



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 26 April 2013

SUBJECT: **APPEAL HEARING RESULT: JOCKEY – NIKITA MCLEAN**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Dr June Smith.

Appearances Mr Patrick Wheelahan appeared as Counsel for Ms McLean.
Mr Tony Burns, instructed by Racing Victoria's James Ogilvy, appeared as Counsel for the Stewards.

At a Stewards inquiry on Thursday 18 April 2013, jockey Nikita McLean pleaded guilty to a charge under AR 83(a) for misconduct and a charge under AR 175(p) for failing to comply with any order, direction or requirement of the Stewards.

The charges relating to an incident between Ms McLean and apprentice jockey Jackie Beriman at Hamilton racecourse on Sunday, 14 April 2013.

The particulars being that Ms McLean physically assaulted Ms Beriman at the entrance to the female jockeys' room prior to the running of Race 6 and that Ms McLean failed and/or refused to comply with a direction from Deputy Steward, Sam Cochrane, to attend the Stewards' Room prior to the running of Race 6.

Ms McLean's licence to ride in races was suspended for 5 months in relation to the breach of AR 83(a) and suspended for one month in relation to the breach of AR 175(p) with the suspensions to be served concurrently commencing at midnight on Sunday, 14 April 2013 and expiring at midnight on Saturday, 14 September 2013.

A Notice of Appeal against **the severity of the penalty** for both charges was lodged on Friday, 19 April 2013. A stay of proceedings was not requested.

DECISION:

Charge 1:

Appeal dismissed

Charge 2:

Appeal allowed. Period of suspension is varied to expire at midnight on 30 June 2013.

Period of suspension of one month to be served concurrently with period of suspension imposed on charge 2.

Tara Watson

Acting Registrar - Racing Appeals & Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chairman
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

JOCKEY: NIKITA McLEAN

MELBOURNE

FRIDAY, 26 APRIL 2013

MR A. BURNS appeared on behalf of the RVL Stewards

MR P. WHEELAHAN appeared on behalf of the Appellant

CHAIRMAN: In the Board's opinion, the Stewards did not give sufficient weight to the Appellant's mental and emotional state. The Board takes into account the Appellant's plea of guilty, as did the Stewards, and given the circumstances of this case, the Board is of the opinion that the Stewards placed too much emphasis on the Appellant's prior conviction, the circumstances of which were far different from those of the present case.

On the question of whether the Appellant is likely to reoffend, the Board goes no further than to say that it accepts psychological evidence that the Appellant has reasonable prospects of rehabilitation.

In the end, the Appellant's career is in her own hands. What happens from here on is up to her. Should she reoffend, her future as a jockey is in jeopardy.

The decision of the Board is that in relation to charge 1, the appeal is dismissed. In relation to charge 2, the appeal is allowed, and the period of suspension is varied to expire at midnight on 30 June 2013. The period of suspension imposed in relation to charge 1 is to be served concurrently with the penalty on charge 2.
