



**RACING APPEALS
AND
DISCIPLINARY BOARD**

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APPEAL DECISION

MARK PEGUS
and

RACING VICTORIA STEWARDS

Date of Hearing: 18 August 2016

Heard By: Judge Bowman (Chair).

Appearances: Mr Wade Hadley appeared on behalf of the stewards.
Mr Pegus appeared on his own behalf.

At Wangaratta on Monday 15 August 2016, jockey Mark Pegus was found guilty of a charge of careless riding on his mount *Hard Got* in Race 2 the *Tim McCurdy MP Maiden Plate* (1170m).

The careless riding being that approaching the 200m, after initially shifting out away from *River Pearl*, he continued to shift out when not sufficiently clear of *Always In Trouble* which had to be severely checked before bumping with the hind quarters of *Stolen Angel*.

Mark Pegus had his licence to ride in races suspended from midnight Monday 15 August 2016 until midnight Friday 26 August 2016 - a total of 11 Meetings (2 metro/9 provincial). In reaching penalty, Stewards viewed the incident to be in the mid-range and acknowledged that *River Pearl* had initially shifted out from his inside.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Wednesday, 17 August 2016. A stay of proceedings was not requested.

DECISION: Appeal against conviction dismissed.
Appeal against severity of penalty allowed.

Penalty varied so that the period of suspension will now expire at midnight on Wednesday, 24 August 2016 (9 race meetings.)

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE TIM McCURDY MP MAIDEN PLATE
OVER 1170 METRES AT WANGARATTA ON 15/8/16**

MARK PEGUS

and

RACING VICTORIA STEWARDS

400 EPSOM ROAD, FLEMINGTON

THURSDAY, 18 AUGUST 2016

MR M. PEGUS appeared on his own behalf

MR W. HADLEY appeared on behalf of the RVL Stewards

CHAIRMAN: In relation to penalty, the record of Mr Pegus is not particularly good. He has contested the matter, so it is not a plea of guilty situation. In relation to ranges, as I have said many times, the range of carelessness is assessed by the Stewards but the range is not the rule, though it is a very useful tool for the Stewards in ensuring consistency of penalty and so that jockeys know what to expect.

In the present case, the only discounting factors seem to me to be the contribution of Damian Lane's mount and the speed at which events occurred, although everything happens pretty quickly in a race.

On balance, I consider that whilst the interference was in the high range, the carelessness, if we apply the range concept, would be at the top of the low range because of the circumstances I have described. I am prepared to uphold the appeal in relation to penalty and vary the period of suspension to nine meetings which will expire midnight on Wednesday, 24 August next.
