

## Waikato RC 8 May 2021 – R 7 – Chair, Mr G Jones

### Rules:

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

### Name(s):

Mr T Tanagida - Apprentice Rider of CHANCELLOR  
Mr M Williamson - Senior Stipendiary Steward  
Mr N Harris - Northern Rider Mentor assisting Mr Tanagida  
Ms S Spratt - Licensed Rider of DIVINE SAVA

### Charge:

### Facts:

denied

This is a defended hearing arising from the running of Race 7, the Waikato Equine Veterinary Centre 2YO Stakes (Listed \$50,000). Stipendiary Steward, Mr Jones filed an Information pursuant to Rule 638(1)(d) alleging Apprentice Rider, Mr Yanagida (CHANCELLOR) "permitted his mount to shift out near the 600 metres when not sufficiently clear of DIVINE SAVA which was hampered losing ground."

Apprentice Rider, Mr Yanagida endorsed the Information "*I do not admit the breach of the Rule*". This was confirmed at the commencement of the hearing. He was assisted at the hearing by Northern Riding Mentor, Mr N Harris.

Rule 638(1) (d) provides: *A Rider shall not ride a horse in a manner which the Judicial Committee considers to be careless.*

The Informant, Mr Jones advised the Committee that he intended to call two witnesses to prove the charge, namely Senior Stipendiary Steward, Mr M Williamson, and Ms S Spratt (rider of DIVINE SAVA).

#### *Witness Mr M Williamson*

Using the available race films Senior Stipendiary Steward, Mr Williamson demonstrated the alleged incident and identified the horses and riders concerned; namely CHANCELLOR (T Yanagida), DIVINE SAVA (S Spratt) and AGLIANICO (D Johnson). He stated that approaching the 600-metre mark CHANCELLOR was at the rear of the field on the rails with DIVINE SAVA on its outer, and AGLIANICO to the outside of that horse. Mr Williamson stated that Mr Yanagida commenced to ride his mount forward to hold its position and improved to the inside of DIVINE SAVA (who up until that point had not been racing well). He said that passing the 600-metre mark Mr Yanagida angled his mount away from the rail into the running line of DIVINE SAVA who was hampered and had to be steadied.

To further demonstrate this Mr Williamson referred the Committee to additional films including the back-on, side-on and turn tower. He stated that the back view shows that CHANCELLOR was never the required distance clear when it shifted off the rail. The side view, said Mr Williamson, showed he was never any more than half a length clear when he shifted. Using the turn tower view, he added that it clearly shows Mr Yanagida turned his horses head out. In mitigation, he said that Mr Yanagida had raced up onto the heels of Mr Innes' mount (BELDARRA) and was avoiding that runner whilst shifting. Mr Williamson said that the pace eased slightly when Mr Yanagida was riding forward, but he had an obligation to steady his mount rather than turning its head outwards (again referring to the side on film to reinforce this point). He concluded by stating that at the time he chose to ride forward and turn his mount's head outwards, Mr Yanagida was racing free of interference.

On behalf of Mr Yanagida, Mr Harris raised the fact that it was never Mr Yanagida intention to shift out, and the horse did so on its own accord. Mr Williamson disagreed with this proposition.

#### *Witness S Spratt*

In her evidence Miss Spratt confirmed that she was the rider of DIVINE SAVA. She said that passing the 600-metre mark she was on the outside of CHANCELLOR and Miss D Johnson's mount was racing 3-wide on her outer. She said that CHANCELLOR "*popped one out to the inside of my horse*". She said that it got "*tight but there was no pressure coming from the horse on her outer*" (referring to Miss Johnson's mount).

Under cross examination from Mr Harris, he asked Miss Spratt whether she thought it was Mr Yanagida's intention to shift out. She replied that she did not know what he was thinking at the time. In response to further questions from Mr Harris she agreed that her

mount was racing erratically, but it was before she suffered the interference.

In response to a question from the Committee Miss Spratt said that because of the incident she *"lost quite a bit of ground and went flying across the heels"*. She was adamant about this and said it was quite scary because she had in the back of her mind a fall in the previous race (referring to a fall in race 6).

#### *Evidence of Mr Yanagida*

It was Mr Yanagida's evidence that he was racing on the fence and *"happy to be there"*. He said his mount kept going forward (on the rails) and his horse was travelling strongly. He said that his horse shifted to the outside – it could have been because of the kickback (sand) and he immediately tried to ease back onto the fence. He said that when he tried to take a hold of his mount, Miss Spratt was under pressure from the horse on her outer (Miss Johnson's mount).

Using the race films, the Committee asked Mr Yanagida to point out where Ms Johnson's horse was putting pressure on Miss Spratt. Also, the Committee referred him to the film where it appeared he had turned his mount's head outward. In response Mr Yanagida said that this was *"an education race for my horse"*.

#### *Evidence of Mr Harris*

Although Mr Harris' status within the hearing is that of a support person, the Committee allowed him to provide some evidence on behalf of Mr Yanagida. This was because Mr Harris advised that due to language difficulties Mr Yanagida had trouble expressing himself and articulating what occurred. Mr Harris said that his interpretation of this incident was that Miss Spratt's horse was racing erratically for some distance. He said that CHANCELLOR simply stepped out from the rail on its own accord and Mr Yanagida had not intended to allow his mount to shift out. He said that Mr Yanagida corrected his mount. Mr Harris reinforced this on two or three more occasions stating, *"he had no intention to step out"* and *"he had no intent to pull out"*.

#### *Summing up – Informant*

In summing up the Informant's case Mr Jones highlighted the following points:

1. That the films are clear and show Mr Yanagida shifted out when not the required distance clear of Miss Spratt's mount.
2. That Mr Yanagida had an obligation to hold his position, rather than shift out.
3. That the evidence of Miss Spratt was that although her horse had raced erratically, she was entitled to maintain her position.
4. That it is the view of Stewards that Mr Yanagida should have maintained his position on the fence; and if required he could have restrained his mount.

#### *Summing up – Respondent*

Mr Harris summed up on behalf of Mr Yanagida. He submitted:

1. That Mr Yanagida had no intent to pull out and go forward.
2. That his mount was a young green horse.
3. That as soon as his mount stepped out, Mr Yanagida took corrective action.
4. That when a horse steps out a rider has no control of it, therefore there was no intention to shift out.

#### **Decision:**

After considering the evidence and reviewing the race films the Committee determined that the charge was proved. Mr Yanagida was deemed to be careless, and the Committee assessed his level of carelessness to be low range.

A Rider is careless if he or she fails to take reasonable steps to avoid causing interference or causes interference because of a misjudgement or a mistake. In this case Mr Yanagida, shifted in when not his own length and one other clear and as a result DIVINE SAVA was checked. The films do not support the evidence of Mr Yanagida that pressure was placed on DIVINE SAVA by Miss Johnson's mount.

The available films coupled with the evidence of Mr Williamson and Miss Spratt were compelling.

Mr Harris, a very experienced rider, placed a lot of weight on the fact that Mr Yanagida never intended to angle his mount out and it did so on its own. It is the Committee's opinion is that the 'turn tower' camera shows Mr Yanagida's horse head turned outward.

Intent does not have to be established for a Rider to be deemed careless. Furthermore, even if we entertained the proposition that the horse stepped out on its own accord, the films show that Mr Yanagida was slow to take corrective action.

The test is whether the Rider exercised the degree of care and attention a prudent Rider would exercise in the same circumstances. Although Mr Yanagida is an Apprentice Rider, he has considerable experience, having had over 1000 raceday rides and is shortly coming out of his time as an apprentice.

Therefore, in conclusion the Committee is satisfied, that at the time of the shift, Mr Yanagida did not exercise the required level or degree of care and the interference suffered by DIVINE SAVA was a direct result of his carelessness.

Based on the credible evidence presented to the Committee, we find the charge is proved to the requisite standard.