

Racing Appeals and Disciplinary Board 400 Epsom Road Flemington VIC 3031 Telephone: 03 9258 4773 radboard@racingvictoria.net.au

### APPEAL DECISION

# STEPHANIE THORNTON and

**RACING VICTORIA STEWARDS** 

Date of Hearing: 14 May 2019

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

**Appearances:** Rob Montgomery appeared on behalf of the Stewards.

Matthew Hyland appeared on behalf of Ms Thornton.

At Caulfield on 11 May 2019, rider Stephanie Thornton was found guilty to a charge of careless riding (under the provisions of AR 131(a)), on her mount *Raspberry Rose* in Race 5 the Darren Gauci Handicap (1100m).

The particulars of the charge being, "that near the 800 metres she permitted her mount to shift in when insufficiently clear of *Egyptian Bullet* resulting in that mare being taken in off its course and tightening the running of *Neurotic*, resulting in *Neurotic* losing its rightful running.

Stephanie Thornton had her permit to ride in races suspended for a total of nine meetings to commence midnight 15 May 2019 and to expire midnight 22 May 2019 (1 metro, 8 provincial).

In assessing penalty Stewards were of the view that the incident qualified for the low-range category of carelessness and took into account her record.

A Notice of Appeal against the decision and severity of the penalty imposed was lodged on Monday 13 May 2019.

A stay of proceedings was not requested.

**DECISION:** Appeal upheld, charge of careless riding dismissed.

Grace Gugliandolo Registrar Racing Appeals & Disciplinary Board

## TRANSCRIPT OF

## **PROCEEDINGS**

#### 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, 14 MAY 2019** 

MR M. HYLAND appeared on behalf of Ms Stephanie Thornton

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

CHAIRMAN: Stephanie Thornton, you have pleaded not guilty to a charge of careless riding, in that in race 5 over 1100 metres at Caulfield on Saturday, 1 May last, near the 800-metre mark you permitted your mount, Raspberry Rose, to shift in when not sufficiently clear of Egyptian Bullet, ridden by Joe Bowditch, resulting in that mare being taken off its course and tightening Neurotic, ridden by Zac Spain, causing it to lose its rightful running. The Stewards found that you had been careless, took into account your very good record and imposed a penalty of suspension for nine meetings. You are appealing both the decision and the severity of the penalty.

I have viewed the available video, both during the hearing and subsequently. There were unfortunately problems with it, in that there was no slow motion available, and the side-on shots were not particularly satisfactory. It was difficult to ascertain whether your horse had ever been two lengths clear of Joe Bowditch's horse.

Mr Montgomery, on behalf of the Stewards, very properly conceded at the outset that there were video problems and that this was unfair to you and unfair to the Stewards. I repeat that this was a very fair and proper concession.

It does not mean that the video was of no use. It was helpful to a limited extent.

What is difficult to work out is whether you were ever two lengths clear of Joe Bowditch. Your case, presented by Mr Hyland, was that you had several looks, you were two lengths clear or in a position to cross safely, and Joe

.Thornton 14/5/19

Bowditch's horse over-raced and kicked up inside you. Mr Hyland further argued that Bowditch called and you immediately pulled your horse away from him and his horse.

There does not appear to have been any actual contact. Zac Spain, who had been on the inside of Joe Bowditch and one off the rails, then eased to the outside and, certainly arguably, lost its rightful running. The argument of Mr Hyland was that you did everything you possibly could, having several looks before starting to cross, pulling your horse away as soon as Joe Bowditch called, his horse having kicked up.

Your obligation is not to cross unless clear. There is no argument that you were not completely clear when you were actually starting to cross.

Mr Hyland's argument is that you effectively were a victim of circumstances, having taken an appropriate number of looks and responding immediately to Joe Bowditch's call when his horse either over-raced or responded to him giving it a bit of a squeeze.

Frankly, despite watching such video as is available, I am left in a state of some uncertainty. I repeat that you took several looks prior to moving towards the rails and responded immediately to Joe Bowditch's call. It is quite difficult to work out from the video exactly what happened. When interviewed, Joe Bowditch said that you were probably clear and then his horse raced up inside your mount's heels.

.Thornton 14/5/19

The bottom line is that on the basis of the overall evidence, I cannot be satisfied that the charge of careless riding has been made out. That is no criticism of Mr Montgomery who presented the evidence very fairly and it is no criticism of the Stewards. Technical difficulties did make the situation unfair to both parties. The bottom line is that the appeal is upheld and the charge of careless riding is dismissed.

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.Thornton 14/5/19