



running”. Under the Careless Riding Penalty Template, this resulted in a base penalty of a 7-meeting suspension. This was reduced by 10% for the appellant’s plea, and 15% for the fact that the penalty includes the running of the Group 1 Doomben Cup in Queensland.

4. At the appeal hearing, Mr Moxon appeared for the Stewards, and the appellant represented himself. The transcript of the Stewards’ Inquiry was tendered in the appeal book (Ex. A), as was film of the race (Ex. B). The only issue of substance was whether the carelessness should be graded as “medium” or “low”.
5. Mr Moxon submitted that the carelessness here was clearly of a medium grade as, under hard riding, the appellant’s horse shifted out, and he had an obligation to straighten his mount which he did not do, or did not do sufficiently. Mr Moxon did concede however that James McDonald contributed slightly to the interference caused to Gorshin.
6. For his part, the appellant in the main submitted that he did use the right reign to try and straighten his mount, and pointed to contributing conduct by both James McDonald and Jay Ford (who rode Dream Eclipse).
7. Having viewed the film multiple times, the Panel is of the view that the appellant did make efforts to straighten his mount when it started to shift out. While it is a fine margin, we consider that the carelessness involved here is in the upper end of the “low” grade rather than medium. That results in a base penalty of a 5-meeting suspension. To this a reduction for plea and upcoming meetings should be applied. While we resist putting it in percentage terms, we are also of the view that there was some contribution to the incident involving Gorshin from the rides of both James McDonald and Jay Ford. For that reason, while still applying the penalty template, we would round down the penalty to be imposed to a three-meeting suspension.
8. The orders we make are as follows:
  1. Appeal against severity of penalty allowed.

2. In lieu of a 5-meeting suspension, the appellant's licence to ride is suspended for 3-meetings. That suspension commences on 16 May 2021, and expires on Saturday 22 May 2021, on which day the appellant may ride.
3. Appeal deposit to be refunded.