

RACING APPEALS AND DISCIPLINARY BOARD

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APPEAL DECISION

STEPHANIE THORNTON

and

RACING VICTORIA STEWARDS

Date of Hearing: 4 November 2016

<u>Panel:</u> Judge Bowman (Chair).

Appearances: Mr Corie Waller appeared on behalf of the stewards.

Mr Des O'Keeffe appeared on behalf of Ms Thornton.

At Ballarat on Monday 31 October 2016, apprentice jockey Stephanie Thornton pleaded guilty to a charge of careless riding on her mount *Into the Wind* in Race 8 the *Hygain Benchmark 64 Maiden Plate* (1600m).

The carelessness being rounding the home turn she permitted her mount to shift out when insufficiently clear of *Denpasar* taking that runner out onto *Lordfontein* which as a result had to be restrained to avoid the heels of *Denpasar*.

Ms Thornton had her permit to ride in races suspended for a period to commence at midnight on Wednesday, 2 November 2016 and to expire at the conclusion of the day meeting on Friday, 11 November 2016 - a total of 11 race meetings (1 metro, 10 provincial).

In assessing penalty Stewards took into account her guilty plea, her record and that the carelessness was in the mid-range.

A Notice of Appeal against **the severity of the penalty** was lodged on Wednesday, 2 November 2016. A stay of proceedings was not requested.

DECISION: Appeal dismissed. Penalty to remain standing.

Georgie Gavin Registrar - Racing Appeals & Disciplinary Board

TRANSCRIPT OF

PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

IN THE MATTER OF THE HYGAIN BM64 HANDICAP OVER 1600 METRES AT BALLARAT ON 31/10/16

STEPHANIE THORNTON

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 4 NOVEMBER 2016

MR D. O'KEEFFE appeared on behalf of Ms S. Thornton

MR C. WALLER appeared on behalf of the RVL Stewards

CHAIRMAN: Ms Stephanie Thornton has pleaded guilty to a charge of careless riding in race 8 at Ballarat on 31 October 2016, when you permitted your mount, Into The Wind, to shift out rounding the home turn when insufficiently clear of Denpasar, ridden by Anthony Boyd, taking that runner onto Lordfontaine, ridden by John Allen which then had to be restrained to avoid the heels of Denpasar.

The Stewards imposed a penalty of 11 meetings, finding the carelessness to be in the medium range, and have taken into account your guilty plea. You are appealing against the severity of that penalty.

The videos of the race have been shown several times. In my opinion it is clear that you did shift out on the point of the turn when not sufficiently clear of Anthony Boyd and that caused the incident. I do not agree that it was a particularly gradual shift. Both Anthony Boyd and John Allen originally used the phrase "speared off", although later John Allen may have modified this after viewing the film.

I think there was a comparatively abrupt shift until you heard the call and straightened, but by then the damage was done. Spearing out or spearing off is not a bad description of what occurred. The potential for a nasty clipping of heels did exist.

I have said many times that the ranges are simply a guide used by the Stewards to endeavour to get predictability and consistency of penalties. They are not a

.Thornton 4/11/16

rule. However, they are useful and the dispute in the present case centred upon them. If they are applied, the carelessness seems to me to be in the mid or medium range. After the plea of guilty is taken into account, a penalty at the lower end of the mid or medium range seems appropriate. Your record is not particularly good, and I agree it could be described as neutral, and I will consider it as such. The bottom line is that I am of the view that the penalty of 11 meetings is appropriate and the appeal is dismissed.

.Thornton 4/11/16