

## TRNT Appeals Committee

### APPEAL of Jockey J. Todd

#### APPEAL COMMITTEE:

Mr P McIntyre (Chair), Mr S Stirling

**DATE of HEARING: 21 November 2022**



## REASONS FOR DECISION

### Appearances

At the Appeal;

- a. Mr P Carroll represented the Stewards.
- b. Mr R Hamilton was present to assist with transcription and video technology.
- c. Jockey J Todd appeared in person.

### Background

1. Jockey J Todd appealed against a conviction imposed by the Stewards made on 12 November 2022 on a charge under AR 131(a) of engaging in careless riding following a plea of guilty by Jockey J Todd.
2. The particulars of the breach were for careless riding at the Darwin Turf Club race meeting in Race 3 on 12 November 2022 in that near the 950m mark Jockey J Todd permitted his mount (SIAKAM) to shift in when insufficiently clear resulting in NOKONDI ridden by Apprentice I Luximon being steadied and carried inwards onto ZOUMIST (who was ridden by Jockey D Morgan) who was tightened onto the running rail and checked by its rider.
3. The penalty imposed upon Jockey J Todd was that his licence to ride was suspended for one Darwin Turf Club meeting and a fine was imposed of \$500.00.
4. Jockey J Todd filed a Notice of Appeal dated 14 November 2022 seeking to have the conviction quashed on the basis of an alleged ground of appeal set out in the Notice of Appeal as follows:  
'I feel that I'm not guilty, and I feel I was clear of any interference.'
5. Prior to the hearing of this appeal the Appeals Committee had the benefit of considering:
  - a. the Notice of Appeal.
  - b. the transcript of the Stewards Inquiry into Race 3 at Darwin Turf Club 12 November 2022 (the Transcript).
  - c. TRNT Stewards Report 12 November 2022.

### **Preliminary Issue on the Appeal**

6. At the commencement of the hearing the Appeals Committee raised with Mr P Carroll and Jockey J Todd a preliminary issue in relation to which they wanted submissions from both parties.
7. The hearing of the Appeal was adjourned to provide both parties an opportunity to consider the preliminary issue and prepare their submissions in relation to it.
8. The preliminary issue arose because the Notice of Appeal did not disclose any alleged mistake, error or misunderstanding leading to or upon which he relied when he entered his guilty plea or otherwise provide a foundation upon which the Appeals Committee could rationally rely to overturn the conviction and substitute a plea of not guilty or otherwise re-open the proceedings that had already been determined.

### **Submissions on the Preliminary Issue**

9. When the parties indicated that they were ready to proceed, submissions were presented on the Preliminary Issue.
10. Jockey J Todd submitted that the conviction should be overturned because:
  - a. At the Stewards Inquiry he was hot, surprised and upset and pleaded guilty to bring an end to the matter.
  - b. He regretted saying 'I plead guilty'.
11. Mr P Carroll submitted that
  - a. Jockey J Todd had not alleged any mistake, error or misunderstanding in the conduct of the Stewards Inquiry.
  - b. The penalty imposed by the Stewards took into account, in favour of Jockey J Todd, the early plea.
  - c. That whilst understanding that Jockey J Todd now regrets pleading guilty, that does not alter the fact that he did so fully understanding at the time what he was doing and what was alleged, as is disclosed in the Transcript.

### **Consideration of Preliminary Issue**

12. In many cases the Supreme Court of the Northern Territory has made it clear that a decision to grant an appeal against conviction, following a plea of guilt in which the plea is sought to be reversed, can only be made when a miscarriage of justice is apparent.
13. In *Bamblett v Andreau* [2014] NTSC 2 at paragraphs 16-28, Hiley J summarised that case law concluding:
  - a. That there is a public interest in the finality of proceedings.

- b. That the public interest in the finality of proceedings, must be balanced against the public interest, in appropriate cases, of overturning convictions tainted by a relevant miscarriage of justice.
- c. Examples of a relevant miscarriage of justice include where it is established by the appellant that:
  - i. there was a misunderstanding by the appellant of either the nature of the charge or of the facts alleged;
  - ii. the facts alleged do not as a matter of law support the conviction;
  - iii. the plea of guilt was a result of some other form of miscarriage of justice.

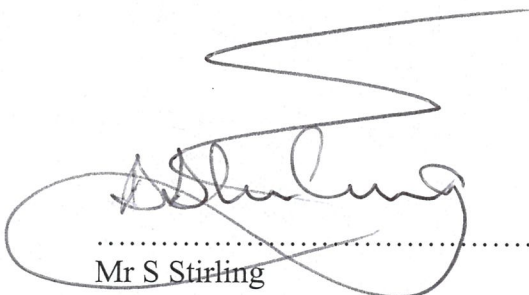
#### **Determination of this Appeal**

- 14. Clearly, the submissions of Jockey J Todd do not provide a rational basis upon which the Appeals Committee could rely to conclude that there was any miscarriage of justice impacting upon the decision of Jockey J Todd to say, as is recorded in the transcript at page 12, 'I plead guilty'.
- 15. The Appeal Committee agrees with the submission of Mr P Carroll set out at paragraph 11 (c) above.
- 16. The Appeal Committee concludes that this is not a matter involving a relevant miscarriage of justice and that the public interest in the finality of proceedings should prevail.
- 17. The conviction and the sentence imposed at the conclusion of the Stewards Inquiry on 12 November 2022 stand.
- 18. On 21 November 2022 the Appeals Committee dismissed the Appeal for reasons to be published.
- 19. These are those reasons.

**Dated the 17<sup>th</sup> day of December 2022**



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P F McIntyre (Chair)



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Mr S Stirling