



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 7 October 2015

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: BRIAN HIGGINS**

Heard By Judge John Bowman (Chair.)

Appearances Mr Des O’Keeffe appeared on behalf of Mr Higgins.
Mr Brett Wright appeared on behalf of the stewards.

At Mornington on Tuesday 29 September 2015, jockey Brian Higgins rider of *Don’t Plead Guilty* (fifth placegetter) pleaded guilty to breaching the provisions of 137(b) in that he failed to ride the gelding out to the end of the race and in the view of the Stewards his actions affected the result of the race.

Brian Higgins was fined \$750. In arriving at penalty account was taken of his guilty plea, his good record over a long period of riding and relative betting.

A Notice of Appeal against **the severity of the penalty** was lodged on Thursday, 1 October 2015.

DECISION: Appeal allowed. Penalty varied to a fine of \$400.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE WIN WITH THE
@WILLIAMHILLWOLF HANDICAP OVER 1500 METRES
AT MORNINGTON ON 29/9/15**

JOCKEY: BRIAN HIGGINS

MELBOURNE

WEDNESDAY, 7 OCTOBER 2015

MR B. WRIGHT appeared on behalf of the RVL Stewards

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

CHAIRMAN: Mr Brian Higgins has pleaded guilty to a charge of breaching Rule 137(b), in that he failed to ride his mount out to the end of the relevant race. Mr Wright, on behalf of the Stewards, showed video of the finish. It was essentially agreed by Mr O'Keeffe on behalf of Mr Higgins and Mr Wright that apparently the last one and a half strides should be the focus of attention. Mr Higgins' mount was beaten approximately a half-head or .1 of a length for 4th place.

There was considerable argument as to whether Mr Higgins' failure to ride out his mount affected the battle for 4th place. Frankly, I cannot be sure. The camera angle seems to be past the post and does not make the task easier.

Mr O'Keeffe has put before me a list of penalties imposed in the last 12 months of similar cases. One such category is cases where the Stewards were unsure as to whether the failure to ride out the mount affected the outcome. There were a couple of 5th and 4th battles in that category. Of course 4th place affects first four betting and, as pointed out by Mr Wright, also affects prizemoney and a horse's ratings.

I am satisfied that a financial penalty should be imposed. Mr Higgins is no newcomer to the saddle. He has been riding for some 13 years. On 1 September 2015, that is, very recently, he was reprimanded for a similar offence. The necessity to ride his mount out should have been fresh in his mind, particularly given the significance of 4th place. However, as stated, I am unsure as to whether that failure resulted in his mount finishing 5th.

I am prepared to vary the fine imposed by the Stewards. I note that in similar circumstances of uncertainty and involving 4th and 5th places, senior jockey Nick Hall was fined \$400. Given the recent reprimand to Mr Higgins, that seems to me to be an appropriate fine. He is convicted and fined \$400.
