23 December 2022

**DECISION**

**RACING VICTORIA**

**and**

**BLAKE SHINN**

**Date of hearing:** 20 December 2022

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

**Appearances:** Mr Rob Montgomery appeared on behalf of the Stewards.

Mr Paul O’Sullivan represented Mr Blake Shinn.

Mr Blake Shinn attended the hearing.

**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:** Rider, Blake Shinn, (“Pocket Change”) was found guilty of a charge of careless riding under the provisions of AR 131(a), the careless riding being that after establishing a run near the 300 metres, he permitted his mount to shift out further approaching the 200m, resulting in “Our Boy Bryan” being taken out which resulted in “London Point” (NZ) being tightened out onto “Euro Dandy” and having to be checked. Blake Shinn had his licence to ride in races suspended for a period to commence midnight 23 December 2022 to expire midnight 5 January 2023, a total of 13 race meetings (4 metropolitan, 9 provincial). In assessing penalty, Stewards took into account his record and that the carelessness was in the mid‑range.

**Plea:** Not Guilty

**DECISION**

Mr Blake Shinn, you are appealing against a decision of the Stewards in relation to your ride on “Pocket Change” in Race 7 over 1400 metres at Sandown on 14 December 2022.

The interference allegedly caused by you occurred between the 300 metre mark and the 200 metre mark, and particularly in the vicinity of the 200 metre mark. Other jockeys directly involved were Mr Beau Mertens, Mr Ben Allen and Mr Harry Coffey.

Mr Mertens was to your immediate outside. Mr Allen was to his outside, with Mr Coffey on the outside of Mr Allen. Ahead of you was a horse ridden by Mr Craig Williams.

I have viewed the video of what occurred many times. You had been on the rails, or close to that position, as the horses approached the home turn and entered the straight. You were about three horses back and to the inside of Mr Mertens. It is noted that Mr Allen’s mount was already under vigorous riding at that stage. Straightening up, you moved out to the outside of the eventual winner and behind Mr Williams. You then moved to the outside of Mr Williams. Watching the video, it seems to be clear that you put some pressure on Mr Mertens, to your outside, and indeed the rear on shot would indicate that the horses were touching. This in turn caused Mr Mertens horse to make contact with Mr Allen’s horse, with some flow on effect to Mr Coffey on the outside. Mr Allen’s mount may have run its race, but it seems to me that there was some knock on effect from your mount to Mr Mertens and hence to Mr Allen and ultimately to Mr Coffey, although not to any great extent. Mr Allen seems to me to have briefly been “the meat in the sandwich” and his mount tired out of the event.

I find that there was a degree of carelessness on your part. I appreciate what Mr Allen said when interviewed to the effect that his mount was tiring and that he may have panicked. However, the bottom line is that your determination to take the run to the outside of Mr Williams led directly to some bumping and interference, primarily to Mr Allen’s mount, which appeared to be a spent horse at the time, but which did appear to me to get a check as a result of your outward movement.

I find that the charge of careless riding has been made out. The degree of that carelessness may be a different matter. I will hear the parties on penalty.

**PENALTY**

As I have said many times, the issue of the range of penalty adopted by the Stewards in careless riding cases is a useful tool. It gives jockeys some idea of what to expect. However, this Tribunal, whilst acknowledging that usefulness, is in no way bound by it.

I say now that, were I applying those ranges, in my opinion your degree of carelessness was not in the medium range. I agree with the submissions of Mr Paul O’Sullivan in this regard.

This was low range carelessness resulting from your determination to get a run and a tiring horse was bumped as a result. The level of interference seems to me to have been less than that seen in many cases.

You have a poor record and you do not get the benefit of a guilty plea. I might add that this did not seem to me to be a frivolous “not guilty” plea. Mr O’Sullivan put matters of substance before me, but my conclusion was that, when everything is weighed up, you were careless.

In all the circumstances, your appeal against penalty is upheld, notwithstanding your “not guilty” plea. The penalty which I impose is a suspension for nine meetings.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal