



APPEAL DECISION

TOM RYAN

and

RACING VICTORIA STEWARDS

Date of Hearing: 12 April 2017

Heard By: Judge Bowman (Chair).

Appearances: Mr Corie Waller appeared on behalf of the stewards.
Mr Ryan appeared on his own behalf, assisted by Matt Hyland.

At Werribee on Saturday 8 April 2017, jumps jockey Tom Ryan was found guilty of a charge of careless riding on his mount *Fashionedinheaven* in Race 1 the the *Better Solar Maiden Highweight Plate* (2025m).

The carelessness being that he allowed his mount to shift out near the 200 metres when insufficiently clear of *Manhattan Sparkle*, resulting in *Manhattan Sparkle* having to be checked.

Mr Ryan had his licence to ride in highweight and jumps races suspended for a period to commence at midnight on Tuesday, 11 April 2017 and to expire at the conclusion of the first jumps race at Oakbank on Saturday, 15 April 2017 – a total of 3 jumps and highweight races.

In assessing penalty Stewards deemed the carelessness to be in the low-range and took into account his good race riding record and the circumstances surrounding the incident such as that *Cheron Warrior* had shifted inwards marginally.

A Notice of Appeal against the decision and severity of the penalty was lodged on Monday, 10 April 2017. A stay of proceedings was not requested.

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

Penalty varied to a period of suspension for 2 jumps/highweight races.

**Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

TOM RYAN

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

WEDNESDAY, 12 APRIL 2017

MR T. RYAN appeared on his own behalf, assisted by Mr M. Hyland

MR C. WALLER appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Tom Ryan, you have pleaded not guilty to a charge of careless riding in that in race 1 at Werribee on 8 April 2017, you allowed your mount, Fashionedinheaven, to shift out near the 200-metre mark when insufficiently clear of Manhattan Sparkle, ridden by Braidon Small, resulting in that horse having to be checked. Cheron Warrior, ridden by Clayton Douglas, also shifted in to a minor extent but I am not of the view that it made, by shifting, any major contribution to the interference to Manhattan Sparkle. You were suspended for three highweight and jumps races. You are appealing against both the decision and the severity of the penalty.

I have viewed the video film. There is no doubt that your horse shifted out about two horses and that interference was caused to Manhattan Sparkle. There is also no doubt that you continued to ride your horse out with the whip in your right hand.

An unusual and unfortunate aspect of this whole incident was that your horse, Fashionedinheaven, collapsed and died some 15 minutes after the race. It is not suggested by anyone and I do not accept that your riding of the horse in any way contributed to this. However, whilst it is impossible to know, in retrospect it is possible that its state of health contributed to it wobbling or drifting towards the centre of the track, and I will take this into account.

The bottom line is that you continued to ride the horse out, rather than taking hold and attempting to straighten it. I appreciate that you may have attempted to straighten it in the manner in which you rode it, but the Stewards allege that

you should have stopped riding it completely and straightened it, and I accept that.

I repeat that there is no suggestion that your manner of riding in any way contributed to the horse's unfortunate death 15 minutes later. It is an unusual case but I find that the charge of careless riding has been made out.

In relation to penalty, I repeat this is an unusual case. Whilst I found against you on the question of the decision, Mr Ryan, this was not a situation where guilt was obvious and I can understand why there was a plea of not guilty, even if it did not persuade me. Further, we are coming up to the Oakbank carnival with four jumping races in two days. It is one of the big jumping races on the calendar. I also take into account your good record and that the Stewards considered the interference to be in the low range. Penalties of two to three-race suspensions seem to have been frequently imposed, so that the penalty imposed by them in the present case is not obviously a severe one. However, in this unusual case, I am prepared to reduce the period of suspension to two races. This might sound like tinkering but it is not really. Viewed one way, it is a reduction of the penalty by one-third and this reflects the unusual nature of what occurred and the fairly major impact that suspending you for three of the four Oakbank races would have. In summary, the appeal against period is upheld and the period of suspension is reduced to two highweight and jumps races and it means you will be able to ride in both races on the second day of the Oakbank carnival.
