APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTERS OF THE APPEAL OF
LICENSED APPRENTICE JOCKEY MOLLIE FITZGERALD

Appeal Panel:	**Mr L Gyles SC – Principal Member;**
	Ms J Foley; Mr J Fryar
Representatives:	**Racing NSW – Mr Moxon**
	Appellant – Mr Crisafi
Date of Decision:	**21 August 2026**

REASONS FOR DECISION

L GYLES SC: Principal Member

The Appellant was charged by the Stewards with careless riding for her ride on *Hillbilly Hippy* in Race 5 at the meeting at Taree Racecourse on 14 August 2026. The basis of the charge was that near the 500 metres she directed her mount to the outside of *Counterpart* whilst insufficiently clear of *Gold Something* which ultimately fell, causing another runner *Hardash* to also fall as a consequence.

The Stewards conducted an Inquiry after the race in which the Appellant appeared, with the assistance of jockey Grant Buckley. Other jockeys in the race also gave evidence and further evidence was subsequently taken on 14 August 2026 where Jeff Kehoe was present and gave evidence in relation to the incident, from his point of view.

At the conclusion of the Stewards Inquiry the Appellant was found guilty of careless riding and suspended for 8 meetings.

She brings an Appeal from that Decision maintaining that the Stewards were in error in finding that the charge of careless riding had been made out.

The hearing of the Appeal took place at the offices of Racing NSW on 20 August 2026. Mr Moxon appeared for the Stewards and Mr Crisafi for the Appellant, who also was present and gave evidence.

Mr Moxon took the Panel to certain parts of the transcript of the Stewards Inquiry and submitted that the Appellant in her evidence accepted that prior to the fall of his mount *Gold Something*, Jeff Kehoe had established a run to her outside and that she shifted out prior to that horse falling. Mr Moxon submitted that because the Appellant was within about three quarters of a length of *Gold Something* when she shifted out, well short of the required two length clearance, that the charge of careless riding was established. He then submitted that although Jeff Kehoe's mount had hung in prior to the fall which may have contributed to the incident occurring, that the careless riding by the Appellant in allowing her mount to shift out without sufficient clearance was the primary cause of the fall, and hence the appropriate *consequence* of it for the purpose of the careless riding template.

Mr Moxon also took the Panel to footage of the incident from two angles, one being a side on view from one side, and the other form the side and behind the horses at the time of the relevant incident. No front on footage was available. Mr Moxon nevertheless submitted that the footage was consistent with the admissions made by the Appellant concerning her shifting out when not sufficiently clear of *Gold Something* and of that being the proximate cause of the subsequent fall. He therefore submitted that the Stewards were justified in making out the charge against the Appellant and sought to maintain the penalty imposed by them.

Mr Crisafi on behalf of the Appellant submitted that it was a "*racing incident*" which happened without fault on the part of the Appellant and was caused by a confluence of circumstances including the slowing of the horse in front of the Appellant causing her to shift outwards to avoid it, and by the horse which fell hanging in and not running generously at the time that the Appellant made her run.

He submitted that when the horse in front of her slowed, she was entitled to make a run to the outside of it, and to dictate to Jeff Kehoe to go with her, he already having established a run at that time on her outside. Mr Crisafi pointed out that there were four or five strides between the time of the Appellant shifting out and the fall, which he submitted was consistent with the shifting out not being the real cause of the fall but rather that was the erratic behaviour of Jeff Kehoe's mount which was hanging in and running uncomfortably over those four or five lengths.

He submitted that if Jeff Kehoe's mount had moved with the Appellant when she made her run, as would have been expected, there would have been no problem. He also submitted that if that horse had not hung in the way that it did, it was unlikely that the fall

would have occurred. He took the Panel to certain parts of the footage which he submitted showed that Jeff Kehoe was leaning all over the Appellant in the period prior to the fall as his horse hung in uncomfortably and that had he stopped riding it may have corrected itself.

Mr Crisafi ultimately submitted that the Appellant had acted in a reasonable manner in taking the run that she did and that if she had failed to do so this of itself may have given rise to questions by the Stewards. Mr Crisafi submitted that the Panel could not be satisfied that the Appellant had ridden carelessly or that her riding in the race had caused the fall to take place. He submitted that the Appeal should therefore be allowed and the conviction below set aside.

Appeals before the Panel are a re-hearing, and they must be decided on the evidence before the Panel. The onus is on the Stewards to satisfy the Panel that a breach of the Rules of Racing has occurred, and if the Panel is not comfortably satisfied of that, the charge will not be made out.

In the present case the determination of the question as to whether the Appellant engaged in careless riding turns upon a consideration of where the horses were in the race at the relevant time, and how they interacted with each other up until the fall took place. Whilst the Panel had the advantage of seeing the incident from two camera angles, neither was particularly satisfactory in identifying precisely where the horses were in relation to each other. Front on footage and side on footage taken from the other side of the course where the runners were not obscured would have been preferable in this respect, but were not available. No criticism is made of the Stewards for that, which can often by the case at Country meetings.

The transcript of the Stewards enquiry was also somewhat ambiguous about such matters. Mr Kehoe gave evidence that he was moving to a 3 wide line, outside of Mollie's horse, and then just "*hit the ground*". He agreed that his horse laying in, but couldn't remember much more than that.

The explanation before the Panel by the Appellant of what she was intending at that point of the race on the other hand was quite clear. She said that she decided to make a run to the outside of the horse in front of her, which was the orthodox and preferred way in which to do so, and believe that Jeff Kehoe's mount had established a run on her outside and that she was entitled to dictate to him that his horse move to the left with hers

in making that run. The Panel accepts that the decision made to make that run in the way that she did was not an unusual occurrence.

105 The Panel also accepts the Stewards submission that there can be occasions where a jockey can be found to have made a run carelessly by not allowing sufficient clearance when entitled to dictate a line to another horse, by causing an undue and avoidable risk for other horses in the race. Each case depends upon its own facts, but in the present case the Panel is not satisfied that the Stewards have made that out. Doubt exists as to 110 precisely where the two horses were at the critical time, but one thing which is clear is that Jeff Kehoe's mount was running in an uncomfortable fashion and was hanging in prior the fall. The Stewards themselves recognised the contribution of that in its deliberations and in the fixing of the penalty imposed upon the Appellant. The Panel notes that the condition if the track may also have had some contribution.

115 In the circumstances, the Panel is not comfortably satisfied that the Appellant took the run that she did in a manner which would be properly described as ***careless***, or that it necessarily was the proximate cause of the subsequent fall by *Gold Something*.

The Appeal is therefore allowed and the finding of guilt and the suspension imposed by the Stewards is overturned.

120 The Panel notes that this decision should not be seen as standing for the proposition that where a rider may be entitled to make a run, or dictate a running pattern to another horse, that there will not be circumstances where this is done without due care and in breach of a jockey's duty of care to other riders and horses. Safety of jockeys and horses remains paramount in the considerations of this Panel, particularly where a fall has taken place.

125 Then orders of the Panel are as follows:

1. The Appeal is allowed
2. The finding of guilt by the Stewards and the sanction imposed is set aside.
3. The Appeal deposit is to be returned.

130 **21 August 2026**