



APPEAL DECISION

JOHN ALLEN

and

RACING VICTORIA STEWARDS

Date of Hearing: 26 October 2018

Heard By: Judge Bowman (Chair)

Appearances: James Hitchcock appeared on behalf of the Stewards.
Matthew Hyland of the VJA appeared on behalf of John Allen.

At Geelong on 24 October, rider John Allen pleaded guilty to a charge of careless riding on his mount *Diamond Diva* in Race 2 the Jack Rabbit Vineyard BM64 Handicap (1400m).

The particulars of the charge being that passing the 1000m he carelessly permitted his mount to shift in carrying *Boltoutoftheblue* in resulting in *Ocean Essence (NZ)* having to be checked. In issuing the charge Stewards acknowledge that *Ocean Essence (NZ)* was over-racing.

John Allen had his licence to ride in races suspended for a total of eight meetings (6 provincial, 2 metro) commencing midnight 27 October 2018 and concluding midnight 3 November 2018.

In assessing penalty Stewards took into account his guilty plea and record and that the carelessness was in the low range.

A Notice of Appeal against **the decision of the penalty** imposed was lodged on 25 October 2018.

A stay of proceedings was not requested.

DECISION: The appeal against the severity of penalty was allowed. The penalty is varied to seven race meetings.

Grace Gugliandolo
Registrar
Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

JOHN ALLEN

- and -

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 26 OCTOBER 2018

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

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

CHAIRMAN: Mr John Allen, you have been charged with careless riding, in that in race 2 over 1400 metres at Geelong on 24 October last, when passing the 1000-metre mark, you permitted your mount, Diamond Diva, to shift in, carrying Boltoutoftheblue, ridden by Noel Callow, inwards. This resulted in Ocean Essence, ridden by Damian Lane, being checked. The Stewards accept that Ocean Essence was overracing. There has also been reference to Regan Bayliss's mount, Our Sea Goddess. You pleaded guilty to the charge.

The Stewards took into account your early plea of guilty and your racing record and imposed a period of suspension of eight meetings. You are appealing against the severity of that penalty.

I have read the transcript and have now viewed this morning the video several times. I have also of course taken note of the submissions that have been made by each party. That there was interference to Damian Lane's mount is clear and it is interference which caused him to check and lose at least a length. In any such situation, there is the danger of clipping heels with the attendant risks.

The Stewards assessed the interference as being in the low range. They took into account your record which is certainly not brilliant this year, but you have had in excess of 300 rides since your last suspension. Mr Hitchcock's description of your record as being neutral is a very fair assessment.

There are some aspects of the interference itself which are of note. I would agree with Mr Hyland's submission that the cause of the interference is

multifactorial. Damian Lane's mount was overracing with its head up, one off the rails. Regan Bayliss crossed from the outside gate across the front of the field of 11 and then, to use a colloquialism, put the brakes on. You were on the outside of Noel Callow. Damian Lane was inside Noel Callow and his mount was, as I said, racing ungenerously. There was another horse on the rails. You had many looks - I have viewed the video again and I have counted nine or 10 - before crossing in front of Noel Callow. I doubt if you were even aware that Damian Lane was inside Noel Callow and close behind him. Page 3 of the transcript, line 45, you told the Stewards that you thought that Noel Callow was one off the fence, and crossed accordingly. Whether Noel Callow shouted to you is not entirely clear. He does not seem to think that he did; I refer to page 3 of the transcript, line 36. You thought that he may have. Damian Lane said he, Lane, did not call. Thus, there are a number of factors operating and, as stated, you had many looks across between the start of the interference and particularly immediately before it.

There is no secret of the fact that you are angling for a suspension of seven meetings, almost to the bottom of the low range, so that you can ride on Derby Day. I am very loath to engage in what is called "tinkering" with the penalty. However, this case has its unusual features which I have set out.

Bearing them in mind, and including your early plea of guilty and frank admission that you had some impact on what occurred, I am prepared to reduce the period of suspension to seven meetings. This is not to say such reductions are the order of the day at this busy time of the year. I emphasise in this

particular case that a number of factors were operating at the time of the interference, though I accept that this was not a situation where you were determined to get across no matter what to a better position without regard to horses on your inside. As stated, you had many looks. Not only did you have many looks, there is some doubt as to whether you received any clear call before crossing. In summary, the period of suspension is reduced to seven meetings.
