

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 30 March 2016

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

Panel Judge Bowman (Chair), Mr Brian Forrest (Deputy), Prof Raymond Harbridge.

Appearances Mr James Hitchcock appeared on behalf of the stewards.
Mr Winks appeared on his own behalf.

At Terang on Thursday 24 March 2016, jockey James Winks was found guilty of a charge of careless on his mount *Memory of Time* in Race 2 the *Terang Co-Op Plate* (1850m).

The careless riding being that approaching the 1400m when easing his mount from wide on the course and attempting to obtain cover, J. Winks has shifted *Memory Of Time* in when not sufficiently clear of *Doom N Boom* that has been checked as a consequence.

Mr Winks had his licence to ride in races suspended for a period to commence at midnight on Saturday, 26 March 2016 and to expire at midnight on Tuesday, 5 April 2016 – a total of 12 race meetings (2 metro, 10 provincial).

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Sunday, 27 March 2016. 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 Friday, 1 April 2016 (8 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE BOWMAN, Chairman
MR B. FORREST, Deputy Chairman
PROF R. HARBRIDGE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE TERANG CO-OP PLATE
OVER 1850 METRES AT TERANG ON 24/3/16**

JOCKEY: JAMES WINKS

MELBOURNE

WEDNESDAY, 30 MARCH 2016

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR J. WINKS appeared on his own behalf

CHAIRMAN: Mr James Winks has pleaded not guilty to a charge of careless riding in race 2 at Terang on 25 March last, in that his mount, Memory of Time, interfered with Doom 'N' Boom, ridden by Jamie Mott, this occurring at the 1400-metre mark. Mr Winks was suspended by the Stewards for 12 meetings. He is appealing against both conviction and penalty.

Jamie Mott said that his mount was hard to control and, in essence, drove forward into what was otherwise a three or two-length gap as Mr Winks crossed him. Essentially Mr Winks lays the blame on the racing manners of Jamie Mott's mount.

We have viewed the patrol film and read the transcript. We are of the opinion that Mr Winks' mount was not two lengths clear when it crossed Jamie Mott's horse. We do not accept that Mr Mott's mount was racing ungenerously or was hard to control prior to the interference. We agree with Mr Hitchcock on this point.

Certainly after the interference, Mr Mott's mount threw its head about and raced less kindly for a distance. In short, we can see no suggestion that Mr Mott's horse did not keep approximately on its line. The incident was caused by Mr Winks' mount crossing that of Mr Mott when not sufficiently clear of it. The appeal against conviction is dismissed. The penalty is varied so that the period of suspension expires at midnight on Friday, 1 April 2016, a period of eight race meetings.
