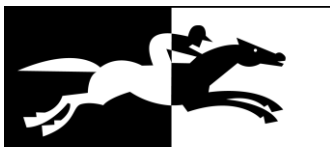


RACING VICTORIA LIMITED
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RACING APPEALS AND
DISCIPLINARY BOARD



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APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 6 January 2010

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

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy Chair), Mr Bill Kneebone

Appearances Mr Stephen Coombes, Senior Stipendiary Steward, appeared on behalf of the Stewards.
Ms Beriman appeared on her own behalf, assisted by Mr Des O'Keeffe.

At Bendigo on Monday, 28 December 2009 jockey Nikita Beriman was found guilty of a charge of careless riding on her mount *Silent Lightning* in Race 4 the *Pura Milk Country Showcase 0-62 Handicap* (1300m).

The careless riding being that near the 300 metres she permitted her mount to shift out when not sufficiently clear of *Exclusive Choice*, which resulted in that gelding having to be checked. Stewards deemed the interference to be in the mid range.

Ms Beriman had her licence to ride in races suspended for a period to commence at midnight Tuesday, 29 December 2009 and to expire midnight Sunday, 10 January 2010 a total of 14 meetings, (5 metropolitan, 9 country).

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Wednesday, 30 December 2009.

A stay of proceedings was granted effective until midnight Tuesday, 5 January 2010.

A late application to withdraw the appeal against decision was accepted by the Board.

DECISION: **Appeal allowed.**
Penalty varied – suspension to expire at midnight Friday, 15 January 2010.

Georgie Curtis
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
MR B. KNIGHTS**

EXTRACT OF PROCEEDINGS

DECISION

JOCKEY: NIKITA BERIMAN

MELBOURNE

WEDNESDAY, 6 JANUARY 2010

MR S. COOMBES appeared on behalf of the Stewards

MS N. BERIMAN appeared on her own behalf, assisted by MR D. O'KEEFFE

CHAIRMAN: In this case, it has been admitted by Mr O'Keeffe, who appears on behalf of Ms Beriman, that there was carelessness involved and the appeal only proceeded on the question of the severity of the penalty.

Early in the piece, the Board was of the view that the side-on shot may have been inconclusive, but having seen the rear-on shot, the picture became more clear. Having said that, the shot does show that Ms Beriman did look before she commenced her shift. That has convinced the Board that the fact that she looked before she shifted should not attract the maximum penalty in the medium range of carelessness.

The experience of the Board is, on the vast majority of cases where maximum for medium range is awarded, that a jockey has not taken proper care and had a look, so we think that is a factor which is taken into account. That said, it is clearly in the medium range of carelessness, but we do not think the maximum penalty should be applied.

In all the circumstances, we will vary the penalty so that the period of suspension will expire at midnight on Friday the 15th. We might say that the computation of the stewards, five metro meetings and nine, extended over 12 days, and when you look at 12 days now, the computation of the metro five, country 10 - so that there would have been adjustment had she not succeeded in any event - but having regard to what I have said, we have in effect shaved two days off the 12, so it expires Friday the 15th.

END OF EXTRACT