



**Racing
Victoria**

Racing Appeals and Disciplinary Board
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APPEAL DECISION

NIKITA BERIMAN and RACING VICTORIA STEWARDS

Date of Hearing: 26 September 2018

Heard By: Judge John Bowman (Chair)

Appearances: Peter Ryan appeared on behalf of the Stewards
Matt Hyland appeared on behalf of Nikita Beriman

At Tatura on 22 September, rider Nikita Beriman was found guilty of careless riding on her mount *Powersati* in Race 9 the ASKIN Performance Panels 0-58 handicap (1450m).

The careless riding being that approaching the 400m she permitted her mount to shift out when not sufficiently clear of *Rare Air* thereby tightening that mare out onto Rule of Three. As a result, *Rare Air* was checked and lost its rightful running.

Nikita Beriman's licence to ride in races was suspended for a period to commence at midnight 28 September 2018 and to expire at midnight 9 October 2018. (12 meetings, 4 metropolitan & 8 provincial).

In assessing penalty Stewards deemed the incident to be in the mid-range and took into account her record.

A Notice of Appeal against the decision and severity of the penalty imposed was lodged on 24 September 2018.

A stay of proceedings was not requested.

DECISION: Appeal allowed and charge dismissed

Grace Gugliandolo
Registrar
Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

NIKITA BERIMAN

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

WEDNESDAY, 26 SEPTEMBER 2018

MR P. RYAN appeared on behalf of the RVL Stewards

MR M. HYLAND appeared on behalf of Ms N. Beriman

CHAIRMAN: Ms Nikita Beriman, you have been charged with careless riding, in that in race 9 over 1450 metres at Tatura on 22 September last, approaching the 400-metre mark and the home turn, you permitted your mount, Powersati, to shift out when not sufficiently clear of Rare Air, ridden by Racha Cuneen, thereby tightening Rare Air onto Rule of Three, ridden by Chelsea MacFarlane. It is alleged that because of this, Rare Air was checked and lost its rightful running. Another horse referred to is Aedesia, ridden by Jason Benbow, which had been ahead of your mount. You pleaded not guilty. The Stewards found the charge proven and suspended you for 12 meetings. You are appealing against both the decision and the severity of the penalty.

I have viewed the video of the race and particularly the relevant part.

However, it must be said that the available vision is very limited. There is no head-on vision and obviously no home-turn camera facility. Given that this was a Saturday TAB meeting, the Stewards, the jockeys and all concerned are entitled to expect better vision than that which was available. I hasten to add that this is absolutely no criticism of the Stewards. They can only work in the facilities that are made available to them.

Another thing I would say at the outset is that one thing that is clear and not disputed is that there was very noticeable interference on what is quite a tight corner to Racha Cuneen's horse. It was under pressure at the time, but it was clearly sandwiched between your horse and Chelsea MacFarlane's horse. At the relevant time you were running or had moved to a position one off the rails, moving around Jason Benbow's mount. Chelsea MacFarlane's mount was on

the outside of Racha Cuneen's mount and he became the meat in the sandwich between you and Ms MacFarlane.

The interference caused to Racha Cuneen was clearly of sufficient magnitude to be described as being in the mid-range. The case against you has been made out and the penalty imposed is, on the face of it, appropriate for the mid-range.

The real question is what caused the interference. You were certain that there was a run, albeit neat, to the outside of Jason Benbow and inside Racha Cuneen. You say that after you moved into the gap between them, Jason Benbow's mount, when taking the corner, moved a half-horse or so out off its line and forced you onto Racha Cuneen who had Chelsea MacFarlane on his outside.

All we have to work with is markedly inadequate vision and the post-race interviews. Apparently there was no steward in the tower and Jason Benbow was not interviewed. Indeed there were problems with the vision when it was attempted to be shown after the race.

Doing the best that I can with what is available, I cannot be comfortably satisfied that this charge has been made out. The limited vision is certainly far from conclusive. The impression which I got from it is that you had moved off the rails before the interference and that Jason Benbow's horse did not hug the rails as it cornered. All that Racha Cuneen was able to say was that the pressure came from his inside, although Chelsea MacFarlane may have rolled

in half a horse. However, the real pressure came from the inside.

I cannot be comfortably satisfied that your version of events is incorrect. There is really little to contradict it, save possibly for the vision, but the vision is far from conclusive and in my view, if anything, tends to support your version of events that you had moved one off the rails and then Jason Benbow's mount forced you onto Racha Cuneen.

I repeat that this finding is in no way a criticism of the Stewards. They can only work with the tools with which they are provided. In any event, the appeal is allowed and the charge dismissed.
