



## APPEAL OF MARK HOROBIN V STEWARDS - ARR 137(a)

### Reason for Decision (Delivered 23/11/09)

On 7 November 2009 Stewards found jockey Mark Horobin guilty of a breach of AR 137 (a). The rule deals with careless, reckless, improper, incompetent or foul riding.

The charge related to his actions when riding "Inshiever" in the 0-62 Handicap over 1400 metres at Alice Springs earlier that day.

According to the Steward's report:

"Subsequent to this event M.Horobin rider of ISHIVER was found guilty of a charge under AR137 (a) for carless riding.

The careless rising being that shortly after jumping he permitted his mount to shift in when not sufficiently clear of LYRIKING (S.Sheargold) causing that rider to take hold and FLORALJET (P.Johnson) to ease and continued to shift in to the first turn tightening ROYAL BOND (C.Moon) onto SURVIVED (B.Carlle.)

As a result SURVIVED had to be checked and lost considerable ground.

M.Horobin was suspended from riding in races for a period to commence at midnight 7th of November and to expire at midnight on Saturday 21st November ( 2 meetings).

Jockey Horobin did not contest the finding of guilt. His appeal was confined to penalty. He was granted a stay. His grounds of appeal were stated thus: "I have had a good record since being in the Northern Territory and trying to do everything right."

We observed the video film of the race. Jockey Horobin and chairman of stewards Lindsay Lane both made oral submissions. Jockey Horobin submitted that the interference to "LYRIKING" was not serious. He conceded that he could have made more effort to avoid tightening "ROYAL BOND" but said no contact was made. He said jockeys Moon and Carlle (SURVIVED) made the incident appear worse than it really was. They could have reacted better by holding their ground. Jockey Horobin explained that the first turn came upon him quicker than expected. He has been licensed to ride for about 6 months in the Northern Territory and has never been reprimanded or charged. He tries to ride safely and regards himself as a safe rider.

Mr Lane submitted that it was a medium range offence warranting the standard penalty of 2 meetings.

We came to the view that the stewards report contained an accurate account of the facts and their decision was correct. There was substantial interference, as it appeared to us, resulting in significant risk to the of "ROYAL BOND" and in turn "SURVIVED". Regardless of whether the riders of those horses overreacted, it was a jockeys primary responsibility to ensure that there is adequate room (2 lengths is normally regarded as a reasonable guideline) before crossing ahead of another horse. Jockey Horobin failed in this respect although we accept the impact on the other horses was worse than he genuinely anticipated. He presented his case clearly and we were not without sympathy for him. We felt it was reasonable to refund the deposit.

Accordingly, the appeal is dismissed and the deposit refunded.

Dated: 24 March 2010

John Stewart

Chairman