3 February 2025

**DECISION**

**RACING VICTORIA**

**and**

**JARROD FRY**

**Date of hearing:** 17 January 2025

**Date of Decision:** 17 January 2025

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

**Appearances:** Mr Sam Cochrane appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Jarrod Fry.

**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 Jarrod Fry (Foremans Gully) was found guilty of a charge of careless riding under the provisions of AR131(a), in that near the 150m he rode his mount out from behind Strum where there was insufficient room, resulting in Broadbeach Miss being taken out and bumped across the heels of Melodia Perfecta, resulting in Broadbeach Miss losing its rightful running. J Fry had his licence to ride in races suspended for a total of 11 race meetings, with the period to commence on Monday 13 January 2025 and to expire on at conclusion of the day meeting on Friday 24 January, 2025. Accordingly, J Fry will be able to return to ride at Moonee Valley night meeting Friday 24 January 2025. In assessing penalty, account was taken of his excellent record and that the incident was in the mid-range category.

**Plea:** Guilty

**DECISION**

Mr Jarrod Fry, you are pleading guilty to a charge of careless riding. It arises out of your ride on “Foremans Gully” in Race 4 at Cranbourne on 11 January 2025, that race being over 1,200 metres. The interference in questions occurred at approximately the 150 metre mark. Essentially the horse that suffered the interference was “Broadbeach Miss”, ridden by Mr Billy Egan. The penalty imposed by the Stewards was suspension for 11 meetings. At that time, effectively you reserved your plea, so that the Stewards did not allow any reduction of penalty for a guilty plea.

I accept that you did attempt to contact Mr Hyland, who represented you today and advised you, but that contact could not be made at the time of the hearing as he was not available. Hence, you reserved your plea. In those circumstances, it is understandable that no concession was made for a guilty plea. However, after making contact with Mr Hyland and taking his advice, you no longer reserved your plea and pleaded guilty.

A concession or reduction for that guilty plea seems to me to be appropriate.

The Stewards had taken into account your excellent record, and it is appropriate that this Tribunal does likewise.

I have viewed the video of the race many times. In essence, you were trapped behind horses not travelling as well as your mount, and the same could be said of Mr Egan’s mount which was to your outside. I accept that it was tiring. You switched out to avoid the heels in front of you and in so doing caused the interference to Mr Egan. In my opinion, his interference could not be described as severe, but was apparent.

As I observed during the conduct of this appeal, there are some similarities to the interference the subject of the recent case of Mr Blake Shinn. However, there are also some material differences. Mr Shinn was also trapped behind horses that were not travelling as well as his mount. This was also occurring in the home straight, although further from the finishing line. He was charged with careless riding. However, he contested the charge, pleading not guilty throughout. His pulling out was more abrupt and more forceful, causing what the Stewards described as severe interference to two other horses, one of which stumbled quite badly.

This Tribunal did not accept Mr Shinn’s arguments. He was found guilty. His record was very poor. Thus, he had contested the matter, with no indication of any remorse or acceptance of the charge; the interference caused by him was described by the Stewards as severe; and it involved two other horses. The penalty imposed on him was suspension for 12 meetings.

Obviously, I am not bound by that decision, but it is helpful. Consistency is desirable in this case.

In the present case, there is a plea of guilty. There is interference which does not appear to me to be at the severe level and, as I understand it, it is not so asserted. There is interference to one horse only. You have an excellent record.

In those circumstances, in my opinion the appeal against penalty should be upheld. The penalty imposed is one of eight meetings.

I would repeat the reminder that, at the time of the Stewards inquiry, and due to the circumstances, you reserved your plea. It is no criticism of the Stewards that they could not, at that time, consider a reduction in relation to the penalty for a guilty plea.

I repeat that the appeal is upheld and the penalty is reduced to a suspension for eight meetings.

Kathleen Scully

Acting Registrar, Victorian Racing Tribunal