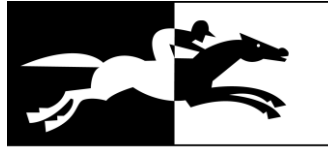


RACING VICTORIA LIMITED  
ACN 096 917 930

RACING APPEALS AND  
DISCIPLINARY BOARD



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## HEARING RESULT

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**Distribution:** Chief Executive  
Group Integrity Services, Group Racing  
Group Racing Development  
Credit Controller  
ATA  
TVN  
Office of Racing  
S. Carvosso – Racing NSW  
Racing Press

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

**DATE:** 11 September 2009

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

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**Panel** Judge Russell Lewis, Mr Stephen Curtain, Mr Bill Kneebone

**Appearances** Mr Dayle Brown appeared on behalf of the RVL Stewards.  
Mr Patrick Wheelahan appeared on behalf of Ms Beriman.

**Charge** Breach of AR 175(q) – [misconduct].

The charge relating to an incident that occurred subsequent to the running of Race 6 the *Moama Bowling Club 0-62 Handicap* at Echuca on Monday 24 August 2009.

**Plea** Guilty

**Decision** Convicted and suspended for a period of 2 months, with the period of suspension to expire at midnight on Tuesday 10 November 2009.

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

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR S. CURTAIN  
MR B. KNEEBONE**

### **EXTRACT OF PROCEEDINGS**

**JOCKEY: NIKITA BERIMAN**

### **DECISION**

**MELBOURNE**

**FRIDAY, 11 SEPTEMBER 2009**

MR D. BROWN appeared on behalf of the Stewards

MR P. WHEELAHAN appeared on behalf of Ms N. Beriman

CHAIRMAN: In this matter, Ms Nikita Beriman has pleaded guilty to a charge laid under Australian Rule of Racing 175(q) which reads as follows:

*The Committee of any Club or the Stewards may penalise: (q) any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.*

The particulars of the charge are that Ms Beriman was at all relevant times a licensed jockey; that on 24 August 2009, she rode Lazy Dynamite in the 0-62 Handicap at Echuca and (3) that she engaged in misconduct when subsequent to the running of race 6, she pushed and then struck Stacey Rawiller on three occasions to the head with a clenched fist.

Mr Dayle Brown appeared on behalf of the stewards and Mr Patrick Wheelahan appeared on behalf of Ms Beriman. The Board was provided with a statement of agreed facts in relation to the incident.

Mr Wheelahan has raised several matters by way of mitigation in his submissions. The Board takes into account the plea of guilty by Ms Beriman and the fact that she has no relevant prior convictions.

The Board accepts that Ms Beriman is a person of good character but of course good character cannot alter proven facts. The Board is satisfied that Ms Beriman was entitled to respond when Ms Rawiller threw her gear, including her whip, at her, but her response in punching Ms Rawiller

three times to the side of the head was totally unreasonable and quite disproportionate in terms of any response.

Shortly stated, Ms Beriman was the aggressor throughout. She initiated the incident by verbally abusing Ms Rawiller. She also, prior to punching Ms Rawiller, assaulted her by pushing her. In short, Ms Beriman assaulted Ms Rawiller without justification.

In the Board's opinion, the only appropriate penalty is a period of suspension. Much has been spoken of Ms Beriman's professionalism. However, professionalism carries with it responsibility and on this occasion, Ms Beriman's behaviour fell well short of what should be expected.

The principle of general deterrence is an important sentencing consideration. In the Board's opinion, it is beyond argument that behaviour of this kind deserves a penalty which will act as a deterrent to those who may be tempted to settle their race-day grievances by engaging in violent conduct.

In all the circumstances of the case, the Board suspends Ms Beriman for a period of two months to expire at midnight on 10 November 2009.

**END OF EXTRACT**