

Racing Appeals and Disciplinary Board 400 Epsom Road Flemington VIC 3031 Telephone: 03 9258 4260 Fax: 03 9258 4848

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### **APPEAL DECISION**

# JOHN ALLEN and RACING VICTORIA STEWARDS

**Date of Hearing:** 9 October 2017

**Heard By:** Judge Bowman (Chair)

**Appearances:** Corie Waller appeared on behalf of the stewards.

Matt Hyland appeared on behalf of John Allen.

At Ballarat on Thursday 5 October 2017, John Allen pleaded guilty to a charge of careless riding on his mount *Street Boy* in Race 4 the *City of Ballarat Class 1 Handicap* (1600m).

The careless riding being that near the 1000m he allowed his mount to shift in when not sufficiently clear of *Tigeen (NZ)*, which was placed in restricted room for some distance until having to be checked to avoid the heels of *Street Boy*. Stewards also noted that *Cadabra (NZ)* was hampered as a result.

Mr Allen had his licence to ride in races suspended for a period to commence at midnight on Saturday, 7 October 2017 and to expire at midnight on Saturday, 14 October 2017 – a total of 8 race meetings (1 metro, 7 provincial).

In assessing penalty, Stewards took into account his guilty plea, the racing manners of *Tigeen (NZ),* the meetings he will miss and that the carelessness was in the low range.

A Notice of Appeal against the severity of the penalty was lodged on Thursday 5 October 2017. A stay of proceedings was not requested.

DECISION: Appeal allowed.

Penalty varied so that the period of suspension expires at midnight on Friday, 13 October 2017 (7 race meetings).

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

## TRANSCRIPT OF

## **PROCEEDINGS**

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#### RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

**DECISION** 

JOHN ALLEN

and

**RACING VICTORIA** 

RACING VICTORIA CENTRE, FLEMINGTON

**MONDAY, 9 OCTOBER 2017** 

MR M. HYLAND appeared on behalf of Mr J. Allen

MR C. WALLER appeared on behalf of the RVL Stewards

CHAIRMAN: Mr John Allen, you have pleaded guilty to a charge of careless riding in race 4 at Ballarat over 1600 metres on 5 October 2017. You shifted in on your mount, Street Boy, when not sufficiently clear of Tigeen, ridden by Daniel Moor, this occurring near the 1000-metre mark. You pleaded guilty virtually from the outset. You have appealed against the penalty of an eight-meeting suspension which was imposed.

I have viewed the video and viewed it more than once. There is no doubt that at around about the 1000-metre mark, you shifted your mount from three wide to one off the fence when not sufficiently clear of Tigeen. It is also of note that there was some backwash interference to Cadabra, ridden by Michael Walker, which was behind Tigeen, and in fact Cadabra was running last at the time.

I am also of the view that Daniel Moor's mount made a contribution to what occurred. I am in no way saying this was Daniel Moor's fault, but Tigeen appeared to be overracing and, on close inspection of the video, shows that it clearly had its head on one side prior to you at least partly crossing it when not entirely clear. It was proving difficult to ride. Your partly crossing it when not two lengths clear of it did not help.

I would make the following observations: I do not think on balance that there was any great risk of a fall. Neither Daniel Moor's mount nor Michael Walker's seem to have had their chances adversely affected. They ended up running the quinella. This was interference at the low end of the range, contributed to by the behaviour of Daniel Moor's mount. Thus, there are some

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unusual or different features to this application.

I repeat what I said in the earlier case of Mr Ben Melham: this is another case

at the lowest end of carelessness and with some extenuating circumstances. It

is not an open invitation for a rash of appeals because of the big races that are

upcoming.

However, you have pleaded guilty virtually from the outset. There are, as I

have said, some extenuating circumstances. Your record, whilst certainly not

perfect, is reasonable. I am told by Mr Waller for the Stewards that you have

had some 100 rides since your last suspension.

In the circumstances that I have outlined, I am prepared to put your period of

suspension at the very bottom of what I consider to be the range that this

particular type of offence warrants. The appeal is upheld and the period of

suspension varied to seven meetings, to expire at midnight on Friday,

13 October 2017.

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