

RACING NEW SOUTH WALES

APPEAL PANEL

9 January 2014

MR J HIATT OAM — Chairman
MR J FLETCHER
MR T CARLTON

IN THE MATTER OF THE APPEAL OF
BLAKE SHINN

REASONS FOR DECISION

CHAIRMAN: This is an Appeal by Licensed Jockey Blake Shinn (hereinafter called the Appellant) against a conviction for a breach of AR 137(a) made by Stewards at Royal Randwick on 1 January 2014. The appellant's licence to ride in races was suspended for seven race meetings to commence on 5 January 2014 and to expire on 23 January 2014 on which day he may ride. The appellant was granted a stay of proceedings pending the hearing of this appeal.

The particulars of the charge of careless riding are that the Appellant was the rider of Takewing near the 250 metres in Race 2 the Three –Year- Old Maiden Handicap at Royal Randwick on 1 January 2014.

It is charged that the Appellant did direct his mount out to the outside of the heels of Ship Harbour and in so doing , his mount came in solid contact on two occasions with Millars Crossing, resulting in that runner being badly hampered and taken out, causing Steam machine to be inconvenienced.

This appeal is a re-hearing on the question of conviction. The Stewards are represented by Mr Ray Murrhly Chairman of Stewards and the appellant is unrepresented.

The Panel has considered the evidence and the submissions made on the question of conviction.

The video evidence is very strong as to what occurred in respect of the Appellant's riding. The appellant had originally raced one-off the fence on straightening and he shifted back behind Ship Harbour.

At a time when he was close on the heels of Ship harbour he made a decision to come out when on his own evidence (confirmed by the video) there was insufficient room for a run.

The evidence of the Appellant is "there was no room: I had to shift and make contact".

The evidence is that in fact he did so by making heavy contact with the horse to his outside Millars Crossing ridden by Brent Avdulla. This is referred to as the first bump in the evidence.

The Appellant asserts after the first bump he had then established a run between Ship Harbour and Millars Crossing which he was entitled to take.

The Panel on a consideration of all the evidence is reasonably satisfied the Appellant had not after the first bump created a clear run. He kept riding when there was not sufficiently clear running and caused the second contact with Millars Crossing which became badly unbalanced and was taken out towards Steam Machine. There was bad buffeting caused to Millars Crossing in the incident.

The Panel is satisfied the Appellant took the risk of making the run and is liable for the consequences of the interference caused. The Panel is not satisfied that Jockey Avdulla has contributed as asserted by the Appellant.

The Panel is reasonably satisfied that the Appellant is guilty of careless riding.

The Appeal on Conviction is dismissed.

The Panel has considered the evidence and submissions on the question of penalty. The Panel particularly has regard to the circumstances and the nature of the interference. The record of the Appellant is not one that the Appellant can take comfort from however the Panel does point out that if risks are taken as set out in this case there is danger involved and a need that those who take the risk must also accept the consequences. There is a duty of care to all other riders which has to be taken into account by the Panel.

The Panel is of the opinion that the appropriate penalty is seven meetings.

The Appeal on penalty is dismissed and the penalty imposed by the Stewards will be varied to seven race meetings.

The Panel will exercise its discretion under AR107 (1) to commence two days later.

The Licence of the Appellant to ride in races is suspended to commence on Sunday 12 January 2014 and expire on Sunday 26 January 2014 on which day he may ride.

The Appeal deposit is forfeited.