

## **RACING NEW SOUTH WALES APPEAL PANEL**

### **IN THE MATTER OF THE APPEAL OF SERG LISNY**

Appeal Panel: **Mr R Beasley SC – Principal Member**  
**Mr K Langby**  
**Mr C Tuck**

Appearances: **Racing NSW: T McDonald, Chairman of Stewards for Meeting at Gosford on 24 November 2018**  
**Appellant: Himself**

Date of Hearing: **3 December 2018**

Date of Reasons **3 December 2018**

#### **REASONS FOR DECISION**

1. On 24 November 2018, the appellant, licenced jockey Mr Serg Lisnyy, rode the racehorse *Mo the Great* in race 7 at the race-meeting at Gosford that day, over 1600m.
2. Following the race, the rider of Arrows Destiny, which past the post fourth, lodged a protest against *Mo the Great*, which past the post 3<sup>rd</sup>, a short head in front of Arrows Destiny. The Protest was upheld, and the placings reversed. Stewards then conducted an inquiry, and charged Mr Lisnyy with careless riding in breach of AR 137(a). The particulars of the offence were that Mr Lisnyy:

*“...leaving the 200m permitted [his] mount to shift out when insufficiently clear of Arrows Destiny, which had to be eased and lost its rightful running.”*

3. Mr Lisnyy pleaded not guilty, but was found to have breached the rule. His carelessness was graded as “medium”, with a consequence of “checked/lost rightful

running". On the application of the careless riding penalty guidelines, he was penalised with a 7-meeting suspension.

4. On appeal, the Stewards were represented by Mr T McDonald, the Chairman of Stewards for the race meeting. Mr Lisnyy represented himself.
5. The appeal book was tendered and marked as Exhibit A, and the film of the race, taken from multiple angles, was Exhibit B. Mr Lisnyy also explained his ride, with the use of the film.
6. Mr McDonald said that the film established that at about the 200m, Arrows Destiny had established a run to the outside of Mo the Great, with First Courier wider still. It was a neat run, but it was there. When Arrows Destiny was taking that run, Mr Lisnyy allowed Mo the Great to shift out about a horse when it was only just a length clear of Arrows Destiny. This action caused Arrows Destiny's rider to have to grab his horse, and it lost momentum – see the evidence of its rider Mr B Owen at T2 L 57-65. Arrows Destiny also lost its rightful running.
7. Mr Lisnyy's defence was that he said Arrows Destiny had never established a run to his outside. He said at most his horse shifted out half a horse, maybe a bit more. He therefore contended he was not guilty of breach of the careless riding rule.
8. The Panel has seen the film of the race several times. We consider the particulars of the charge are established. At about the 200m Mr Lisnyy's horse shifts out at least a horse, and he makes no obvious attempt to straighten his mount. This occurred when he was about 3/4 to a length clear of Arrows Destiny, who was shifted off the running it was entitled to. That horse was grabbed or checked, and lost its rightful running. The Panel is comfortably satisfied that breach of the rule has been established.
9. Mr Lisnyy submitted that if he was found to have breached AR 137(a), his carelessness should be graded as low, with a consequence of hampering. We do not agree. We consider that Arrows Destiny lost its momentum and lost its rightful

running, and that the carelessness was medium. We would apply the penalty guideline, and impose a 7-meeting suspension.

10. The Panel makes the following orders:

1. Appeal against finding of breach of AR 137(a) dismissed.
2. Breach of AR 137(a) confirmed.
3. Appeal against severity of penalty dismissed.
4. Penalty of a 7-meeting suspension confirmed, such suspension commencing on 2 December 2018, and expiring on 15 December 2018, on which day the appellant may ride.
5. Appeal deposit forfeited.