

of the penalty imposed. He represented himself at the appeal hearing, while the Stewards were represented by Stipendiary Steward Mr T Moxon. An appeal book was tendered that contained the transcript of the Stewards' Inquiry into the race (Ex. A), as was film of the race (Ex. B).

4. Mr Moxon took the Panel through the evidence of the Stewards' Inquiry, and then through the film of the race. He submitted that the film clearly showed that the appellant stopped riding his horse perhaps 25 metres from the line, costing it a win.
5. Mr Lisnyy raised these two matters as to why the appeal should be allowed:
 - (a) First, he said down the straight and until the end of the race he had a concern about a horse to his inside – *Kallie*, ridden by Ms A Roper; and
 - (b) Secondly, he rode his horse with as much vigour as he could in the concluding stages, bearing in mind he was attempting to ensure his mount ran straight, and did not potentially interfere with Ms Roper's mount.
6. The film of the race offers no support for the appellant's submissions. His horse ran almost gun-barrel straight for the last 200 metres of the race. If it deviated, it might have been by a third of a horse. Further, for much of the straight the appellant was able to ride his mount with use of the whip. As to a safety concern with *Kallie*, that horse was burnt off by the appellant's mount passing the 200-metre mark, and finished three- and three-quarter lengths behind the appellant's horse. The film shows the appellant stops riding in the last twenty or thirty metres.
7. Based on the film, and the evidence from the Inquiry, the Panel is more than comfortably satisfied that:
 - (a) The appellant stopped riding his mount in the last twenty or thirty metres due to an error in judgment or lapse of concentration;
 - (b) That error or lapse cost his mount a win.
8. Accordingly, the appeal against breach is dismissed.

9. As to penalty, the aggravating factors are that a horse that should have won finished second in the race. This cost the connections about \$4000, and it cost punters a full dividend on the winner. As a quirk, it might have saved “win only” punters of the horse that should have finished second some money.

10. The appellant has a relatively good record, and we are mindful of the financial cost that comes with any suspension. The two-week penalty imposed by the Stewards however is appropriate in the circumstances, and consistent with prior penalties for like offending under this Rule. The appeal against severity of penalty is also dismissed.

11. The orders of the Panel are:
 1. Appeal against finding of breach of AR 131(b) dismissed.
 2. Finding of breach of AR 131(b) confirmed.
 3. Appeal against severity of penalty dismissed.
 4. Two weeks suspension of the appellant’s licence to ride in races confirmed. That suspension commenced on Tuesday 27 September 2022, and expires on Tuesday 11 October 2022, on which day the appellant may resume riding in races.
 5. Appeal deposit forfeited.