



APPEAL OF SCOTT SHEARGOLD - AR 137 (a)

Appeal Committee: Mr John Stewart (Chairman) and Mr Charles Burkitt
Date of Hearing: 13 July 2009
Date of Decision: 14 July 2009

Reasons for Decisions

Apprentice Scott Sheargold lodged an appeal on 6 July 2009 against the stewards decision in relation to his rides on 'Manhattan Jazz' in the Darwin Guineas of 1600 metres on 4 July 2009.

Stewards found Apprentice Sheargold guilty of careless riding under AR137 (a) and imposed a suspension of two meetings. Particulars of the charge were that after passing the 100 metres mark he permitted his mount to shift in when not sufficiently clear of 'Arapaho Heights' resulting in 'Arapaho Heights' being checked.

Apprentice Sheargold's Notice of Appeal stated that he was not guilty as charged and furthermore sought a stay of proceeding which was granted. With the stewards consent we also heard an appeal against the severity of the penalty imposed by the stewards although that issue was not specifically taken up in the Notice of Appeal.

At the hearing Apprentice Sheargold was accompanied by Trainer Jami Huish. The stewards were represented by Chairman of Stewards, Lindsay Lane. The Appeal proceeded by reference to the transcript of the stewards inquiry and video film of the Darwin Guineas. In addition a brief amount of supplementary evidence was given by Apprentice Sheargold.

A point of procedure was raised by Apprentice Sheargold in relation to the conduct of the stewards inquiry. Apprentice Sheargold submitted that there had been a failure to comply with NTR 98 which provides that: 'once the apprentice secures a riding engagement, the Trainer of the horse ridden by the Apprentice shall be deemed to be the master in respect of any matter arising out of the race and will represent the Apprentice at all inquiries.'

We agree with the submission. It seemed to us that the way to approach the appeal was to consider the transcript of the stewards inquiry by giving apprentice Sheargold and Trainer Jami Huish the opportunity to introduce the fresh evidence and to make submissions which may not have been made to the stewards. We also viewed the film of the race.

In a case such as this the Appeal Committee will usually evaluate other evidence of the running of the race in the light of its own observations. Even if the Apprentice was, as he submitted, "caught off guard by the stewards and the senior rider of [of "Arapaho Heights"]", he was given an opportunity to fully state his case before the Appeal Committee. We felt that this procedure would result in a more efficient and quicker determination of the appeal than if the matter was sent back to the stewards for rehearing. We had in mind that in the midst of the Darwin Carnival, time is of the essence.

Nevertheless, we do observe that it would be prudent for both stewards and an apprentice's Master alike to make sure in future cases that the apprentice is properly represented at every inquiry. As to the merits of the appeal, the concession was made by Apprentice Sheargold that "Manhattan Jazz" had caused interference to "Arapaho Heights". However, it was submitted that the head of "Manhattan

Jazz" was clearly pointed to the right in an attempt to straighten it up. Also, the saddle of that horse shifted to the right (at appeal hearing, the estimate of a shift is 10cms was made by Trainer Huish) thereby making it difficult to keep the horse straight. Finally, upon returning to the scale it was discovered that the bit had pulled through the horse's mouth on the right side thereby providing confirmation of the effort to stop the horse from shifting inwards.

The submission failed because the video evidence shows Apprentice Sheargold riding in a substantially normal manner and looking to the left twice in running before "Manhattan Jazz" changed course by shifting in. The Apprentice says that the horse "saw daylight [inside] and went for it". The video film shows that "Manhattan Jazz" was about one and a quarter lengths in front of "Arapaho Heights" when "Manhattan Jazz" crossed. "Arapaho Heights" was checked. Immediately after that incident, the right arm of Apprentice Sheargold could be seen swinging in an apparent attempt to straighten the horse. The video does not reveal a similar sort of effort before the interference to arrest what did not appear to be a sudden tendency to shift in. We observe, in addition, that if the saddle slipped, it was not evidence from the video film. And the slipping was not regarded as significant enough to warrant reporting it to the stewards when the horse can back to scale. If it was a factor, it was only a minor factor.

Apprentice Sheargold said that "Manhattan Jazz" had a history of laying in although that sort of behaviour was not evident in her past couple of runs. Nathan Stanley, the rider of "Arapaho Heights" had formally ridden "Manhattan Jazz" and, at the stewards inquiry, agreed that the horse likes to hang but not to the extent claimed by the Apprentice Sheargold. From our own observation, we consider that the evidence of jockey Stanley is likely to be closer to the mark.

In the end result, we accepted the stewards' submission that Apprentice Sheargold could and should have done more to try and stop "Manhattan Jazz" from shifting in. The safety of fellow riders demands a greater effort. The subsequent efforts by Apprentice Sheargold were apparently more effective because "Manhattan Jazz" was able to continue running truly one horse out from the inside rail as the race went on.

We heard submissions on penalty. In our opinion, the interference was relatively minor. In further mitigation, we are also prepared to accept that "Manhattan Jazz" can be headstrong. On the other hand, Apprentice Sheargold does not have a good record and we hope that the imposition of the standard penalty of two meetings will encourage him to exercise greater care in the future,

The stewards' decision with respect to the finding of guilt and penalty is confirmed.

Because it was necessary for Apprentice Sheargold to prosecute his appeal in order to have the benefit of representation by the master, the appeal deposit will be refunded.

John Stewart
Chairman
Thoroughbred Racing NT