

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**V**

**MR LODEWIJKE E A DE SMET MRCVS**

**FINDINGS ON THE FACT**

The Committee has carefully considered all the evidence and the closing statements from both sides. After taking advice from the Legal Assessor there are three questions to be answered:

- 1) Did Mr De Smet hit his horse?
- 2) If so, how many times?
- 3) Was there any justification for Mr De Smet to hit his horse on any of those occasions?

In order to decide these issues, the Committee carefully examined the evidence given by Mrs Diane James and Mrs Karen Archer. They also compared this evidence with Mr De Smet's evidence to the Committee and that of his witnesses.

In Mrs Diane James's evidence, she said that she heard Mr De Smet 'shouting the F word repeatedly'. She stated that Mr De Smet pulled his horse's reins and leant over and swung a punch to the side of the horse's head, using his right clenched fist. She witnessed a single punch but his horse showed no reaction to this and did not seem distressed.

Mrs Karen Archer said in her evidence that she heard Mr De Smet 'shouting the F word repeatedly'. She said that she was about 30 feet away from Mr De Smet and he was making his way out of the ring, riding towards where she and her daughter were standing. She saw Mr De Smet 'hitting his horse repeatedly with his right fist, striking the horse just below its ear'.

The Committee notes that Mr De Smet accepts that he had lost his temper and had used the 'F' word repeatedly. He adamantly denies hitting his horse and states that he would never do such a thing. He never had any cause to do so. Mr De Smet stated that his horse had not behaved badly and that it had had a reasonably successful round in the relay race.

There is a direct conflict between the evidence given by both Mrs James and Mrs Archer and with the evidence given by Mr De Smet, since the latter said that he did not hit his horse. Although the evidence of Mrs James and Mrs Archer has differences, each experienced horsewoman was insistent that he did hit his horse. Their evidence gains support from consideration of where they were standing in relation to the position of Mr De Smet and his horse when the alleged incident took place.

By plotting this information on the agreed map, Exhibit 3, and taking into account the direction in which both ladies say they were looking, it is probable that they both witnessed these events – and were able to do so from their positions at more or less the same time.

The Committee preferred the evidence of Mrs James and Mrs Archer wherever and whenever it conflicted with the evidence of Mr De Smet and all of his witnesses.

The Committee is sure that Mr De Smet hit his horse on at least one occasion and that there was no justification for Mr De Smet's horse to be hit.

**DISCIPLINARY COMMITTEE**  
**28 FEBRUARY 2007**