROCEEDINGS

DECISION

JOCKEY: BRADY CROSS

MELBOURNE

MONDAY, 18 JANUARY 2010

MR C. WALLER appeared on behalf of the Stewards

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

CHAIRMAN: This is an appeal against the severity of the penalty imposed by the Stewards, wherein the Stewards suspended the appellant, Brady Cross, for a period of three months for failing to take all reasonable and permissible measures in the race in which he rode the horse, Horace.

The appellant has admitted that the specific allegations made by the Stewards, when they charged him, have been made out and therefore although the appeal is only one against severity, the Board does not think that any discount should be made for the fact that there may have been some explanations for the poor ride in those two specific parts of the race.

However, the Board is satisfied that mitigating factors have been made out. In particular, the Board is of the opinion - and this is of no fault of the Stewards because they did not have all the information before them - and satisfied that the appellant has in the past proved that he has an excellent record and further, the Board is satisfied that there are personal circumstances which warrant appellate intervention. That is to say, the appellant has a considerable weight problem and the longer he is out of action as a rider in races, the more difficult it will be for him to bring back his weight to a reasonable riding level. Of course, concomitant with the time out will be substantial financial loss.

The Board has also had regard to the precedents which have come before the Board on other occasions, noting in particular that Ben Melham on 28 October 2008 had his appeal dismissed when the Stewards had suspended him for two months for a similar charge, and in Melham's case, he had a prior

conviction for a similar charge only six months earlier.

In all the circumstances, the Board is of the view that the appeal should be allowed and that the period of suspension be varied to a period of six weeks, so that the suspension will expire at midnight on 23 February 2010.

END OF EXTRACT