

TRNT Appeals Committee

APPEAL of Apprentice Jockey L Crow

APPEAL COMMITTEE: Mr P McIntyre (Chair), Mr C Burkitt and Mr C McNally

DATE of HEARINGS: 28 May 2019

REASONS FOR DECISION

Appearances

At the Appeal;

- a. Mr D Hensler (Chairman of Stewards) represented the Stewards.
- b. Mr Kevin Ring represented Apprentice Jockey L Crow.

Background

1. Apprentice Jockey L Crow appealed against a decision of the Stewards made on 27 April 2019 finding her guilty of a breach of AR 131 (d) in that at the Alice Springs Turf Club race meeting conducted on 27 April 2019 in race 6 the Red Centre Technology Partners Chief Ministers Cup she did excessively slow the speed of her mount *Savatoxl* and in so doing caused direct or indirect interference with Jockey B Huppatz mounted on *McKenna*.
2. Apprentice Jockey L Crow was fined the sum of \$750.00.
3. Apprentice Jockey L Crow filed a Notice of Appeal dated 29 April 2019 seeking to have the conviction set aside and alternatively to have the penalty imposed set aside as excessive.
4. Prior to the hearing of this appeal the Appeals Committee had the benefit of considering:
 - a. the Notice of Appeal dated 29 April 2019;
 - b. the transcript of the Stewards Inquiry into Race 6 at Alice Springs Turf Club 27 April 2019 (the Transcript);
 - c. TRNT Stewards Report 27 April 2019.

Considerations on the Appeal

5. At the hearing of the appeal on 28 May 2019 the Appeals Committee had the benefit of considering the both 'head on' and 'lateral' video recordings of the race.

6. Both parties took the opportunity to make submissions to the Appeals Committee about what it should conclude on the basis of what the video recordings revealed.
7. Mr Ring submitted that:
 - a. Apprentice Jockey L Crow only 'marginally restrained her mount over about 3 strides';
 - b. In doing so she did not cause directly or indirectly Jockey B Huppatz to restrain his mount; and
 - c. That Jockey B Huppatz restrained his mount for reasons unrelated to the 'marginal restraint' referred to in paragraph 7. a. above but because his mount had begun to charge.
8. Mr D Hensler submitted that:
 - a. Apprentice Jockey L Crow 'excessively slowed her mount for about 16 strides';
 - b. Accepting the evidence of Jockey B Huppatz which the Stewards did; it is important for the Appeal Committee to note the following evidence that he gave;

'I just had to pull out off of Lorelle's heels into a small gap'; and
'She might have steadied fractionally though, yeh there was a little bit of steadiness but by the same token mine charged he just over raced'.
 - c. The video recording makes it clear that the slowing of her mount had an obvious impact upon the speed of the mount of Jockey B Huppatz.
 - d. The video recording also makes it clear that had Jockey B Huppatz not pulled 'off of Lorelle's heels' this incident could have been more serious in its consequences.

Findings on Conviction Appeal

9. The Appeals Committee considered that both the 'head on' and 'lateral' video recordings of the race demonstrate:
 - a. considerably more than a 'marginal' restraint by Apprentice Jockey L Crow of her mount. That restraint continued for much more than '3 strides' and much closer to the '16 strides' advanced by Mr D Hensler;
 - b. That the restraint by Apprentice Jockey L Crow of her mount directly interfered with Jockey B Huppatz mounted on *McKenna*.
10. Having considered all of the material before it and the submissions of both parties the Appeals Committee reached the same conclusion as expressed by Mr D Hensler to Apprentice Jockey L Crow toward the later stage of the Stewards Inquiry as follows:

‘We are satisfied that had you not slowed the speed of your mount as excessively as you did that the rider following may not of incurred the same level of interference as there would have been room for him to continue to stride forward unimpeded.’

11. The Appeals Committee found no basis to overrule the conviction and accordingly dismissed the Appeal against conviction.

Consideration on Penalty Appeal

12. Two further documents were tendered by Mr D Hensler for the consideration of the appeals Committee on the appeal on sentence as follows:
- a. A copy of the Stewards Report Darwin Turf Club Saturday 19th July 2014 (2014 Stewards Report); and
 - b. A document containing extracts of the decisions of the Appeals Committee in the following matters:
 - i. Appeal of Jockey S Fawke 3 August 2018; and
 - ii. Appeal of Jockey B Davis 4 August 2018.
13. In support of his argument that the penalty imposed by the Stewards was excessive Mr Ring submitted:
- a. It was an unintentional breach;
 - b. The breach caused little interference;
 - c. Apprentice Jockey L Crow is shown in the videos to have ridden her mount otherwise exceptionally well in the race and to have taken care to look out for other riders before moving her mount in towards the rail once she had taken the lead;
 - d. Apprentice Jockey L Crow is an apprentice and still learning;
 - e. Apprentice Jockey L Crow has had no similar previous charge.
 - f. The 2014 Stewards Report disclosed that Jockey L Meech, a senior jockey, was only fined the sum of \$500.00 for a similar offence.
 - g. The appropriate penalty for Apprentice Jockey L Crow should have been a reprimand coupled with the provision of specific mentoring;
14. Mr D Hensler took no issue with the submissions referred to in paragraphs 13. a, 13. c, 13. d and 13. e.
15. Mr D Hensler submitted:
- a. The breach caused actual interference the consequences of which could easily have been severe;
 - b. The incident reported in the 2014 Stewards Report did not involve a feature race unlike in this instance;

- c. There is no apprentice school in the Northern Territory unlike in other jurisdictions and so the suggestion at paragraph 13. g. is inapplicable.

16. In addition Mr D Hensler submitted:

- a. There has been no plea of guilty nor any expression of remorse by Apprentice Jockey L Crow in this matter which may have otherwise had a bearing upon penalty in her favour (relying upon the Appeals Committee extract referred to at paragraph 12. B. ii); and
- b. In all of the circumstances the penalty imposed fell within the range of consistency with penalties for similar offences and Apprentice Jockey L Crow has not discharged her burden to demonstrate the contrary in this matter (relying upon the Appeals Committee extract referred to at paragraph 12. B. i).

Findings on Conviction Appeal

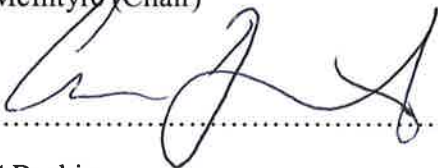
17. Where their submissions on penalty conflicted the Appeals Committee concluded that it was persuaded by those of Mr D Hensler.

18. Accordingly, the Appeal Committee concluded that the penalty imposed was not excessive and dismissed the appeal against penalty.

Dated the 13th day of July 2019



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P F McIntyre (Chair)



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Mr C Burkitt



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Mr C McNally