

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 9 March 2016

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

Panel Judge Bowman (Chair).

Appearances Mr Taylor Wilson appeared on behalf of the stewards.
Mr Pegus appeared on his own behalf.

At Wangaratta on Sunday 6 March 2016, jockey Mark Pegus pleaded guilty to a charge of careless riding on his mount *Justiceforall* in Race 1 the *McGregor Machinery BM64 Handicap* (2000m).

The careless riding being that near the 400m he permitted *Justiceforall* to shift out when not sufficiently clear of *Top Rated* resulting in that gelding being hampered and having to be checked.

Mr Pegus had his licence to ride in races suspended for a period to commence at midnight on Sunday, 6 March 2016 and to expire at midnight on Tuesday, 15 March 2016 – a total of 11 race meetings (2 metro, 9 provincial).

In reaching penalty Stewards deemed the incident to be in the mid-range and took into account Mark Pegus' riding record and took into consideration the circumstances of the incident.

A Notice of Appeal against **the severity of the penalty** was lodged on Monday, 7 March 2016. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

Penalty varied so that the period of suspension expires at midnight on Sunday, 13 March 2016 (9 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE McGREGOR MACHINERY BM64
HANDICAP OVER 2000 METRES AT WANGARATTA ON 6/3/16**

JOCKEY: MARK PEGUS

MELBOURNE

WEDNESDAY, 9 MARCH 2016

MR T. WILSON appeared on behalf of the RVL Stewards

MR M. PEGUS appeared on his own behalf

CHAIRMAN: Mr Mark Pegus has pleaded guilty to a charge of careless riding, in that in race 1 at Wangaratta on 6 March 2016, near the 400-metre mark, he permitted his mount, Justiceforall, to shift out when not sufficiently clear of Top Rated, ridden by Jackie Beriman. The Stewards considered the incident to be in the mid-range of carelessness and having taken into account Mr Pegus's plea of guilty and other circumstances, imposed a penalty of suspension of 11 meetings. Mr Pegus now appeals against the severity of that penalty.

I have viewed the patrol video. In my opinion, Jackie Beriman is seen to sit up in the saddle, and I accept that her mount, Top Rated, was checked as a result of Mr Pegus's mount coming out from behind the two leading horses when he was not sufficiently clear of Jackie Beriman's mount which was on his outside. There was also some discussion of the role played by Ben Allen's mount, Lord Ore, which was in turn outside Top Rated. I am satisfied that Lord Ore simply held its line.

The interference occurred at the point of the turn into the straight. Mr Pegus's mount was third on the rails and at that stage of the race, it appeared to me to be travelling better than the other horses around it, that is, the two ahead, he being, as I say, third on the rails, and Jackie Beriman's mount.

However, there is no doubt that he shifted out in order to finish off the race when not sufficiently clear of Jackie Beriman's mount. I will put the distance at the time of his moving out at being not much more than a length.

I am not satisfied that the horse ridden by Damian Lane which was outside the leader contributed to the interference. Mr Pegus moved out and the incident occurred before there was any slight outward move by Damian Lane's mount.

In my opinion, the interference was somewhere in the blurred area between low range and mid-range. I am not in favour of tinkering with penalties but, as I say, this case appears to me to be in the grey area. After a discount for the early plea of guilty, I am of the view that the penalty should be similar to that which Mr Pegus received on 27 February 2015, namely, nine meetings for a mid-range offence. However, his record is beginning to be a problem and I would strongly advise him to take particular care in the future. The appeal is allowed and the penalty varied to a suspension of nine meetings.
