

APPEAL PANEL OF RACING NSW

APPEAL OF LICENCED JOCKEY JAKE PRACEY-HOLMES

Panel: Mr R Beasley SC (Principal Member); Ms S Skeggs; Mr K Langby

Appearances: The Stewards: Mr M Van Gestel

 The Appellant: Mr T Crisafi

Date of Hearing: 17 September 2021

Date of Reasons: 17 September 2021

REASONS FOR DECISION

The Principal Member

1. Licensed jockey Jake Pracey-Holmes (**appellant**) was charged with a breach of the careless riding rule (AR131(a)) following his ride on *Reward Seeker* in the Dubbo Cup run over 1600m at the Dubbo Racecourse on 12 September 2021.
2. The particulars of the charge brought against the appellant were as follows:

“..., as the rider of Reward Seeker in Race 9 you did direct your mount out and as a result made contact with Ready to Rumble which was hampered and crowded for a number of strides.”
3. The appellant pleaded not guilty to breach of the rule, but was found to have ridden carelessly by the Stewards. They assessed the appellant’s carelessness as “medium” grade, the consequence to Ready to Rumble as “hampered/crowded”, and applying the Careless Riding Penalty Template, suspended the appellant’s license to ride for 3 meetings.

4. The appellant has appealed against the finding of breach of the rule, and the severity of the penalty imposed upon him. He was represented on appeal by Mr T Crisafi, CEO of the NSW Jockeys Association, while the Stewards were represented by Mr M Van Gestel, the Chairman of Stewards.
5. An appeal book was tendered that contained the transcript of the Stewards' Inquiry into the race (Ex. A), as was film of the race (Ex. B). The appellant also gave oral evidence.
6. All members of the Panel were in no doubt that at about the 100-metre mark the appellant's mount hampered or crowded the horse Ready to Rumble ridden by Jeff Penza. The appellant though maintained before the Panel that just prior to this, he had established a run between Lord Heron, ridden by Ms J Duggan, and Ready to Rumble. Almost as soon as he had established the run, Lord Heron – which was tiring - shifted out, causing the appellant in turn to shift out onto Ready to Rumble. In short, the appellant maintained he was blameless, and that the crowding suffered by Ready to Rumble was in truth caused by Ms Duggan's mount.
7. The Stewards took a different view. They considered that the appellant had not established a run when Lord Heron started to shift out. In those circumstances, Mr Van Gestel said that the appellant had a duty to check his own horse rather than continuing to ride his mount with vigour as he did. Such an action may have cost the appellant's mount his winning chance, but the obligation to stop riding his mount was on the appellant in the interests of safety, which is of paramount concern.
8. Both Ms Skeggs and Mr Langby accept the version of the ride as described by the appellant, and are of the view that the film of the race bears out his evidence that he had established a run between Lord Heron and Ready to Rumble prior to Lord Heron shifting out. They consider there would have been no interference to Ready to Rumble but for Lord Heron shifting out.
9. I hold a slightly different view to the other Panel members. While I acknowledge in particular Mr Langby's considerable expertise as a former leading rider, in my view the best evidence of what occurred in this race comes from the appellant, who when questioned by the Stewards after the race acknowledged more than once that he had

not quite established a run when Lord Heron shifted out. In my view that is supported by the film. I would add however that I consider the views of Ms Skeggs and Mr Langby to be reasonably open on the evidence, including the film. Further, while I think some degree of carelessness was involved from the appellant, because of the contribution from Lord Heron in shifting out I would have considered reducing the penalty imposed. In any event, because of the views of the other two Panel members, the appeal must be upheld.

10. The orders of the Panel are:

By majority:

1. Appeal against finding of breach of AR131(a) upheld.
2. Finding of breach of AR 131(a) set aside.
3. Penalty of a 3-meeting suspension set aside.
4. Appeal deposit to be refunded.