

## APPEAL PANEL OF RACING NSW

### APPEAL OF LICENCED JOCKEY KEAGAN LATHAM

Panel: Mr R Beasley SC (Principal Member); Mr C Tuck; Mr J Nicholson

Appearances:       The Stewards:       Mr C Albrecht

                          The Appellant:       Self

Date of Hearing: 22 June 2023

Date of Reasons: 22 June 2023

### REASONS FOR DECISION

#### The Panel

1. Licensed jockey Keagan Latham (**appellant**) was charged with a breach of the careless riding rule (AR131(a)) following his ride on *Duke of Gordon* in Race 8 run at the Wyong Racecourse on 15 June 2023.
2. The particulars of the charge brought against the appellant were as follows:

*“..., as the rider of Duke of Gordon, you did allow your mount to shift out when insufficiently clear of Jess Taylor’s mount, Weekend Affair, which was crowded for running at that stage.”*
3. The appellant pleaded guilty to breach of the rule, and the Stewards imposed a 3-meeting suspension of his license to ride in races applying the Careless Riding Penalty Template (**the Template**).
4. At the Appeal hearing, the appellant sought leave to change his plea from guilty to not guilty. This was not opposed by Mr Albrecht.

5. Film of the race was shown to the Panel. Mr Albrecht explained that the short point of the Stewards was that having entered the straight, the appellant continued to ride his mount out vigorously, including using the whip, when it was shifting out onto Weekend Affair. Only when contact was made did the appellant use the reins to straighten his mount, which overcorrected.
6. The appellant said in his evidence he felt he did all that he could, and was using the whip in part to straighten his mount, who had been “hanging” out for more than a furlong before the incident. When the use of the whip failed, he used his hands. While he had agreed at the Stewards’ Inquiry he “could have probably made a greater effort” (T4 L164) to straighten his mount, this seemingly was said more to satisfy the Stewards than representing the complete picture.
7. Having watched the film of the race multiple times, the Panel was unanimously of the view that the Stewards’ analysis of the incident is obviously correct. The appellant’s mount shifts out in the straight, while he continues to ride with full vigour. It might be that the appellant thought his mount might straighten with use of the whip, but he went beyond the point where he should have made full attempt with his hands to straighten the horse before it bumped into and inconvenienced Weekend Affair. The appeal must be dismissed.
8. By changing his plea, the appellant lost his ten percent discount for pleading guilty. This would have in most circumstances taken his penalty under the template to 4-meetings (3.75) rather than 3. However, the Stewards agreed that Duke of Gordon contributed to the interference by hanging out considerably. We agree, and in an exercise of discretion we have taken the view that the appellant’s suspension should remain at 3 meetings when in most other instances it would have increased to 4.
9. The Panel makes these orders:
  1. Appeal dismissed.
  2. Breach of AR 131(a) confirmed.

3. Penalty of a 3-meeting suspension of the appellant's license to ride in races confirmed. That penalty commences on Sunday 25 June, and expires on Friday 30 June 2023, on which day the appellant may ride.
4. Appeal deposit forfeited.