7 April 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR ASHLEY MANTON**

**Date of hearing:** 25 March 2020

**Panel:** Judge John Bowman (Chairperson) and Judge Graeme Hicks (Deputy Chairperson).

**Appearances:** Mr Brett Day appeared on behalf of the Stewards.

Mr Ashley Manton represented himself.

**Charge:** Australian Harness Racing Rule (AHRR) 163(1)(d) states “A driver shall not directly or indirectly cause another runner to shift inside the line of marker posts or into the sprint lane”.

**Particulars of charges:** Mr Ashley Manton, driver of Divine State, pleaded guilty to a charge under Rule 163(1)(d) in that approaching the first turn he permitted Divine State to shift in tightening Soho Crucio which raced inside the line of marker pegs as a consequence. In assessing penalty Stewards took into account Mr Manton’s guilty plea, good record under this rule and the limited consequential effects of the incident as Soho Crucio maintained its position. Stewards according imposed a 7 day suspension of Mr Manton’s licence to drive in races which was ordered to commence at midnight on 23 January 2020.

Mr Ashley Manton, driver of Divine State, was found guilty of a charge under Rule 163(1)(d) in that rounding the first turn he permitted Divine State to shift in when not clear of Another Colony, which was improving quickly, tightening Another Colony which contacted marker pegs as a consequence. In assessing penalty Stewards took into account Mr Manton’s not guilty plea however were mindful of the contributing factor limited consequential effects of the incident as Another Colony maintained its position. Stewards accordingly imposed a 7 day suspension of Mr Manton’s licence to drive in races which was ordered to be served cumulatively to his earlier suspension.

**Plea:** Charge 1 – Guilty

Charge 2 - Not Guilty

**DECISION**

Mr Ashley Manton, you face two charges arising out of your drive of ‘Divine State’ at the Bendigo harness racing meeting held on 14 January 2020. You are charged with two offences arising out of the same race, being Race 7.

Each charge involves a breach of the same Rule, being AHRR 163(1)(d). Rule 163(1)(d) states “A driver shall not directly or indirectly cause another driver to shift inside of the line of marker posts or into the sprint lane”.

The first charge involves your drive on ‘Divine State’ when it caused Ms Phillip’s horse ‘Soho Crusio’ to shift inside the marker pegs. This is the charge you pleaded guilty to and the Stewards found you guilty and suspended you for a period of 7 days.

The second charge involves your drive in Race 7 on ‘Divine State’, and also involves Mr Gary Pekin, who was driving ‘Another Colony’. This incident is alleged to have occurred shortly after the incident in charge 1. The Stewards found you guilty of breaching Rule 163(1)(d) and imposed a suspension of 7 days. The Stewards further ordered that each suspension ought to be served cumulatively with the total penalty being 14 days suspension.

Before us you have pleaded not guilty to charge 2. The particulars of charge two are that when driving ‘Divine State’, rounding the first turn you did permit ‘Divine State’ to shift in when not clear of ‘Another Colony’ which resulted in that gelding racing inside the line of the marker pegs at that stage.

We have heard submissions from both parties and looked at the video several times in relation to the race in question and the issue in question. In our opinion, in the first instance it became clear that Ms Phillips was not going to give up the lead and as a result you started restraining your horse in order to get the 1 – 1 sit behind Ms Phillip’s horse. At this stage Mr Pekin pushed his horse forward as he was entitled to do. You then tried to get ‘Divine State’ into the gap between Ms Phillip’s horse and Mr Pekin’s horse. We are comfortably satisfied there was insufficient room to do so, forcing Ms Pekin’s horse over the marker pegs and we find you guilty of the charge.

**PENALTY**

Mr Ashley Manton, we accept that you have a good driving record as far as this offence is concerned. We also accept that you are in full time employment. Like the Stewards, we have the same view of the relevant offences. The first one is the more serious offence and the second one is not quite as serious. However, the second offence occurred at a point in time shortly after the first offence. In our opinion, in all the circumstances, we suspend you for 14 days. It is 7 days for each charge to be served cumulatively, making the total effective penalty to be 14 days.

Mark Howard
Registrar, Victorian Racing Tribunal