



**APPEAL OF CARL SPRY: AR 137(a)**

**Appeal Committee: Mr John Stewart (Chairman), Mr Brett Dixon and Mr Charles Burkitt**

**Date of Hearing: 1 March 2012**

**REASONS FOR DECISION**

Stewards charged Jockey Carl Spry with careless riding on “Round Saturn” in Race 3 at Pioneer Park Racecourse on 19 February 2012. The details of the charge were that “approaching the 900 metre mark, you permitted your mount to shift in when not sufficiently clear of “General Claudia” ridden by Jockey S Evans, causing her to take hold and her mount being taken onto “I Can Do It” ridden by Apprentice K Adams, which in turn put pressure on “Joken Jim” ridden by K Gladwin, who subsequently lost its position, and “Harreb’s Luck” ridden by Apprentice B Carlile on his inside, which was severely hampered.”

**AR.137 provides:**

“Any rider may be penalised if, in the opinion of the Stewards,

(a) He is guilty of careless, reckless, improper, incompetent or foul riding.”

Stewards made a finding of guilt and suspended Jockey Spry’s licence for 2 meetings. Jockey Spry appealed against the finding of guilt and the severity of the penalty. The Stewards’ order was stayed pending the determination of the appeal. On 1 March 2012 we announced that we had dismissed the appeal and confirmed the Stewards’ decision. These are our reasons for disposing of the appeal in that way.

The grounds of appeal were, in essence, that Jockey Spry’s mount was sufficiently clear when it crossed ahead of “General Claudia” and that Jockey Evans supported that assertion.

The transcript of the Stewards’ inquiry was tendered. We viewed the video of the race.

At the inquiry Jockey Evans gave evidence that she didn’t want to go to the lead and that Jockey Spry was marginally short when he crossed in front of her mount. When questioned about how far in front “Round Saturn” was when it crossed, Jockey Evans gave various estimates between one and a half and one and three quarter lengths.

Jockey Spry gave this evidence: “As you can see, I did look to get across. And as you can see there, I’m well clear, probably at least two and a half clear and that’s where the incident happened, after I was across, sir, I don’t believe I had much to do with that.”

Jockey Spry continued to maintain at the inquiry and on appeal that his mount was at least two lengths clear when it crossed. In the alternative he submitted that the requirement to be sufficiently clear does not always entail a margin of two lengths. He questioned the force of that requirement.

The "two lengths policy" is not a written rule. It is a rule of thumb. It has been developed in order to assist riders so that they know when they are sufficiently clear. It has been consistently applied for many years by stewards and in racing appeal tribunals and courts. Given the safety implications we fully support the application of this policy in general terms. We leave open the question of whether, in a given case, a rider can cross safely when less than two lengths clear. If the possibility exists, this was not such a case.

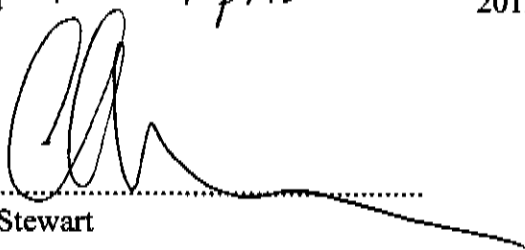
In our opinion, the race video amply justified the Stewards' opinion that "Round Saturn" was not sufficiently clear when it crossed. Different camera angles tend to distort the margin. We felt that the range of Jockey Evans' estimates was correct and we agreed with the Stewards' assessment that "Round Saturn" turned inwards sharply. The result was that "Round Saturn" exerted pressure on "General Claudia" which in turn produced a degree of inconvenience to the other horses mentioned in the Stewards' charge. They were racing tightly in a compact bunch. It is possible that some of the inconvenience resulted from other causes such as over-reaction but we are in no doubt that the initial pressure came from Jockey Spry's mount.

Stewards submitted that Jockey Spry's conduct was bordering on reckless. We did not agree with that assessment. We considered Jockey Spry was guilty of moderately careless riding and that the penalty of suspension for 2 race meetings was appropriate.

Although not as serious as reckless riding, the risk to other jockeys and horses demands that Stewards should not tolerate careless riding. The panel does acknowledge that Jockey Spry is a busy rider with a comparatively good record.

The deposit is forfeited.

Dated 4 April 2012

A handwritten signature in black ink, appearing to be 'John Stewart', written over a horizontal dotted line. The signature is fluid and cursive, extending to the right of the line.

John Stewart  
Chairman