

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF JOCKEY PIERRE BOUVILLAIN

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mrs J. Foley; Mr P. Losh**

Representatives: **Appellant – Mr P. Boudvillain**
Racing NSW - Mr C. Albrecht, Senior Stipendiary Steward

Date of Hearing: **27 May 2024**

Date of Reasons and Orders: **27 May 2024**

REASONS FOR DECISION

1. Jockey Pierre Boudvillain (**Appellant**) was charged with a breach of the careless riding rule (AR131(a)) following his ride on *Verbatim Quote* in Race 4 at Queanbeyan Racecourse in the HMAS Harman Navy Class 1 & Maiden Plate run over 2,000 metres on 9 May 2024.
2. The particulars of the charge brought against the Appellant were as follows:
“..., you permitted your mount to shift in when insufficiently clear of Amy Lucas' mount, Bobby Shiraz, which had to be checked..”
3. The Appellant pleaded guilty to breach of the rule. The Stewards assessed the Appellant's carelessness as “medium” grade, with the consequence of that carelessness being that Ms Lucas' mount had to be checked and lost its rightful running. Applying the Careless Riding Penalty Template, a penalty of a suspension of the Appellant's licence to ride in races for five meetings was imposed.
4. The Appellant has appealed against both the finding of a breach and the severity of the penalty imposed upon him. He was self-represented on appeal, while the Stewards were represented by Mr C. Albrecht, Senior Stipendiary Steward.
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).
6. The appeal involved the following issues:
 - I. whether the Appellant allowed Ms Lucas sufficient room on the inside when his mount began to shift in;
 - II. whether the interference caused by the Appellant actually resulted in *Bobby Shiraz* losing its rightful running; and

- III. whether the Appellant could have reacted earlier to avoid Ms Lucas checking her mount; and
 - IV. whether the penalty imposed upon the appellant was harsh and should be reduced.
7. All members of the Panel were in no doubt that the Appellant did shift in on his mount, causing the interference as particularised, and that Ms Lucas on *Bobby Shiraz* lost her rightful running and had to check her mount.
 8. All members of the Panel are also of the view that the carelessness of the Appellant was not medium grade. The Panel is of the view that that the carelessness involved should be classified as low grade. The Appellant made a genuine attempt to quickly correct his mount, but it was nonetheless careless to put Ms Lucas in the predicament she found herself in.
 9. While the Panel accepts that there was no intent by the Appellant to cause interference, it was the actions of the Appellant that caused Ms Lucas to check her mount and lose her rightful running. While the Careless Riding Penalty Template is a guide that the Panel can deviate from in its discretion, the Panel does not believe this is a situation warranting such deviation.
 10. Applying the Careless Riding Penalty Template, with no discount for plea but a 20% discount for the Appellant's record, the Appellant will be suspended for four meetings.
 11. The orders of the Panel are:
 - I. Appeal against finding of guilt dismissed.
 - II. Finding of breach of AR131(a) confirmed.
 - III. Appeal against severity of penalty for breach of AR131(a) upheld.
 - IV. The Appellant's licence to ride is suspended for four meetings. The suspension is to commence on Thursday, 30 May 2024 and expires on Tuesday, 4 June 2024, on which day the Appellant may ride.
 - V. Appeal deposit to be refunded.
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