

## APPEAL RESULT

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**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:** 21 August 2013

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

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**Panel** Judge Russell Lewis (Chair), Mr Jeremy Rosenthal, Dr June Smith.

**Appearances** Mr Zahra appeared on his own behalf.  
Mr Sam Shinsky appeared on behalf of the Stewards.

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At Pakenham on Sunday 18 August 2013, jockey Mark Zahra was found guilty of a charge of careless riding on his mount *Monet Shot* in Race 4 the *Kingston Trophies Maiden Plate* (1300m).

The careless riding being that near the 1000m he permitted his mount to shift in when not sufficiently clear of *Seattleite*, resulting in *Seattleite* and *Bouledogue* being tightened for room and hampered.

Mark Zahra had his licence to ride in races suspended for a period to commence at midnight on Tuesday, 20 August 2013 and to expire at midnight on Sunday, 1 September 2013 – a total of 12 race meetings (4 metro, 8 provincial).

In assessing penalty Stewards took into account M Zahra's race riding record and that the incident was in the mid-range category and the degree of interference.

A Notice of Appeal against the severity of the penalty was lodged on Monday, 18 August 2013. This was amended to include an appeal against conviction on Tuesday, 19 August 2013.

A stay of proceedings was not requested.

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**DECISION:** **Appeal against decision dismissed.**  
**Appeal against severity of penalty allowed.**

**Penalty varied – the period of suspension to now expire at midnight on Tuesday, 27 August 2013 (7 race meetings).**

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

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

## **EXTRACT OF PROCEEDINGS**

## **DECISION**

**IN THE MATTER OF THE KINGSTON TROPHIES  
MAIDEN PLATE OVER 1300 METRES AT PAKENHAM ON 18/8/13**

**JOCKEY: MARK ZAHRA**

**MELBOURNE**

**WEDNESDAY, 21 AUGUST 2013**

MR S. SHINSKY appeared on behalf of the RVL Stewards

MR M. ZAHRA appeared on his own behalf

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CHAIRMAN: Mark Zahra is an experienced rider who, in crossing Patrick Moloney's mount, made an error of judgment and, as a result, caused tightening to Moloney's mount, with the result that Callow's mount was hampered. However, having said that, the Board is of the view that the consequences of Zahra's actions were minimal.

However, the Board is of the view that the degree of carelessness was established to be in the low range but in the lower registers of the low range. In coming to that view, the Board disagrees with the Stewards' characterisation of the carelessness as being in the mid range. Nevertheless, the ultimate view is that Zahra was careless and the appeal against conviction is therefore dismissed.

In all the circumstances, the Board is of the opinion that the appeal against penalty should be varied so that the period of suspension will expire at midnight on Tuesday, 27 August 2013.

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