



APPEAL DECISION

JAMES WINKS and RACING VICTORIA STEWARDS

Date of Hearing: 29 November 2018

Heard By: Judge Bowman (Chair)

Appearances: Wade Hadley appeared on behalf of the Stewards
Matthew Hyland appeared on behalf of James Winks

At Moonee Valley on 23 November, rider James Winks was found guilty of a charge of careless riding on his mount *Embrace Me (NZ)* in Race 4, the Behind the Barriers Handicap (1200m).

The particulars of the charge, *“the carelessness being he failed to make sufficient effort to prevent his mount from shifting out near the 50m when insufficiently clear of Sierra Zulu, resulting in Sierra Zulu clipping the heels of his mount and falling and dislodging that horses rider, Ethan Brown. Stewards acknowledged that during the incident Sierra Zulu had a tendency to lay in.”*

James Winks had his licence to ride in races suspended for a period of 24 meetings to commence at midnight on Saturday 1/12/18 to midnight on 24/12/18.

In assessing penalty, Stewards took into account James Winks excellent record, and that the carelessness resulted in a fall.

A Notice of Appeal against the decision and severity of the penalty imposed was lodged on 24 November 2018.

A stay of proceedings was not requested.

DECISION: Appeal against conviction dismissed. The appeal against the severity of penalty was allowed. The penalty is varied to 20 race meetings.

Grace Gugliandolo
Registrar
Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

JAMES WINKS

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

THURSDAY, 29 NOVEMBER 2018

MR M. HYLAND appeared on behalf of Mr J. Winks

MR W. HADLEY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr James Winks, the Stewards have charged you with careless riding in race 4 over 1200 metres at Moonee Valley at the night meeting on 23 November last. You were riding Embrace Me. The Stewards allege that, near the 50-metre mark, you failed to make sufficient effort to prevent your mount from shifting out when insufficiently clear of Sierra Zulu, ridden by Ethan Brown, resulting in Sierra Zulu clipping the heels of Embrace Me and falling, dislodging Ethan Brown.

The Stewards acknowledge that during the incident, Sierra Zulu had a tendency to lay in. You pleaded not guilty to the charge of careless riding and continue so to do. The Stewards found the charge proven and suspended you for a period of 24 meetings. You are appealing against both the decision and the severity of the penalty.

I have viewed the video several times. I know these things happen very rapidly, but a few things seem to me to be shown by that video. Firstly, Ethan Brown's mount was finishing more strongly than yours. Secondly, you did move off your line. Both the head-on view and the view from behind show that you have moved the horse off its line and there is no real argument concerning this. But in any event, viewing the video, if you took a line through the horse that ultimately ran second, Vivi Valentina, you moved from being squarely behind it to being at least half a horse, perhaps more, to its outside. At the relevant time, Vivi Valentina was running in a comparatively straight line.

Thirdly, Ethan Brown had a clear run to your outside. There was a gap of at least a horse and probably a horse and a half. I disagree that it was quite neat, to use Ethan Brown's original phrase. There was a clear gap to your outside.

Next, Ethan Brown's horse may have shifted in a little, but I note that his initial statement at page 2 of the transcript was that his horse was "ever so slightly getting in". Further, you did keep riding your mount along. I agree that you may have attempted to steer it with the left rein but you continued to ride it along until the clipping of heels; in other words, you did not take hold.

As stated, you may have been attempting to steer it with the left rein and you had put the whip away, but you continued to ride it along when the clipping of heels occurred. I disagree with the submission of Mr Hyland that had you taken hold, you would have fallen back into the lap of Ethan Brown. Ethan Brown was moving into the available space to your outside.

I do not accept that part of your explanation that you thought the horse had bled, because your looking down occurred after the clipping of heels.

I again say I appreciate that these happen very, very quickly and call for virtually split-second decision-making. It was unfortunate that this incident resulted in a fall. However, in my view, you continued to ride the horse along rather than taking hold of it, and then the fall occurred. So I find the charge of careless riding to be made out.

I again repeat what I say about the impact and how unfortunate it can be. I am minded to reduce the penalty. A lot of things in racing are split-second. This was really a split-second thing, and Mr Winks was both riding and attempting to steer with the left. The appeal against the severity of the appeal is upheld and the penalty is varied to 20 meetings.
