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APPEAL DECISION

JAMES WINKS and RACING VICTORIA STEWARDS

Date of Hearing: 10 October 2017

Heard By: Judge Bowman (Chair)

Appearances: Wade Hadley appeared on behalf of the stewards.

John Didham appeared on behalf of James Winks.

At Seymour on Sunday 8 October 2017, jockey James Winks was found guilty of a charge of careless riding on his mount *Shauquin (NZ)* in Race 9 the *Seymour Toyota BM6 Handicap* (1200m).

The carelessness being near the 200m he permitted his mount to shift out when insufficiently clear of *Lycka Till* which as a result was tightened and brushed, before being carried out onto the heels of *Tax Free* and clipping that gelding's heels, blundering and being severely checked.

Mr Winks had his licence to ride in races suspended for a period to commence at midnight on Sunday, 8 October 2017 and to expire at midnight on Thursday, 19 October 2017 – a total of 12 race meetings (2 metro, 10 provincial).

In assessing penalty Stewards deemed the incident to be in the mid-range and took into account his good record.

A Notice of Appeal against conviction and penalty was lodged on Monday, 9 October 2017. A stay of proceedings was not requested.

DECISION: Appeal against conviction dismissed.

Appeal against severity of penalty allowed.

Penalty varied so that the period of suspension expires at midnight on

Monday, 16 October 2017 (9 race meetings).

TRANSCRIPT OF

PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

JAMES WINKS

and

RACING VICTORIA

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 10 OCTOBER 2017

MR J. DIDHAM appeared on behalf of Mr J. Winks

MR W. HADLEY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr James Winks, you were charged with careless riding in race 9 over 1200 metres at Seymour on 8 October last, in that near the 200-metre mark, you permitted your mount, Shauquin, to shift out when not sufficiently clear of Lycka Till, ridden by Patrick Moloney, causing that horse to be tightened and carried out onto the heels of Tax Free, ridden by Brad Rawiller. It was alleged that Lycka Till clipped Tax Free's heels, blundered and almost fell. Having been charged by the Stewards, you pleaded not guilty. The Stewards suspended you for 12 meetings and you are appealing against both conviction and the severity of the penalty.

I have viewed the video several, if not many times. There were a number of horses involved. Jordan Childs' mount was sitting approximately three horses wide and in the leading group. Your horse was behind it, approximately two and a half horses out. Brad Rawiller's mount was to the outside of Jordan Childs, there being a gap of about one horse's width or a little more originally between them. Patrick Moloney was close enough to directly behind Jordan Childs. Jarrod Todd's mount was to the inside of Jordan Childs with a tight run almost existing between them. I am not of the view that the three horses on the outside of the group played any part in what occurred.

In my opinion, what did occur was this: you shifted out, following Jordan Childs' mount. As stated, Patrick Moloney was behind Childs. It was not a large shift but it was enough for your horse to bump or brush Moloney's mount. This caused it to move outwards and catch a heel of Brad Rawiller's. It then stumbled badly and effectively dropped out of the race.

.Allen 9/10/17

I am also of the view that as all this was happening, Brad Rawiller's mount also moved in when struck with the whip and immediately before the clipping of heels. I might add that after the incident, you then moved back towards the inside, where a possible run was emerging between Jordan Childs and Jarrod Todd. As Mr Didham has said on your behalf, there was a lot of movement going on with a lot of moving parts.

The end result was this: I am satisfied that you were careless in moving out following Jordan Childs and when Patrick Moloney was on your outside, bumping or brushing his mount and causing his horse to catch a heel of Brad Rawiller's mount, it moving in at about the same time. Thus, I am satisfied that you were careless and find the charge made out. However, I am also of the view that Brad Rawiller's mount contributed to what occurred, which is something that may affect the question of penalty as opposed to the establishment of carelessness.

Mr Winks, I have heard further submissions on your behalf and in light of my comments concerning the contribution of Brad Rawiller's mount, I am not going to divide it up into percentages, but I accept there was some contribution. Mr Hadley, on behalf of the Stewards, fairly agreed that some variation to the penalty could be made so as to take into account the contribution made by Brad Rawiller's mount, this being a mitigating factor. You also have a good record which I have borne in mind. Bearing all of the above in mind, the appeal against penalty will be upheld. You will be suspended for nine meetings, to expire at midnight on Monday, 16 October 2017.

.Allen 9/10/17