



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 12 April 2012

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DANNY NIKOLIC**

Panel Judge Russell Lewis (Chair), Brian Forrest, Ron Taylor

Appearances Mr Darren Triandafillou appeared on behalf of the Stewards.
Mr Des O’Keefe appeared on behalf of Mr Nikolic.

At Mornington on Thursday, 26 April 2012, jockey Danny Nikolic was found guilty of a charge of careless riding on his mount *Arrised* in Race 1 the *Congratulations Pat Care Plate* (1220m).

The careless riding being that approaching the 200 metres he permitted his mount to shift in when not clear of *Hematite*, resulting in that gelding having to be checked.

Danny Nikolic had his licence to ride in races suspended for a period to commence at midnight on Saturday, 28 April 2012 and to expire at midnight on Sunday, 6 May 2012 - a total of 8 race meetings (1 metropolitan, 7 country).

In assessing the penalty, the Stewards took into account his recent good race riding record, the race conditions and the fact that his mount was having its first race start. In all of the circumstances Stewards viewed this to be in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 30 April 2012.

A stay of proceedings was granted effective until midnight Thursday, 3 May 2012.

DECISION: **Appeal against decision dismissed.**

Period of suspension to expire at midnight on Wednesday, 9 May 2012.

Tara Watson
Acting Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chairman
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE CONGRATULATIONS PAT CAREY
PLATE OVER 1220 METRES AT MORNINGTON ON 26/4/12**

JOCKEY: DANNY NIKOLIC

MELBOURNE

FRIDAY, 4 MAY 2012

MR D. TRIANDAFILLOU appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

CHAIRMAN: In this case, the Board has given considerable attention to Mr O'Keeffe's submission and to Mr Triandafillou's submission. In the end, the Board is of the view that Mark Zahra, in terms of causing Danny Nikolic's mount to move in, thereby causing his mount to move in on Moor, has not been made out by Mr O'Keeffe, not that he has the onus of disproving anything, but the Board is just not satisfied that Mark Zahra in any meaningful way had anything to do with the interference.

That being so, the Board is of the view that the charge of careless riding has been made out. Certainly the Board is of the view that it was in the low range, and the Stewards have taken various matters into account. In effect, so far as the Board understands it, the Appellant has had a discount of some 20 per cent, and the Stewards arrived at a total of eight meetings.

DISCUSSION

We are of the view that what the Stewards eventually came to was the appropriate decision. To interfere with the decision of the Stewards in all the circumstances of this case seems to the Board to be just tinkering and we are not in the tinkering game. In effect, the Appellant had three days in which he was able to ride at Warrnambool. Therefore, the suspension will now expire on Wednesday, 9 May 2012, at midnight.
