

APPEAL RESULT

DISTRIBUTION: Chief Executive
Group Integrity Services
Group Racing and Group Racing Development
VJA
TVN
Office of Racing
T Moxon – National Drug Register
Racing Press

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 16 December 2013

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: MARK ZAHRA**

Panel Judge Russell Lewis (Chair), Mr Darren McGee, Dr June Smith.

Appearances Mr Zahra appeared on his own behalf.
Mr Terry Bailey appeared on behalf of the Stewards.

At Caulfield on Wednesday 11 December 2013, jockey Mark Zahra was found guilty of a charge of careless riding on his mount *Synthetic (NZ)* in Race 4 *KS Environmental Group Plate* (1440m).

The careless riding being that passing the 300m he attempted to force a run between *Elrick* and *God's In Him*, when in the opinion of the Stewards there was not room to do so, which resulted in contact with the hindquarters of *God's In Him* which in turn forced *Synthetic (NZ)* onto the hindquarters of *Elrick* to his inside, and as a result *Synthetic (NZ)* had to be checked and almost fell, and *Elrick* then continued to shift out causing *God's In Him* to be hampered and *Dubonnet (NZ)* being checked.

M Zahra had his licence to ride in races suspended for a period to commence at the conclusion of the day meeting on Saturday, 14 December 2013 and to expire at midnight on Saturday, 28 December 2013 - a total of 16 race meetings (4 metropolitan, 12 provincial).

In assessing penalty Stewards took into account his recent riding record, which was two suspensions in the last five months, prior to which he was out for a considerable time due to injury and that the carelessness was in the high range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 12 December 2013.

A stay of proceedings was not requested.

DECISION: **Appeal dismissed. Penalty to remain standing.**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR D. McGEE
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE KS ENVIRONMENTAL GROUP PLATE
OVER 1440 METRES AT CAULFIELD ON 11/12/13**

JOCKEY: MARK ZAHRA

MELBOURNE

MONDAY, 16 DECEMBER 2013

MR T. BAILEY appeared on behalf of the RVL Stewards

MR M. ZAHRA appeared on his own behalf

CHAIRMAN: This is a case where, as they had just about made the home turn at Caulfield, the Appellant's mount was in a position where, to have any chance of winning, there was only one option for him and that was to try to get a run between Dwayne Dunn and Brad Rawiller.

It is obvious from seeing the film that he could not go to the outside of Dunn and have a winning chance. He could not go to the inside of Rawiller and have a winning chance. So when there was a slight gap between Dunn and Rawiller, that was the Appellant's only option.

The gap was not sufficiently wide in the Board's opinion to justify him attempting to take the run. He in fact not only attempted to force his way in but did force his way in. He was against two experienced competing jockeys and Mark Zahra, in the position in which he found himself, should have realised that it was fraught if he attempted to pursue his course between Dunn and Rawiller.

In the circumstances, the Board is of the opinion that he was careless and therefore the appeal against conviction is dismissed.
