20 July 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ALEX ASHWOOD**

**Date of hearing:** 6 July 2023

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Adrian Crowther appeared on behalf of the Stewards.

Mr Alex Ashwood represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 163(1)(a)(iii) states:

1. A driver shall not -

(a) cause or contribute to any

 (iii) interference.

**Particulars of charge:** Stewards charged Mr Ashwood pursuant to Rule 163(1)(a)(iii) for causing interference, the particulars of the charge being that approaching the first turn he permitted his drive to shift inwards when not clear of Karalta Courage causing that runner to be tightened, then taken down the track   over marker pegs before being checked and breaking and losing ground as a result.  Mr Ashwood reserved his plea to the charge, and after giving due consideration to all the evidence Stewards found Mr Ashwood guilty of the charge.

In determining penalty Stewards considered the HRV Minimum Penalty Guidelines, the extent of the interference which occurred racing into the first turn, that Mr Ashwood had entered no plea to the charge and his recent record with regards interference related matters.

A three  week suspension was imposed against  Mr Ashwood’s licence to drive in races with a nine day deferment granted to allow the suspension to commence midnight 9 April 2023.

**Plea:** Guilty

**DECISION**

Mr Alex Ashwood, you are appealing against the penalty imposed by the Stewards in relation to your drive of Pinnacle Hope in Race 1 over 2150 metres at Yarra Valley on 31 March 2023. The Stewards charged you with a breach of Rule 163(1)(a)(iii) – that is, causing or contributing to interference. The other horse involved was Karalta Courage, driven by Mr Robert Walters. The penalty imposed was one of three weeks suspension. The alleged interference commenced before the front turn.

You were driving from gate 2. Mr Walters was driving from gate 1. The interference occurred about 50 metres past the winning post on the first session. The gates had been closed and withdrawn about 100 metres before the winning post.

We have viewed the video material many times. It is clear to us that you sat on the outside of Mr Walters up to and just past the winning post. You used the whip some nine times up to that point. It is apparent that you were keen to lead. After the winning post, your horse was leading, but had not drawn clear of Mr Walters. It is also clear that you were crowding Mr Walters on your inside to some degree. You may have briefly pulled the right hand rein to turn your horses head out, but interference had already been caused to Mr Walters, whose horse was taken inside one marker peg. Contact was also made between the wheel of your sulky and the offside front leg of Mr Walters horse. This caused it to break and to lose ground.

Initially you reserved your plea in relation to the Charge, and the Stewards imposed a penalty of three weeks suspension. After that, you indicated that you would plead guilty, referring to a possible suspension of two weeks. The Stewards did not accept this. You have been driving on a stay since then.

We are of the view that the penalty imposed by the Stewards was fair and reasonable. This was interference of at least a medium level. It effectively put Mr Walter’s horse out of the race. This all occurred in the initial stages of the race, when the horses were going at close to maximum speed. You are a full time driver. We regard your record as being reasonable, but certainly not outstanding.

When all these factors are weighed up, we are of the view that the penalty imposed by the Stewards was appropriate. The appeal is dismissed.

After some discussion, the starting date for the suspension is midnight on Friday, 7 July 2023.

Mark Howard

Registrar, Victorian Racing Tribunal