



## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
VJA  
TVN  
Office of Racing  
C Polglase – Racing NSW  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 2 March 2011

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

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**Panel** Judge Russell Lewis (Chair), Mr Joshua Bornstein, Mr Bill Kneebone.

**Appearances** Mr Flaherty appeared on his own behalf.  
Mr Corie Waller appeared on behalf of the Stewards.

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At Sale on Friday 25 February 2011, jockey Mark Flaherty was found guilty of a charge of careless riding on his mount *Tycoon Express* in Race 9 the *Custom Printers 0-62 Handicap* (1208m).

The careless riding being that near the 1000 metres he permitted his mount to shift in when not sufficiently clear of *Perlight* resulting in that mare having to be restrained to avoid *Tycoon Express*' heels and losing its position.

Mark Flaherty had his licence to ride in races suspended for a period to commence at midnight on Monday, 28 February 2011 and to expire at midnight on Monday, 7 March 2011 - a total of 8 race meetings (3 metropolitan, 5 country). In assessing penalty Stewards took into account Mark Flaherty's excellent race riding record and the carelessness being in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 28 February 2011. A stay of proceedings was not requested.

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**DECISION:** **Appeal dismissed. Penalty to remain standing.**

**Georgie Curtis**  
Registrar - Racing Appeals & Disciplinary Board

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR J. BORNSTEIN  
MR W. KNEEBONE**

### **EXTRACT OF PROCEEDINGS**

#### **DECISION**

**IN THE MATTER OF THE CUSTOM PRINTERS 0-62 HANDICAP  
OVER 1208 METRES AT SALE ON 25/2/11**

**JOCKEY: MARK FLAHERTY**

**MELBOURNE**

**WEDNESDAY, 2 MARCH 2011**

MR C. WALLER appeared on behalf of the RVL Stewards

MR M. FLAHERTY appeared on his own behalf

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CHAIRMAN: In this appeal, the Board has had regard of course to the videos, the passages of transcript and the submissions of both the Stewards and Mr Flaherty. The Board is of the opinion that Mark Flaherty was the sole cause of the interference. The Board rejects his argument that Omar Ay contributed towards the interference. The penalty imposed by the Stewards was well open to them and the Board is not of the view that it should be varied. Accordingly, the appeal against conviction and penalty is dismissed.

**END OF EXTRACT**