



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 17 October 2012

SUBJECT: **APPEAL HEARING RESULT – APPRENTICE JOCKEY:
DAMIEN THORNTON**

Panel Judge Russell Lewis (Chair), Mr Joshua Bornstein, Mr Darren McGee.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Thornton.
Ms Heidi Lester appeared on behalf of the Stewards.

At Pakenham on Saturday 13 October 2012, apprentice jockey Damien Thornton was found guilty of a charge of careless riding on his mount *Little Doubt About It* in Race 1 the www.racingnetwork.com.au F&M Maiden Plate (1000m).

The careless riding being that shortly after passing the 200 metres, he permitted his mount to shift in when not clear of *Beijing Beauty* which had to be checked.

Damien Thornton had his permit to ride in races suspended for a period to commence at midnight on Sunday, 14 October 2012 and to expire at midnight on Sunday, 21 October 2012 - a total of 8 race meetings.

In arriving at penalty, Stewards deemed the incident to be in the low range and took into consideration Damien Thornton’s good riding record.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Sunday, 14 October 2012. A stay of proceedings was not requested.

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

**Penalty varied – the period of suspension to now expire at midnight on Friday,
19 October 2012.**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR J. BORNSTEIN
MR D. McGEE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE WWW.RACINGNETWORK.COM.AU
FILLIES AND MARES MAIDEN PLATE OVER 1000 METRES AT
PAKENHAM ON 13/10/12**

APPRENTICE JOCKEY: DAMIEN THORNTON

MELBOURNE

WEDNESDAY, 17 OCTOBER 2012

MS H. LESTER appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

CHAIRMAN: This has been an interesting appeal and well argued by both Ms Lester for the Stewards, and Mr O'Keeffe for Damien Thornton. The Board agrees, as do the parties, that there was a marginal shift by Damien Thornton. The Board agrees that there was some evidence of greenness on the part of the horse, Littledoubtaboutit.

However, the Board is left in the situation where, notwithstanding the circumstances which confronted Damien Thornton, he had the option of either easing on the horse or continuing to ride. In the Board's view, he should have taken the position where he acted or rode more cautiously. He did not do so. We think it was unreasonable that he did not do so. Accordingly, the Board is of the view that there was carelessness on his part.

However, on the question of penalty, the Board is of the view that this was in the lower register of the low range. Having regard to all the circumstances which confronted Damien Thornton, the Board also takes into account the fact that he had a good riding record and that the shift was marginal. So in the circumstances, unless Mr O'Keeffe wants to argue to the contrary, the Board takes the view that it was in the low register of the low range and a discount would bring the penalty back a little further. In the Board's view, the penalty should be varied, so that the suspension expires at midnight next Friday, 19 October 2012.
