

## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
VJA  
TVN  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 3 April 2013

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY JAMES WINKS**

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**Panel** Judge Russell Lewis (Chair), Mr Darren McGee, Mr Ron Taylor.

**Appearances** Mr Des O’Keeffe appeared on behalf of Mr Winks.  
Mr Rob Montgomery appeared on behalf of the Stewards.

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At Caulfield on Saturday 30 March 2013, jockey James Winks pleaded guilty to a charge of careless riding on his mount *Such Hope* in Race 4 *Hillier’s Delectable Chocolates Noel Rundle Handicap* (1400m).

The careless riding that approaching the 200m he permitted his mount to shift out where there was insufficient room and in doing so tightened *Forget* out onto *Floatmyboat (NZ)* resulting in *Forget* having to be checked and *Floatmyboat (NZ)* being hampered.

Mr Winks had his licence to ride in races suspended for a period to commence at midnight on Saturday, 30 March 2103 and to expire at midnight on Tuesday, 9 April 2013 - a total of 11 race meetings (3 city, 8 country).

In assessing penalty Stewards took into account J Winks’ guilty plea and good record, the shift from *Crystal Web* and the careless riding was in the mid-range category.

A Notice of Appeal against **the severity of the penalty** was lodged on Tuesday, 2 April 2013. A stay of proceedings was not requested.

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**DECISION:** **Appeal dismissed.**  
**Penalty to remain standing.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR D. McGEE  
MR R. TAYLOR**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE HILLIER'S DELECTABLE CHOCOLATES  
NOEL RUNDLE HANDICAP OVER 1400 METRES AT CAULFIELD  
ON 30/3/13**

**JOCKEY: JAMES WINKS**

**MELBOURNE**

**WEDNESDAY, 3 APRIL 2013**

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

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CHAIRMAN: In this appeal, it is clear that when the Appellant elected to take a run between Dale Smith's mount and Damian Lane's mount, he did not simply edge out Dale Smith, he shunted him out of the way, indeed by bumping him. In the Board's opinion, the damage was well and truly done by the time Damian Lane's mount shifted ground.

In the Board's view, the Stewards were generous in allowing, in their penalty, contribution by Damian Lane. Accordingly, in the Board's view, the appeal against penalty should be and is dismissed.

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