

**GREYHOUND AND HARNESS RACING APPEALS TRIBUNAL
NEW SOUTH WALES**

TRIBUNAL: JUDGE B. R. THORLEY

**ASSESSORS: MR K. RUSSELL
MR J. SCHRECK**

APPEAL OF MR PAUL SAPIO

DECISION

This is an appeal by driver Paul Sapio against the severity of a six weeks suspension imposed for a breach of Rule 149(1) following upon an inquiry into the tactics adopted by him whilst in charge of Arctic Ice in the third race at Penrith on 3 April 2008.

Before the stewards the Appellant pleaded guilty to that charge, a plea which he has maintained in front of us here at the Tribunal. Indeed, not only has he so pleaded guilty, he forthrightly acknowledges that his drive was deficient and that indeed he would expect some measure of punishment for it.

The facts which were at stake are adequately described in the transcript of the stewards inquiry. We have also viewed the video of the race in question, and it confirms that description. It simply is that the Appellant endeavoured at the outset to follow his driving instructions to achieve a position of advantage towards the front of the field, if he could. He was, however, unable to achieve those instructions notwithstanding that he drove the horse out a considerable distance, at a good rate of speed, mostly four wide in the field, and more latterly three wide, until the point was reached when his horse had quite clearly expended all energy available to it, and it dropped back quite quickly and finished a very poor last.

This finishing position in the field perhaps was not so unexpected, since it was very much an outside horse in the betting. Nonetheless, whatever chance this horse had of achieving some position in the field was certainly not advantaged by the driving tactics which were adopted. The obligation under Rule 149(1) is firmly cast upon the driver. The driving instructions that he got are relevant, and

serve to explain at least what may have happened in the early stages of the race, but they do not serve to justify the tactics which were adopted thereafter. He was properly charged, and properly found guilty, as has been acknowledged by the Appellant himself.

The Appellant has been a driver for something like forty years, and whilst his record demonstrates appearances before the stewards, by the standards of others he does not frequently offend. His plea of guilty and his forthright behaviour in front of the stewards and this Tribunal deserve recognition. This recognition was, however, accorded to him by the stewards in their assessment of the period of six weeks. We find no error in this approach, and we do not think we would be justified in interfering.

The appeal then is dismissed and the period of six weeks suspension is confirmed.

The Appellant does seek that that period date from a future date to enable him to fulfil other racing engagements. We are not disposed to grant this. The sooner the nettle is seized, the better. It will date from today.

The Appellant's appeal deposit is forfeit.

B. R. Thorley, Judge
28 May 2008