

## Geraldine TC 1 February 2020 - R 9 - Chair, Mr S Ching

### Rules:

[869\(3\)\(b\)](#)

### Name(s):

Mr T Williams - Open Horseman  
Mr M Anderson - Open Horseman  
Mr J Dunn - Open Horseman

### Charge:

### Facts:

denied

Following the running of Race 9, an information was filed by Stipendiary Steward Mr S Renault against Open Horseman Mr T Williams, alleging a breach of Rule 869(3) (b) in that he drove carelessly racing when shifting ground outwards near the 950m checking FLAME LADY and SOUNDSLIKEART.

Mr Williams had endorsed on the Information that this breach of the Rules was not admitted which he confirmed at the hearing. Mr Williams also confirmed that he had a clear understanding of the rule he was being charged with.

Rule 869(3)(b) reads as follows:

*“(3) No horseman in any race shall drive:-  
(b) carelessly:-*

Mr Renault gave evidence and used video coverage, to show that approaching the 950m ANAMAJOR, driven by Mr Williams was racing in a 2 wide, 3 back position with FLAME LADY, driven by Mr M Anderson immediately outside Mr Williams and SOUNDSLIKEART, driven by Mr J Dunn in the trail of Mr Anderson. Mr Renault, using the back straight films, showed Mr Williams attempting to shift Mr Anderson out when entitled to and having an advantage over him. He pointed out Mr Williams putting pressure on Mr Anderson eventually making firm contact with that horse which unbalanced FLAME LADY, with the trailing SOUNDSLIKEART being affected in this incident and breaking. Mr Renault stated that Mr Williams' carelessness was the abrupt manner in which he came out causing interference to FLAME LADY and SOUNDSLIKEART.

Mr Williams stated that he was entitled to shift Mr Anderson out at the time as he had the advantage and Mr Anderson's horse was not going as well as he was. He stated that he attempted to shift Mr Anderson out gradually but with FLAME LADY hanging in, the mare was laying over him, resisting his attempts to shift her out. He stated that the pressure built to such a point that eventually FLAME LADY was shifted wider abruptly as the pressure was released. He added that SOUNDSLIKEART was caught up in the back wash of this incident causing the horse to break.

Mr Anderson gave evidence that his horse was hanging in at the time and was having difficulty holding its position. He said Mr Williams was entitled to come out but with his horse hanging in and struggling to hold its position, contributed to the incident.

Mr Dunn gave evidence that his horse was over racing at the time and when Mr Anderson was shifted outwards by Mr Williams it was sudden due to the pressure that had built up between ANAMAJOR and FLAME LADY. He said when the pressure from Mr Williams eventually shifted Mr Anderson out, there was a bang as the carts moved out abruptly, unbalancing FLAME LADY which spooked his horse causing it to break. He added there was no contact between his horse and Mr Anderson's horse to cause him to break.

### Decision:

We carefully considered all evidence presented and reviewed all relevant films available. We were satisfied that Mr Williams was entitled to shift Mr Anderson out near the 950m as he had a clear advantage over him and was travelling better. We find that Mr Williams applied pressure gradually when attempting to shift FLAME LADY out but Mr Anderson resisted the movement and allowed his horse to lay in over Mr Williams and not concede his position as one would expect in the circumstances. This, we found, resulted in an abrupt movement when the pressure built up by both horses was released. The resultant effect of this incident was that FLAME LADY became unbalanced and Mr Dunn's horse, who was over racing at the time, became involved in this skirmish by spooking at the unbalanced FLAME LADY and thereafter breaking. We find after considering all the evidence presented, that on this occasion, that Mr

Williams did not drive carelessly and therefore we dismiss the charge.

The charge was dismissed.