

## HEARING RESULT

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**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 12 June 2013

**SUBJECT:** **HEARING RESULT – TRAINER: MARK RILEY**

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**Panel** Judge Russell Lewis (Chair), Mr Darren McGee, Mr Jeremy Rosenthal.

**Appearances** Mr Patrick Wheelahan appeared as Counsel for Mr Riley.  
Mr Chris Winneke appeared as Counsel for the Stewards.

**Charge 1** Breach of AR 175A

*Any person bound by these Rules who either within a racecourse or elsewhere in the opinion of the Committee of any Club or the Stewards has been guilty of conduct prejudicial to the image, or interests, or welfare of racing may be penalised.*

**Charge 2** Breach of AR 175(q)  
– as amended at the hearing from the original charge of a breach of AR 175(a)

*The Committee of any Club or the Stewards may penalise any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.*

Both charges relate to an incident that took place at Mornington racecourse on 13 May 2013 between Mr Riley and track rider Mr Jack Dunne.

**Plea** Charge 1 – guilty.  
Charge 2 – guilty.

**Decision** Charge 1 - Mr Riley convicted and suspended for a period of 2 months.  
Charge 2 - Mr Riley convicted and suspended for a period of 2 months.

The penalties to be served concurrently and suspended for a period of 12 months on the condition that Mr Riley does not commit a further breach of these Rules in the next 12 months.

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**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

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

**EXTRACT OF PROCEEDINGS**

**DECISION**

**TRAINER: MARK RILEY**

**MELBOURNE**

**WEDNESDAY, 12 JUNE 2013**

MR C.J. WINNEKE appeared on behalf of the RVL Stewards

MR P.J. WHEELAHAN appeared on behalf of Mr M. Riley

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CHAIRMAN: Mark Riley, you have pleaded guilty one charge laid under Australian Rule of Racing 175A and to one charge laid under Australian Rule of Racing 175(q). The facts and circumstances relating to these offences have been well canvassed during the course of these pleas.

The attack upon Jack Dunne has been variously described by witnesses as "like something out of a gangster movie" from Jerome Hunter, and "a cold-blooded vicious attack" from Tony Simpson. Fortunately, Dunne was not injured.

However, Sarah Korhonen, who was attending a horse in the adjacent stall, was traumatised, particularly when her horse pushed her against the side of the stall.

The Board accepts that the assault was not premeditated, in the sense that Riley had been waiting his chance to attack Dunne. The Board is of the opinion that when Riley saw Dunne on the morning of 13 May 2013, he was overcome with rage and, thus enraged, he left the trainers' observation area and proceeded to the stalls, en route picking up a piece of wood. The Board is of the opinion that Riley intended to use the piece of wood for the purpose of assaulting Dunne.

In summary, this episode was a serious example of misconduct on the part of a licensed trainer. Mr Wheelahan, who appeared for Mark Riley, has made a number of submissions by way of mitigation. The Board has taken into account the following: the pleas of guilty, which have saved considerable time and expense; Riley's moral contrition, as evidenced by his correspondence to affected witnesses and their responses; the absence of any relevant prior

matters; the absence of injury to the victim, Dunne, and importantly, the element of provocation.

The Board accepts that Riley was deeply affected when he was made aware that Dunne had threatened to kill his daughter and was further greatly upset and disturbed by the events which immediately followed.

Mr Winneke, who appeared for the Stewards, submitted that the Board should interfere with Riley's licence to reflect the Board's denunciation of his conduct and to satisfy the requirement of general deterrence. Mr Wheelahan sought to persuade the Board that a less harsh disposition was, in the circumstances, appropriate.

In the end, the Board has decided that a period of suspension is warranted but that period of suspension should be suspended. On Charge 1, Mark Riley is suspended for a period of two months; on Charge 2, Mark Riley is suspended for a period of two months. Each period of suspension is to be concurrent; that is, the period of suspension of two months is itself suspended on condition that Mr Riley does not commit a similar offence in the next 12 months.

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