

R Tauranga 6 February 2020 - R 4 (instigating a protest) - Chair, Mr A Dooley

Rules:

[642\(1\)](#)

Name(s):

Mr S McKee - Trainer of NEESON
Mr J Oatham - Chief Stipendiary Steward
Mr A Goindasamy - Rider of NEESON
Mr D Nakhle - Co Owner of NEESON
Mr R Elliot - Rider of PASABAHCE

Facts:

Following the running of race 4, an Information was filed Instigating a Protest pursuant to Rule 642(1). The Informant, Mr G Rogerson, Co Trainer of PASABAHCE, alleged that NEESON or its rider placed 1st by the Judge interfered with the chances of PASABAHCE placed 4th by the Judge.

The interference was alleged to have occurred in the final 100 metres.

The Judge's placings were as follows:

1st No. 3 NEESON
2nd No. 6 CRAFTY JESS
3rd No. 7 JIP JIP ROCK
4th No. 5 PASABAHCE

The official margins between 1st and 4th were a long head, a long neck and ½ a length.

Rule 642(1) states: *"If a placed horse or its rider causes interference within the meaning of this rule 642 to another placed horse, and the Judicial Committee is of the opinion that the horse so interfered with would have finished ahead of the first mentioned horse had such interference not occurred, they may place the first mentioned horse immediately after the horse interfered with".*

For the purposes of Rule 642 "interference" is defined as:

(i) a horse crossing another horse without being at least its own length and one other clear length in front of such other horse at the time of crossing;

(ii) a horse jostling with another horse, unless it is proved that such jostling was caused by the fault of some other horse or Rider or that the horse or Rider jostled with was partly at fault; or

(iii) a horse itself, or its Rider, in any way interfering with another horse or the Rider of another horse in a Race, unless it is proved that such interference was caused by the fault of some other horse or Rider or that the horse or Rider interfered with was partly at fault.

All connections present acknowledged they understood the protest Rule.

Decisions:

At the commencement of the hearing the protest procedure was explained to all parties.

Mr Rogerson submitted that NEESON shifted out into the running line of PASABAHCE over the final stages of the race. He said NEESON was not its own length and one other length clear when crossing into the line of PASABAHCE. He stated that PASABAHCE was a lazy horse that needs to be ridden hard. He added as a result of the interference Mr Elliot stood up in the irons.

Mr Elliot said that he agreed with Mr Rogerson's submissions. He said that PASABAHCE hit a flat spot then got her head up in the air when NEESON shifted out.

In response to a question from the Committee, Mr Elliot said the interference occurred about 25 metres before the finish line.

Prior to presenting his case Mr McKee sought clarification of the Protest Rule. The Chair read the Rule aloud for the benefit of the hearing.

Mr McKee submitted that the incident happened about 40 metres from the finish. He said NEESON was pulling away from PASABAHCE over the concluding stages of the race. He stated there was no possible way that PASABAHCE would have beaten NEESON.

Mr Goindasamy said that PASABAHCE would not have beaten NEESON.

Mr Oatham on behalf of the Stewards said that NEESON shifted out 4 to 5 strides before the finish line. He said that NEESON was $\frac{3}{4}$ of a length ahead of PASABAHCE when the interference occurred. He noted that the margin between 1st and 4th was just over 1 length and would let the Committee make the decision.

The Committee carefully considered all of submissions presented and reviewed the video footage.

In our assessment we found that NEESON shifted out approximately 5 strides before the finish line. As a result, that runner was $\frac{3}{4}$ of a length clear of PASABAHCE which meant Mr Elliot had to take a hold of his mount. It was evident over the concluding stages of the race that NEESON was always holding clear ascendancy over PASABAHCE.

Having considered the degree of the interference near the 30 metres, the manner in which both horses finished the race off and in particular the margin between the 2 horses at the finish the Committee was not satisfied that PASABAHCE would have beaten NEESON.

The protest was dismissed and the Judge's placings shall stand.

The Committee authorised the payment of stakes and dividends in accordance with its decision.