

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

Appeal Heard on March 11, 2026

BETWEEN: Corey MacPherson
MPHRC Licensee (24009)
APPELLANT

AND: Gary Devine
Associate Judge
RESPONDENT

PRESENT:

A panel consisting of Commissioners Glen Rankin (Chair), NS, Stefan DeCoursey, NB, Roger DesRoches, PEI, and Cam MacPhee, PEI convened to hear the appeal. As Chair, Mr. Rankin did not vote. Director of Racing, Derek Folland and Financial Officer and Administrative Assistant, Julie MacDonald appeared for the Commission Administration.

The Respondent and the Appellant represented themselves.

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

The Chair informed the appeal that the notice of intent to appeal (February 3, 2026) and the appeal form (February 4, 2026) were filed in the proper timelines and in the required form.

THE RESPONDENT:

Associate Racing Judge Devine testified that Corey MacPherson (24009), the driver of Red Land Peaches was found in violation of Standardbred Racing Rule 303 (1), (5), (9) by judges during race 6 on January 31st, 2026, at Red Shores Racetrack in Charlottetown.

Red Land Peaches , driven by Mr. MacPherson finished second but was placed sixth because of the violation. As this was the first interference violation during the race meet for Mr. MacPherson he had the option of a one day driving suspension or a \$100 fine.

Mr. MacPherson had his appeal hearing with the judges on February 3rd, 2026.

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

- (1) Change course or position, or swerve in or out, or bear in or out during any part of the race in such a manner to compel a horse to shorten its stride, or cause another driver to change course, take his or her horse back, or pull his or her horse out of its stride.
- (5) Crowd a horse or driver by “putting a wheel under them.”
- (9) Impede another horse or cause it to break from its gait.

The Respondent introduced into evidence race video showing pan and back tower views of the race. They were entered as exhibit 5 and exhibit 6 respectively.

The Respondent testified that track conditions were rated fast on a cool day with a temperature of minus 8 degrees.

The race video was used to look at the race going to the 7/8ths. The respondent described the racing as tight.

The respondent testified that Red Land Peaches driven by the appellant was advancing three wide around Psili Amos driven by Kenny Arsenault . Having cleared Psili Amos, Red Land

Peaches dropped into the two hole position without sufficient clearance as Havinfuninthesun driven by Myles Heffernan (senior), had moved into that space to advance on Windmereontheline, driven by Myles Heffernan (junior). The Respondent testified that the appellant came down and caused interference with Mr. Heffernan (senior), and thus the violation.

THE APPELLANT

The Appellant used the race video introduced into evidence by the respondent to argue his position.

The appellant testified that having cleared Psili Amos, driven by Kenny Arsenault, he had clearance to move from his three wide position down into a two wide position and that he did not cause interference with Mr. Heffernan (senior).

He further testified that Mr. Heffernan (senior) was sitting in the 1 and ½ position and that he simply waited too long to move Havinfuninthesun out to pass Windmereontheline, driven by Mr. Heffernan (junior). By the time he decided to move out, the space was occupied by Red Land Peaches driven by the appellant. The appellant testified that it was Mr. Heffernan (senior) who was responsible for causing Havinfuninthesun to break stride, as Havinfuninthesun hit the wheel of Windmereontheline before he caused interference with Red Land Peaches.

DECISION OF THE APPEAL PANEL

After a careful consideration of the evidence, the panel unanimously finds for the appellant and upholds the appeal. The panel concurs that Red Land Peaches had ample clearance to move into a two wide position having cleared Psili Amos, and when Myles Heffernan(senior) moved out to advance on Windmereontheline he had no room to do so and interfered with Red Land Peaches.

The Chair thanked both parties for their professional and respectful approach to the hearing.

For the Appeal Panel,



Derek Folland

Director of Racing - MPHRC