

RACING APPEALS TRIBUNAL

QUEENSLAND

NOTICE OF DECISION

APPEAL NO: RT013-08

DATE: 22 May 2008

APPELLANT: Leeanne McCoy

RESPONDENT: Queensland Racing

APPEAL FROM: Decision of the First Level Appeals Committee to dismiss the Appellant's Appeal on finding and vary penalty for breach of AR137(a) and the imposition of a two week suspension.

BREACH OF RULE: AR137(a)

DECISION:

1. Appeal against finding dismissed.
2. Appeal against penalty upheld with penalty varied to a reprimand

APPEARANCES: Mr Peter Boyce Solicitor appeared on behalf of the Appellant.

Mr Norm Torpey Senior Steward appeared on behalf of the Respondent.

REASONS FOR TRIBUNAL'S DECISION

Mr Dennis Standfield - Member

This is an appeal by Jockey Leeanne McCoy against the decision of the First Level Appeals Committee ("First Level") which reduced the suspension imposed by the Stewards from 4 Capricornia meetings to a 2 week period following the Stewards finding the Appellant was guilty of careless riding for a breach of Rule AR137(a) of the Rules of Racing which provides:

“AR137(a)

Any rider may be punished if in the opinion of the stewards:

- (a) They are found to be guilty of careless, reckless improper, incompetent or foul riding.”

The particulars of the charge presented by the Stewards at the Inquiry held after the race were stated (at page 6 from line 21 of the Stewards Inquiry Transcript (“SIT”)) as:

“...and the specifics of the charge being that you, jockey McCoy, who rode Daok’s Faz in the Capricornia Training Company Classic 2-Year-Old Handicap over 1200 metres at Callaghan Park Racecourse on Saturday, 19 April 2008, being race 4 on today’s program at approximately the 200m, allowed your mount to shift in under hard riding, taking Falverosa, apprentice L Dillon, in across the heels of Blue Sequins, ridden by D Missen, forcing apprentice Dillon to shift in abruptly to avoid that horse’s heels and in doing so made contact with Nevacantal, which had to be severely checked.”

The basis of the charge was earlier explained by the Chairman of the Stewards Panel Mr P Gillard which he stated at (page 3 from line 36 of the SIT) as:

“THE CHAIRMAN: All right. Thanks, jockey McCoy. Riders, I will give you my observation of the incident I believe happened at approximately the 200-metre mark. I believe at that time racing in a position I’d say 5 to 6 horses off the fence was jockey McCoy, the rider of Dack’s Faz, who I agree you were under pressure at that time. I believe it has dictated the line of apprentice Dillon, the rider of Falverosa, and as stated by apprentice Dillon, he was looking for a run to the outside of jockey Missen at that time.

But I believe that jockey McCoy’s horse has shifted in to a point where apprentice Dillon, the rider of Falverosa, has had to shift inwards and in doing so has become awkward on the heels of Blue Sequins, ridden by jockey Dale Missen, who I agree with the rider was compounding badly at that time and has compounded the problem with apprentice Dillon, who has been in an awkward position on the heels of Blue Sequins, and as a

result has had to shift in abruptly, making contact I believe with jockey Cant, the rider of Nevacantel, who has had to check his mount at that time as a result of the shift inwards from apprentice Dillon.

But I do believe the problem was started off with the shifting inwards of jockey McCoy's horse, namely Dack's Faz, and as I say, I believe it has dictated the line of apprentice Dillon."

The Appellant pleaded not guilty to the charge. While she accepted that her horse shifted in because it had "knocked up" she stated that the incident of the interference occurred after the horse moved in and it was not of her making.

The Appellant was consistent throughout the Stewards Inquiry in stating that the incident was a separate incident to her moving, but her explanations were not accepted by the Stewards when they found the charge sustained and stated (at page 11 from line 16 of SIT) as:

"... jockey McCoy, we do believe this charge can be sustained and the reason for this is that we believe the reason apprentice Dillon has to come off the heels of jockey Missen was as a result of your shift inwards, and therefore formally find you guilty under AR137(a)."

At the First Level Appeal Mr Boyce represented the Appellant and it was submitted that the Appellants moving in was not the cause of either the interference to Apprentice Jockey Luke Dillon's horse or Jockey Kemp's horse. Mr Boyce further submitted that it was the compounding and outward movement of Blue Sequins ridden by Jockey Missen which dictated the running of Apprentice Jockey Dillon's horse and the Appellant was not to blame for the interference.

The First Level did address Mr Boyce's submissions in their detailed reasons in the Information Notice being:

"The committee has given very careful consideration to the evidence before us and we are satisfied that the charge preferred by the stewards can be sustained and we dismiss the appeal. It is our view that the Appellant has allowed her mount to shift inwards under continuous hard riding by her which resulted in apprentice Dillon's mount being taken inwards across the heels of Blue Sequins and as a result of his trying to extricate himself, ie (Dillon), from the imminent possibility of running into the rear of the tiring Blue Sequins, he directed his mount to the inside of that runner and has made contact with Nevacantal. That runner has had to be severely checked by its rider.

Mr Boyce on behalf of the appellant contended that the initial shift by the appellant onto Dillon's mount was then interrupted by a sufficiently significant lapse in time before Dillon encountered the tiring Blue Sequins and the subsequent interference to Nevacantal so as to be construed as separate incidents. It is the Committee's view that the incident has occurred within a short space of time, and when the DVD is played at normal speed as compared to 'slow motion', it highlights the limited time available for a jockey to respond to various situations. Succinctly put, the committee views the incident involving Dack's Faz, Falverosa, Blue Sequins, and Nevacantal as one continuing event. All jockeys are required to ride against contemporaries of varying ability and experience. It is accepted that apprentice Dillon was not as experienced as other jockeys in the race. We accept that Blue Sequins has shifted some ground towards the end of the race whilst tiring we are not prepared to attribute responsibility for the incident to that shift."

The video of the incident of the race was shown from the front on, lateral and rear cameras. The video was shown a number of times at normal speed and slow motion with both Mr Boyce and Mr Torpey making submissions as to the cause of the interference.

From the video the degree of inward movement of the Appellant's horse is noted. Indeed a number of horses were moving back quite markedly as inexperienced 2 year olds often do at the concluding stages of a race. I am however of the

opinion that the Appellant's movement was marked and do accept that movement caused some interference to Apprentice Jockey Dillon's horse by causing it to move inwards. I am however not satisfied that the Appellant's horse's movement was such that it was a resultant factor of Apprentice Dillon's horse continuing to move in and causing the interference to Jockey Cant's horse. That incident can primarily be put down to the situation which Apprentice Jockey Dillon found himself in by Blue Sequins' compounding and outward movement. While the Appellant's actions do come within the scope of careless riding within AR137(a) it is only to a minor degree and is just above the level of what could be called a normal racing incident. It is however above that level and for that reason the appeal against finding is dismissed.

In relation to the matter of penalty however I find that a reprimand would be sufficient and the penalty for this careless riding breach is varied to a reprimand.

The Appeal deposit fee is forfeited.

Mr Dennis Standfield
Member

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