26 September 2022

**DECISION**

**RACING VICTORIA**

**and**

**BLAKE SHINN**

**Date of hearing:** 14 September 2022

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Robert Cram appeared on behalf of the Stewards.

Mr Paul O’Sullivan represented Mr Blake Shinn.

**Charge:** Australian Rule of Racing (“AR”) 131(a) states:

A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding.

**Particulars of charge:** Mr Blake Shinn (Spacewalk) was found guilty of a charge of careless riding under the provisions of AR131(a). The careless riding being that passing the 150 metres he permitted his mount to shift in when insufficiently clear of Buenos Noches, resulting in that colt being checked when tightened for room between Zou Sensation and Spacewalk and as a result Buenos Noches lost its rightful running. Blake Shinn had his licence to ride in races suspended for a total of twelve meetings to commence midnight 12 September 2022 and to expire midnight 23 September 2022. (4 metro, 8 provincial). In assessing penalty, the Stewards were of the view that the incident qualified for the mid-range category of carelessness and took into account his record.

**Plea:** Guilty

**DECISION**

Mr Blake Shinn, you have pleaded guilty to a charge of careless riding. It concerns your ride on Spacewalk in Race 1 over 1100 metres at Flemington on Saturday, 10 September 2022.

The other horse principally involved was Buenos Noches, ridden by Mr Craig Newitt. Mr Craig Williams’ mount was also of marginal relevance, as Mr Newitt effectively hooked off its heels to take what Mr Cram described as a neat run between it and Spacewalk.

There was a protest following the event, with Mr Newitt alleging that you took his running at about the 100 metre mark, although the Stewards place the incident as being at about the 150 metre mark. The protest was upheld and the finishing order amended accordingly.

When interviewed later in the same day after the protest hearing, you pleaded ‘not guilty’ to a charge of careless riding. The Stewards found you guilty. The Stewards considered your record as being neutral, as you have been riding overseas for in excess of three years and your records there were not available. A penalty of 12 meetings suspension was imposed.

As pointed out by Mr O’Sullivan on your behalf, on occasions during the interview with the Stewards, you made an effective concession of guilt. On page 9 of the transcript at line 10, you said “I have rolled in”. At page 10 lines 4 and 5 you said “There is an element of carelessness”. Earlier at page 5 line 4 you stated “I just allowed my horse to roll in a little bit”. On page 9 line 5 you stated “I’m not denying there’s an element of carelessness”. Nevertheless, when ultimately charged with careless riding you pleaded ‘not guilty’. I accept that there may have been some confusion in your mind, but your ultimate plea was clearing ‘not guilty’.

Overnight and the next day you took some expert advice and the Stewards were notified that you would plead guilty to the charge. It is my view that you should not be fully disentitled from any benefit relating to an early plea of guilty.

To the Stewards, you made the statements to which I have referred to in which you acknowledged some guilt. Whether or not you were a trifle confused with the careless riding charge following on from the protest is not clear. In any event, the next morning you changed your plea to guilty. I am of the view that you should receive some benefit for your guilty plea.

I have viewed the video material of the race many times. The run between Mr Newitt and Mr Williams was neat. However, when your horse was shifting in, you made no effort to stop riding and straighten it. It may be that in your mind the gap was too narrow for another horse to be coming through. Whatever the reason, you did not stop riding your mount. The interference to Mr Newitt was quite noticeable and of sufficient magnitude for a protest to be upheld. I would repeat that this involved a narrow gap and tight racing.

In all the individual circumstances of this case your appeal against penalty is upheld. The penalty which I impose is one of suspension for 10 meetings. This seems to me to reflect both the severity of the interference involved, the circumstances surrounding it and the circumstances and timing of your plea of guilty.

Mark Howard
Registrar, Victorian Racing Tribunal