

Otago RC 24 October 2018 - R 3 - Chair, Prof G Hall

Rules:

[638\(1\)\(d\)](#)

Name(s):

Mr G Jogoo - Class B rider
Mr D Walsh - Apprentice Jockey Mentor assisting Mr Jogoo
Mr V Munro - Stipendiary Steward
Mr T Moseley - Class A Rider

Charge:

Facts:

admitted

Mr McLaughlin alleged that Mr Jogoo permitted his mount SITARIST to shift outwards passing the 350 metres in race 3, the STEVEN PRINCE 2200, when not sufficiently clear of MINUE (Mr Moseley), which was bumped, unbalanced and buffeted.

Mr Munro, Stipendiary Steward, demonstrated on the bend turning for home that SITARIST was trailing the leading runner MRS GEE EYE. Mr Jogoo came out looking for a run. In so doing, SITARIST came into contact with MINUE, and its jockey, Mr Moseley, at this time attempted to shift Mr Jogoo back in. Both Mr Munro and Mr McLaughlin stated that the Stewards had no issue with the initial movement by Mr Jogoo as this contact was the result of competitive riding. However, Mr Jogoo had continued to shift out and, in so doing, had placed Mr Moseley in restricted room as Mr Moseley had a horse to his immediate outside. Mr Moseley became unbalanced and had had to steady his horse.

Mr Munro said the connections of MINUE and Mr Moseley had viewed the videos immediately after the race with a view to lodging a protest but as the margin was $\frac{3}{4}$ of a length had decided not to do so. He also said that although SITARIST was improving quickly it was still behind MINUE and was pushing Mr Moseley wider on the track. He said Mr Moseley had an advantage over Mr Jogoo at the time and the run was not there for him. Mr Jogoo had "bulldozed his way out" and had continued to shift wider on the track.

Mr McLaughlin called Mr Moseley to give evidence. He stated he was 3 wide turning for home. When Mr Jogoo who was racing to his inner shifted out. Mr Moseley said he had held his line and put Mr Jogoo back in. He said Mr Jogoo then continued to come out and there was contact for a stride or two. He had received a bump and had been shifted on to the horse to his outside. He said Mr Jogoo had then kicked away. He was going too well. Mr Moseley said he would not say he had been checked but he had received a lot of buffeting and had been taken off his rightful line.

When questioned by the Committee, Mr Moseley said he had been inconvenienced rather than checked. He had become unbalanced and had not been able to go for the stick.

Mr Walsh questioned Mr Moseley concerning his becoming unbalanced. Mr Moseley agreed that he sometimes kicked his foot out a little to obtain balance but he believed that he had been taken off his line "a bit" by Mr Jogoo and that was why his foot had come out. Mr Jogoo had had a couple of digs at him before the continued outwards movement that had forced him to contact the horse to his outside. This contact was dictated by the horse to his inside, SITARIST. He said he did not yell, and he agreed with Mr Walsh that had he been able to hold Mr Jogoo in, he would have been "okay", but had not been able to do so.

Mr McLaughlin asked Mr Moseley whether he was entitled to be where he was and he replied that he believed he was.

Mr McLaughlin concluded his case by stating Mr Moseley was entitled to his run. Mr Jogoo had shifted out to make a run for himself and had taken Mr Moseley's run. Mr Jogoo did not have an advantage over Mr Moseley when he came out.

Mr Walsh believed the horse, THE KRAKEN, that Mr Jogoo had been following had moved up outside the leading horse and had shifted out a little on exiting the bend and this had led Mr Jogoo to come wider on the track than he had intended. He believed THE KRAKEN had moved from a one off to a loose 3 wide position at the top of the straight. He emphasised that Mr Jogoo was pulling away from Mr Moseley at the time of the incident. He believed Mr Moseley was using his feet, as was Mr Moseley's normal style of riding, and this was not because he had become unbalanced. He said Mr Jogoo had shifted out and that he was going better than Mr Moseley. He believed the gap was not there for Mr Jogoo because THE KRAKEN was on the wrong leg, and had moved out. This had

made Mr Jogoo come out further than he would otherwise have needed.

Mr Jogoo said he agreed with the submissions that Mr Walsh had made on his behalf.

Decision:

Mr Jogoo has permitted his horse to shift outwards on exiting the bend in race 3. In so doing, he has come into contact with Mr Moseley and despite being pushed back in, he has continued to shift out and, in so doing, he has come into the racing line of Mr Moseley who has become unbalanced. Mr Moseley then received buffeting as there was a horse to his immediate outside at this time. THE KRAKEN, which was racing ahead of SITARIST may have shifted out a touch, as Mr Walsh has alleged, but this was no reason for Mr Jogoo to continue to shift into Mr Moseley's rightful line of running in order to force a run to the outside of THE KRAKEN.

In continuing to shift outwards when not his length and another clear of Mr Moseley, the Committee finds that Mr Jogoo is in breach of r 638(1)(d) and has thus ridden carelessly.