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## **APPEAL DECISION**

**STEPHANIE THORNTON**

*and*

**RACING VICTORIA STEWARDS**

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**Date of Hearing:** 8 January 2019

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

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

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At Moonee Valley on Friday 21 December 2018, apprentice jockey Stephanie Thornton pleaded guilty to a charge of improper riding under AR 137(a). The charge relating to her ride on *Belwazi* in Race 5 the *Ladbroke's 55 Second Challenge Heat 9* (955m).

The particulars of the charge being that: from shortly after the start and for a considerable distance thereafter, Ms Thornton turned her mounts head in and has ridden on an onwards course thereby placing undue pressure on *I'm Too Hot*, taking that gelding in despite the efforts of rider Stephen Baster resulting in *I'm Too Hot* being in restricted racing room for some distance.

Ms Thornton had her permit to ride in races suspended for a period of 25 meetings commencing midnight Saturday 29 December 2018 and expiring midnight Tuesday 22 January 2019.

In assessing penalty Stewards took into account her guilty plea, forthright evidence, that she is an apprentice and the serious nature of the charge.

A Notice of Appeal against the severity of the penalty imposed was lodged on 24 December 2018.

A stay of proceedings was not requested.

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**DECISION:** Appeal against severity of penalty allowed.

Penalty varied to a period of suspension for 20 race meetings (expiring midnight Thursday, 17 January 2019).

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**STEPHANIE THORNTON**

**- and -**

**RACING VICTORIA STEWARDS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**TUESDAY, 8 JANUARY 2019**

MR G. THORNTON appeared on behalf of Ms S. Thornton

MR C. WALLER appeared on behalf of the RVL Stewards

CHAIRMAN: Ms Stephanie Thornton, you have pleaded guilty to a charge or improper riding, in that in race 5 at the Moonee Valley night meeting on 21 December last, being a race over 955 metres, shortly after the start, for a distance of some 75 to 90 metres thereafter, you turned the head of your mount, Belwazi, in and rode on an inwards course, placing pressure on I'm Too Hot, ridden by Stephen Baster, taking it in and resulting in it being in restricted racing room for the distance mentioned. You did not heed the calls of Stephen Baster over that distance and tried to force his mount off its line. The horses had come from the two outside gates. Baster's mount was forced towards Kakanui, ridden by Michael Poy, but no interference of any significance was caused to it.

I have viewed the video several times. There is no doubt that you endeavoured to force Baster's mount inwards and off its line. The potential for some danger existed. Thankfully, that did not eventuate, but I can understand why you pleaded guilty to the charge. Rules regarding the safety include the obligation not to interfere with the right of another horse to its running.

In your favour is that you pleaded guilty at the earliest possible opportunity. Further, you have a very good record. You are an apprentice as opposed to a more experienced senior jockey and claim 2 in the metropolitan area, so it is apparent that you are very talented.

Whilst circumstances will always vary from case to case, trying to achieve some parity in relation to the imposition of penalties is also important, so that

jockeys know what to expect, but also believe that they have been treated fairly in comparison with their colleagues. However, as stated, circumstances will also vary.

A number of past decisions in relation to improper riding have been placed before me and indeed I sat on quite a few of the cases. I will mention just a couple of these previous decisions. Damien Oliver, one of the most senior jockeys in Australia, was given a penalty by the Stewards of a suspension of 20 meetings following his ride in the 2017 Cox Plate. He made heavy contact with another horse in the straight the first time round. He rode his horse in and made that heavy contact and then continued to apply unnecessary pressure with bumps to the other horse over a distance somewhat similar to that involved here, maybe a little less but somewhat similar. Ultimately, he forced the other horse off its rightful running. On the appeal, this board rejected the proposition that what occurred posed no risk or potential danger.

At all times before both the Stewards and before the Board, Oliver pleaded not guilty. The Stewards did take into account the important races that Oliver would miss, but then again this was the Cox Plate, the centre of racing attention throughout Australia. I would be surprised if the riders were not given a pep talk by the Chief Steward prior to its running. As stated, the Stewards imposed a penalty of 20 meetings.

I note the following observations with a few of the other cases. The recent case with Brett Prebble, he made contact with another runner on a number of

occasions, taking it off its course and causing it to become unbalanced. He got 20 meetings. Dale Smith got 25 meetings but he pleaded not guilty. The Stewards alleged that he caused two other runners to be severely hampered and become unbalanced. As stated, despite these factors, he got 25 meetings.

In the present case, your case, there is a plea of guilty. Whilst what you did had the potential for danger, Baster's mount did not appear to me to be severely hampered or become badly unbalanced. That does not excuse what occurred. There was no interference, as far as I can see, to any other horse.

Patrick Moloney pleaded not guilty. He caused another mount to become badly unbalanced and forced off its rightful line and the Stewards imposed a penalty of 25 meetings. Back in 2014, Hugh Bowman got 20 meetings in a case involving interference to two other horses.

When all these matters are weighed up, it seems to me that the penalty of 25 meetings does not sit comfortably with what has happened to others, particularly as some of them were very experienced jockeys. In the circumstances, the appeal against penalty is upheld and the period of suspension varied to 20 meetings.

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