

## RACING APPEAL PANEL OF NEW SOUTH WALES

### APPEAL OF MR JAKE PRACEY – HOLMES

Appeal Panel: **Mr T Hale SC – Convenor; Mrs S Skeggs ; Mr C Tuck**  
Date of Hearing: **30 August 2017**  
Date of Decision: **30 August 2017**  
Appearances: **Appellant – Self represented**  
**Racing New South Wales – Mr Philip Dingwall, Deputy Chairman of Stewards**

### REASONS FOR DECISION

(At the conclusion of the hearing the Convenor gave the following ex tempore reasons for decision on behalf of the Panel)

#### The Panel

#### Introduction

1. Jake Pracey – Holmes (the appellant) is a licensed jockey.
2. On Tuesday 22<sup>nd</sup> August 2017 he rode the horse 'Valorhessa' in Race 7 at Leeton Jockey Club. The race was over a distance of 1050m.
3. Later that day there was a Stewards inquiry into the running of the race. The appellant was charged with and pleaded not guilty to a charge of careless riding in breach of AR137(a). The Stewards found him guilty and suspended him from riding for six meetings, being a period from 30<sup>th</sup> August 2017 to 11<sup>th</sup> September 2017 on which day he was permitted to resume riding.
4. The appellant has appealed to this Panel from the decision of the stewards on both conviction and penalty Pursuant to section 42 of the *Thoroughbred Racing Act 1996* this appeal is by way of a new hearing.
5. AR137(a) provides:  
*that any rider may be penalised if in the opinion of the Stewards he is guilty of careless, reckless, improper, incompetent or foul riding.*
6. The particulars of the charge are;

*Jake Pracey-Holmes, you are hereby charged with careless riding under Australian Rules of Racing 137(a) which states:*

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

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

*The particulars of the charge, are that you as the rider of Valhorhesse in race 7, the Class 2 Handicap 1050 metres, run at the Leeton Jockey Club on Tuesday, August 22nd 2017, did near the 1000 metres permit your mount to shift in when insufficiently clear of Flying Cyril, which was carried inwards onto Steve's Choice, ridden by Carly Frater-Hill, which in turn was carried inwards onto Smart Al, ridden by Megan Taylor, which in turn was carried in onto Dash Of The Dart, ridden by Amanda Masters and in turn in onto Kayla Nisbet's mount, which was Sheoak, resulting in Carly Frater-Hill in particular and Megan Taylor and Amanda Masters having to take hold and lose the running to which they were entitled.*

## **Evidence and submissions**

7. At the hearing of this appeal Mr Dingwall appeared on behalf of the Stewards and the appellant appeared in person.
8. At the hearing before us, the appellant pleaded not guilty. As the particulars of the charge state, the incident took place at the 1000m mark. In this appeal, we have had the advantage of the film of the race taken from a number of different angles. We have had the advantage of the transcript of what occurred before the Stewards. We have also had the sworn evidence of the appellant about what occurred during the running of the race. He gave that evidence with reference to the film. He also provided us with what became exhibits 1,2,3 and 4 which were photographs of the incident taken from different locations and at different times.
9. With the advantage of that evidence we make the following factual findings.
10. At about the 1000m mark, Mr Souquet's mount '*Flying Cyril*' shifted in - that mount had been racing erratically. When it shifted in it caused other horses to shift in. It was not the appellant that caused this shifting in and crowding. After '*Flying Cyril*' shifted in, it then shifted out at the point when the appellant's mount was crossing in front of it. When the appellant crossed in front of it, it had only about 1 and half lengths clearance. Had '*Flying Cyril*' not shifted back out the appellant might have had greater clearance.
11. In all these circumstances, we cannot be comfortably satisfied that the appellant rode his mount carelessly in the manner particularised in the charge. Therefore, the orders of the Panel will be;

## **Orders**

1. Appeal allowed
2. Finding of guilt for breach of AR137(a) set aside
3. Penalty of suspension set aside
4. Appeal deposit to be refunded