

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 8 April 2015

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

Heard By Judge Russell Lewis (Chair).

Appearances Mr Des O’Keeffe appeared on behalf of Mr Zahra.
Mr Brett Wright appeared on behalf of the stewards.

At Mornington on Sunday 5 April 2015, jockey Mark Zahra pleaded guilty to a charge of careless riding on his mount *Chalk It Up* in Race 3 the *Perco Australia Plate* (1200m.)

The careless riding being that approaching the 250m he permitted his mount out to shift out from behind *Jenni In A Bottle* resulting in *Patsy* being carried out and making contact with *Cancun Dancer*, which was in turn carried out into the running of *Uber Elite*, which blundered after contacting the hind legs of *Cancun Dancer*.

Mr Zahra had his licence to ride in races suspended for a period to commence at midnight on Monday, 6 April 2015 and to expire at midnight on Monday, 20 April 2015 – a total of 16 race meetings (3 metro, 13 provincial.)

In assessing penalty Stewards took into account Mark Zahra’s guilty plea and assessed the incident to be in the high range

A Notice of Appeal against **the severity of the penalty** was lodged on Tuesday, 7 April 2015. 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

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE PERCO AUSTRALIA PLATE
OVER 1200 METRES AT MORNINGTON ON 5/4/15**

JOCKEY: MARK ZAHRA

MELBOURNE

WEDNESDAY, 8 APRIL 2015

MR B. WRIGHT appeared on behalf of the RVL Stewards

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

CHAIRMAN: This is a classic case of a low-level act of carelessness resulting in a chain reaction involving three other horses and their riders. Obviously it is impossible to predict the consequences of or the sequence of events which might flow from the initial act of carelessness.

In this case, the cause of what then ensued was Mark Zahra shifting ground when it was not safe to do so. Importantly, it was at a crucial stage of the race. The safety of other riders and their mounts is paramount.

In the vast majority of cases of this type, the act of carelessness would only involve inconveniencing one horse and, accordingly, a low-range penalty would be appropriate. That said, the consequences of the low-level act of carelessness cannot be ignored. In this case, Juana Andreou was fortunate not to be dislodged from her mount. Of course, had that occurred, the penalty imposed by the Stewards would have been significantly higher.

In determining whether the penalty imposed by the Stewards was appropriate, the Board takes into account all relevant factors, including the point of the race where the act of carelessness took place, the extent to which the Appellant's riding departed from the standard of care of a reasonably experienced rider, the immediate effect of the act of carelessness and the totality of the sequence of events which flowed from the initial act of carelessness. The Board also takes into account the riding record of the Appellant which in this case, save for two suspensions this year, is excellent. However, the Board is not minded to accept Mr O'Keeffe's submission on this point.

In the Board's opinion, the penalty imposed by the Stewards, although significant, was not outside the range of penalties reasonably open to them and, accordingly, the Board has no option but to dismiss the appeal.
