

NZ Metro TC 31 January 2020 - R 6 (instigating a protest) - Chair, Mr S Ching

Rules:

[869\(A\)\(2\)](#)

Name(s):

Mr C De Filippi - Open Horseman
Mr T Williams - Open Horseman
Mr C De Filippi - Open Horseman
Mr P Williams - Stipendiary Steward

Facts:

Following the running of Race 6, an Information instigating a protest was filed by Chief Stipendiary Steward, Mr N Ydgren, alleging interference near the 50m by 2nd placed ROYAL DEL, driven by Mr C DeFilippi, to 3rd placed, MEXICANA, driven by Mr T Williams, near the 50m.

The Judge's placings in this race were as follows.

1st LA REINA DEL SUR (6)
2nd ROYAL DEL (5)
3rd MEXICANA (4)
4th ROYAL PRIDE (3)
5th CROWN RANGE (7)
6th MUSCLE POWER (1)

The official margins between 2nd and 3rd was a head.

Rule 869A(2) provides as follows.

(2) When a placed horse or its driver causes interference to another placed horse and the Judicial Committee is satisfied that the horse interfered with would have finished ahead of that horse that, or whose driver, caused the interference the Judicial Committee must, in addition to any other penalty that may be imposed, place the horse that, or whose driver, caused the interference immediately after the horse interfered with.

Decisions:

Mr Ydgren, with the assistance of Stipendiary Steward Mr P Williams, showed the relevant films of the alleged interference which occurred near the 50m. He showed ROYAL DEL, driven by Mr DeFilippi, in the lead position with MEXICANA, driven by Mr T Williams, trailing ROYAL DEL, as the field entered the home straight. After passing the entrance to the passing lane, MEXICANA shifted down into the passing lane in order to improve on the inside of ROYAL DEL. Mr Williams pointed out ROYAL DEL who shifted down into the passing lane, momentarily near the 50m and take some of the rightful line of MEXICANA, who was held up briefly at this point, he said. ROYAL DEL was immediately straightened and returned to its correct line by Mr DeFilippi.

Mr T Williams, MEXICANA, stated in evidence that he had to take some evasive action momentarily, in an attempt to avoid ROYAL DEL but did not have to stop driving the horse out. When asked whether he believed he lost momentum in this incident, he replied that any momentum lost would be minimal.

Mr DeFilippi stated that ROYAL DEL was hanging down the track and shifted into the passing lane near the 50m. He said that once he knew there was a horse on his inside, he pulled ROYAL DEL up the track. Mr DeFilippi stated that he had to restrain the horse in order to pull ROYAL DEL out of the line of MEXICANA and in doing so it cost him momentum which made the improvement by MEXICANA on his inner look better.

We carefully considered the evidence given and the video coverage of the incident. The Committee was satisfied that ROYAL DEL had shifted into the passing lane momentarily at the 50m, into the line of the improving MEXICANA, before being pulled back up the track. We were also satisfied that MEXICANA was placed in restricted room at the 50m and was inconvenienced momentarily at that point. Taking into consideration all factors including the evidence from Mr Williams who did not have to stop driving MEXICANA out,

the distance from the finish and the margin of a head, we were not satisfied on the balance of probabilities that but for the alleged interference by ROYAL DEL to MEXICANA at the 50m, MEXICANA would have beaten ROYAL DEL to the finish. We therefore determined that the protest be dismissed.

Accordingly, the protest was dismissed.

It was ordered that dividends and stakes be paid in accordance with the official Judge's placings.