

# APPEAL PANEL OF RACING NEW SOUTH WALES

## IN THE MATTER OF THE APPEAL OF LICENSED APPRENTICE JOCKEY, MR MITCH STAPLEFORD

Heard at Racing NSW Offices

**Appeal Panel:** Mr T O'Callaghan – Convenor; Mr J Murphy; Mr P Losh

**Representatives:** Appellant – Mr Tony Crisafi, Chief Executive Officer,  
NSW Jockey's Association  
Racing NSW – Mr T Moxon, Chairman of Stewards

**In Attendance:** Mr S Knight, Chair of Stewards Inquiry  
(at request of Appellant)

**Date of Hearing:** Friday, 06 June 2025

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## REASONS FOR DECISION

### Introduction:

1. This is an Appeal by Mr Mitch Stapleford, Licensed Apprentice Jockey, against conviction and penalty imposed by the Stewards for a breach of AR 131(a) arising from the Appellant's ride on the horse, *Spiv*, in race 2 at Kembla Grange on Saturday, 31 May 2025. The penalty imposed was of suspension for nine meetings, from and including 9 June 2025 to and including 24 June 2025.
2. As the Appellant had pleaded guilty to the charge at the Stewards Inquiry held on 31 May 2025, but, in his Notice of Appeal, had stated that the Appeal was against **both** conviction and penalty, the Panel sought clarification at the beginning of the Hearing as to whether the Appellant was withdrawing his plea of guilty. In the discussion that followed, Mr Moxon submitted (correctly in the opinion of the Panel) that it was not open to the Appellant to re-frame the charge to a lesser charge to which he might plead guilty. Accordingly, the Appeal proceeded on the basis that, as stated in the Notice of Appeal, it was an Appeal against both conviction and penalty.

## Reasons:

3. Mr Crisafi submitted definitions of the terms, "crowding" and "check". These definitions were not objected to. He then submitted that the incident under consideration was more in the nature of a "crowding" than in the nature of a "check", and pointed to the fact that Mr B Loy, the rider of *Righteous Legend*, the other horse involved in the incident, had described the incident (at line 52 of the transcript) as "took my running for a few strides" (the equivalent of a "check") but then (at line 89 of the transcript) as "hampered my running" (the equivalent of "crowding").
4. The Appellant was then sworn in, and gave evidence-in -chief as follows: that his plea of guilty to the charge was done in the pressure of the moment, very soon after the incident, and without time for proper reflection and minute examination of the race videos; that since the Stewards Inquiry he had spoken with the rider of *Righteous Legend* on a previous occasion, who confirmed that then the horse had raced ungenerously; that, on the occasion under consideration, *Righteous Legend* had over-raced and had not appreciated the horse, *Spiv*, being outside it, and so had itself contributed to the resulting hampering of its running.
5. In cross-examination by Mr Moxon, the Appellant was asked the question: *Do you believe that Rod Quinn would have allowed you to enter a guilty plea if he had disagreed?*
6. Mr Crisafi objected to that question's being put, observing that Mr Quinn is an employee of Racing NSW; however the implication of there being, possibly, an apprehension of bias was not taken further.
7. The objection was overruled.
8. In answer to the question, the Appellant, whom the Panel considered to be a truthful witness, said that he was not really in a position to answer one way or the other.
9. That answer conforms with the Panel's own assessment of the import of Mr Quinn's remark (at line 105 of the transcript) as being entirely neutral, supportive of neither the Stewards' case, nor of the Appellant's present case.
10. A discussion followed as to how long the Appellant had maintained a three-wide course, but, as the film of the incident was inconclusive on that point, no firm conclusion could be made regarding it.

11. At that point, there being no further evidence adduced, and no further submissions, the Panel adjourned to deliberate.
12. On resumption of the Hearing, the Convenor delivered the Panel's decision, as follows:

**Orders:**

1. The breach of AR 131(a) is made out in that the Appellant had checked and/or taken the rightful running of *Righteous Legend*.
2. Applying the "Template", which the Panel considers a helpful guide, the Panel differs with the Stewards' finding of a MEDIUM grading and substitutes a LOW grading, resulting in a starting penalty of suspension of five meetings.
3. Applying, then, the "premium" for the Appellant's record, of 50%, from which is to be deducted the mitigating factor, "experience", of 15%, the starting penalty of five meetings is to be increased by 35% (or, expressed as a number of meetings, increased by 1.75 meetings) to a total of 6.75 meetings, which, rounded to the nearest whole number, is seven meetings.
4. Accordingly, the Appellant's licence is suspended from Monday 9 June 2025 until 19 June 2025, so that the Appellant is free to resume riding on 20 June 2025.
5. As the Appeal is partially successful, one half of the Appeal deposit is to be refunded.