19 December 2019

**DECISION**

**RACING VICTORIA**

**and**

**MR DAMIEN THORNTON**

**Date of hearing:** 13 December 2019

**Panel:** Judge John Bowman (Chairperson)

**Appearances:** Mr James Hitchcock appeared on behalf of the Stewards.

Mr Matthew Hyland appeared on behalf of Mr Thornton.

**Charge:** Australian Rule 131(a) states a rider must not, in the opinion of the Stewards: (a) engage in careless, reckless, improper, incompetent or foul riding;

**Particulars of charge:** Damien Thornton (Danon Roman) was found guilty of a charge of careless riding under the provisions of AR 131(a), the carelessness being that at approximately the 200 metres Damien Thornton has carelessly permitted Danon Roman to shift out when attempting to obtain a clear run and not sufficiently clear of The Lord Mayor resulting in rider Michael Dee having to check, stop riding and lose his rightful racing position. Damien Thornton’s licence to ride in races was suspended for a total of eight meetings to commence midnight 14th December 2019 and to expire midnight 22nd December 2019. (3 metro, 5 provincial). In assessing penalty the Stewards were of the view the carelessness was in the low-range and took into account his very good record.

**Plea:** Guilty

**DECISION**

Mr Damien Thornton, you have pleaded “guilty” to a charge of careless riding in race 7, the TAB Werribee Cup, over 2000 metres at Werribee on 8 December 2019. The charge is that at approximately the 200 metre mark you carelessly permitted your mount, Danon Roman to shift in when not sufficiently clear of The Lord Mayor, ridden by Michael Dee, causing him to check, stop riding, and lose its rightful position.

Having viewed the video several times, I am not persuaded that Rupture, ridden by Michael Poy, played a great part in what happened. Whilst showing a tendency to hang in, it essentially kept a straight line. I would agree that Luke Currie’s mount shifted outwards, but I would also be of the view that the run between Michael Poy and Luke Currie was never fully there. Once you went to go between Currie and Poy the gap was closing. You caused Michael Dee to have to take hold for a couple of strides.

In essence, I can see why you ultimately pleaded guilty to the charge. The interference to Michael Dee’s horse was caused by your angling into a gap that wasn’t there and Dee was the victim of the tightening that resulted. To your credit, you then abandoned your attempt to take the narrowing gap, and checked shifting back to the inside of Luke Currie. The damage had been done to Michael Dee.

In your favour, whilst you reserved your plea on the day, you are now pleading guilty. A big thing in your favour is your extremely good record. I accept that you have had 2,233 rides so you have been a very busy rider with a very small number of suspensions for careless riding and the like. You were suspended in June of this year. Prior to that, your previous suspension was in June 2018. Prior to that was July 2017 so in the last two and half years you have had a very busy riding schedule and have only been suspended 3 times and have not previously been suspended since November 2015. That’s three times in four years for a very busy jockey.

In the circumstances, and mainly because of your good record and your plea of guilty I am prepared to engage with a small amount of tinkering namely to reduce the penalty by a day to a suspension of 7 meetings.

Mark Howard  
Registrar, Victorian Racing Tribunal