

**GREYHOUND AND HARNESS RACING APPEALS TRIBUNAL  
NEW SOUTH WALES**

**TRIBUNAL: JUDGE B. R. THORLEY**

**ASSESSORS: MR K. RUSSELL  
MR J. SCHRECK**

**APPEAL OF MR J. T. O'SHEA**

**DECISION**

This is an appeal by driver John O'Shea against the finding of guilt made by the stewards of a charge under Rule 163(1)(a) of causing or contributing to interference. This charge followed the participation by Karingle Gaby, driven by the Appellant, in the fourth race at Bathurst on 25 February 2008. The stewards, further, imposed a penalty of 14 days suspension. At all relevant times the Appellant has been on a stay of proceedings since he has lodged his appeal.

The gravamen of the offence is alleged to have been that the Appellant allowed his charge to shift out when the field was rounding the turn into the final straight. This resulted in contact with the near hind leg of Ernies Keep and in consequence the breaking of that horse's gait. The Appellant pleaded not guilty but, as we have said, was found guilty of this charge.

Essentially, the appeal before this Tribunal, which has been presented on his behalf by Mr Higgins, solicitor, is that the whole of the incident is to be attributable to a propensity in his horse to veer out on the turn. If there were any such propensity, it is not noticeable in any of the other turns undertaken by the horse during the running of this race. We have viewed the video in the presence of the Appellant and in his absence, and we think that the observations made by the stewards are perfectly correct and are to be sustained by us.

For those very short reasons, the appeal against conviction is dismissed.

As to the issue of penalty, nothing that has been said to us really would support any reduction in the somewhat minimal term of two weeks that was imposed. We recognise that the Appellant is a young driver and doing well in the industry, and we wish him well in the future. But, in the short term, he will have to serve the 14 days which were imposed by the stewards. That order will date from today.

The Appellant's appeal deposit is forfeit.

B. R. Thorley, Judge  
16 April 2008