

IN THE MATTER OF AN APPEAL UNDER THE ENABLING LEGISLATION OF THE LEGISLATURES OF PRINCE EDWARD ISLAND, NOVA SCOTIA, AND NEW BRUNSWICK ESTABLISHING AN ATLANTIC PROVINCES HARNESS RACING COMMISSION AND UNDER THE RULES AND REGULATIONS OF THE ATLANTIC PROVINCES HARNESS RACING COMMISSION.

Appeal Heard at Kensington, PE, November 21, 2024

BETWEEN:

Keith Legge

APHRC Licensee 2A3835

APPELLANT

AND:

Alex Munro

Senior Racing Judge

Truro Raceway

Race 8, October 25, 2024

RESPONDENT

PRESENT: A Panel consisting of Commissioners Stefan DeCoursey (NB), Dawn Hubbard (NB), Lowell Crowe (NS), Jay Griffin (NFLD and Labrador), and Glen Rankin (NS) convened to hear the appeal. Mr. Rankin chaired the meeting but did not vote. Cindy Doucette, Administrative Assistant and Financial Officer, and the Director of Racing Mitch Murphy appeared for the Commission Administration. Mr. Legge represented himself as did Mr. Munro.

The Appeal Hearing was conducted under the provisions of Section 7.3 of the Rules of Standardbred Harness Racing as adopted by the Atlantic Provinces Harness Racing Commission.

The Chair introduced all present and confirmed with the parties their acceptance of the jurisdiction of the APHRC to hear the appeal and deliver a written decision in due course. There being no objections, the Chair asked if there were any preliminary matters. There being none, the Respondent was asked to proceed.

POSITION OF THE RESPONDENT

Senior Racing Judge Munro testified that Keith Legge, driver of Bet On Jessica, was found in violation of Rule 303 (2) during Race 8, at Truro Raceway on October 20, 2024. Judges issued a \$100 fine.

Rule 303: A driver shall not commit any of the following acts, which are considered Type 1 offenses against the driving rules:

(2) Strike or hook wheels with another sulky.

Munro introduced the pan camera footage from Race eight as evidence. It was tagged as Exhibit six (6).

Munro offered testimony via video footage that approaching the three quarters, Mr. Legge was sitting 3rd along the rail behind David Dowling, the driver of Mighty Mouse. Just prior to the three quarters Dowling moved his horse from the rail to the outside in an attempt to overtake JackFlash is a Gas, driven by Henry Smallwood. When it becomes apparent to Dowling that he will not overtake Smallwood, he puts his horse back along the rail behind Smallwood. Bet on Jessica, who is gaining momentum, drives up and strikes the back wheel of Dowling and causes the violation.

Munro testified that judges felt that Mr. Dowling had plenty of room to come back to the rail and sit in the two-hole behind Smallwood.

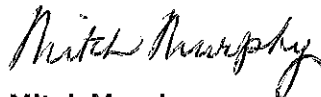
POSITION OF THE APPELLANT

Mr. Legge testified that when Dowling moved Mighty Mouse, in an attempt to overtake Smallwood and JackFlash is a Gas, that Legge advanced Bet on Jessica up the rail. When Dowling moved back to the rail, he caused interference on Legge and Bet On Jessica who had advanced enough along the rail that Dowling did not have room to move back down to the rail.

DECISION OF THE APPEAL PANEL

The Appeal Panel felt that Dowling had enough room to return to the two-hole position along the rail and had done so in advance of the contact initiated by Legge. Therefore, by a majority decision, the Appeal is denied.

For the Appeal Panel



Mitch Murphy

Director of Racing