

Hawkes Bay RI 1 May 2021 - R 5 (instigating a protest) - Chair, Mrs N Moffatt

Rules:

[642\(1\)](#)

Name(s):

Mr G Vile
Mr L Somervell - Trainer of NO ROCK NO POP
Mr A Mudhoo - Rider of NO ROCK NO POP
Ms Leah Hemi - Rider of ANDUIN
Ms Olivia Blume - Representing Trainers of ANDUIN
Mr R Bergeson - Representing G Vile Trainer of HYDROEXPRESS
Ms M Hudson - Rider of HYDROEXPRESS
Mr M Williamson - Stipendiary Steward
Mr N Goodwin - Stipendiary Steward

Facts:

Following Race 5 (John Bary Racing 1200) two protests were lodged pursuant to Rule 642(1) by Ms L Hemi and Mr L Somervell against the winner HYDROEXPRESS.

The Information alleged that horse number 5 (HYDROEXPRESS) or its Rider placed 1st by the Judge interfered with the chances of horse number 4 (ANDUIN) and horse number 11 (NO ROCK NO POP), placed 2nd and third= by the Judge. The interference occurred in the final straight.

1st HYDROEXPRESS (5)

2nd ANDUIN (4)

3rd = NO ROCK NO POP (11)

3rd= SUPERDONNA (9)

The official margin between 1st and 2nd placed horses was a nose. The margin between 2nd and 3rd= horses was ½ neck.

Decisions:

At the outset of the hearing, for the benefit of all parties, the Chair requested that all available video angles be played prior to hearing any evidence. Mr Goodwin was asked to identify the runners involved and confirm the official margins. Although a multiple protest it was explained there would be one overall hearing. The Committee requested that head-on and side-on videos be synchronised to clarify where the interference occurred. Using the visible 50m mark as a reference Mr Williamson calculated the incident unfolded 2-3 strides short of the winning post.

Mr Somervell said it was difficult to see exactly where the interference occurred however the winner HYDROEXPRESS was coming in towards his horse (NO ROCK NO POP) before they hit. Considering the speed with which his horse was finishing, the nose margin, and the proximity to the finish post, Mr Somervell was confident NO ROCK NO POP would have won the race. In response to a question from the Committee Mr Somervell agreed that the inside runner ANDUIN contributed to the interference, describing the incident like a "wedge" with NO ROCK NO POP being squeezed in the middle.

Mr Mudhoo said his horse was coming home well when he received pressure from both sides but more from the outside horse HYDROEXPRESS. Responding to a question from the Committee Mr Mudhoo said without the interference he would have maybe won the race or dead-headed with the winner.

Ms Blume, representing the connections of ANDUIN, admitted her horse was drifting out slightly but said the pressure from the outside horse (HYDROEXPRESS) forced ANDUIN into changing legs and caused a loss of momentum to her horse. Prior to the interference ANDUIN was travelling well.

Ms Hemi said she was ½ length behind the winner and gaining but the inside movement from HYDROEXPRESS denied her a clear run to the line. Considering the nose margin, Ms Hemi said she would have won the race if there had been no interference.

Mr Bergeson represented HYDROEXPRESS in the absence of Trainer Mr Vile. While admitting that HYDROEXPRESS “inconvenienced” the 2nd and 3rd horses he said it was right on the line and both horses had the chance to get past the winner earlier in the run home. He said HYDROEXPRESS was probably more inconvenienced by running in, and if she had run straight would have won by half a length. He also pointed out that the 2nd placed horse (ANDUIN) had contributed.

Ms Hudson admitted HYDROEXPRESS had moved in abruptly but agreed with Mr Bergeson that she would have won the race by a greater margin if the horse had run straight.

For the Stewards Mr Williamson first addressed the protest 2nd v 1st. He said HYDROEXPRESS shifted in significantly over the final stages but ANDUIN also shifted outwards to some degree. They both contacted NO ROCK NO POP between them. The interference was very close to the winning post and while there was some chance that ANDUIN might have won the race the Stewards could not be sure.

In relation to the protest 3rd= v 1st Mr Williamson said NO ROCK NO POP received significant interference and there was some chance that it too could have won the race but again the Stewards could not be certain it would have.

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.

The Committee first considered the protest 3rd (NO ROCK NO POP) v 1st (HYDOEXPRESS). NO ROCK NO POP was subjected to severe buffeting when that runner moved into a gap between HYDROEXPRESS and ANDUIN. The interference occurred when both those horses failed to keep a straight line. HYDROEXPRESS moved in over considerably more ground than ANDUIN moved out but nonetheless it was a combined effect. Due to the contributing factor of ANDUIN, and the proximity of the incident to the finish line the Committee could not be satisfied that had the interference not occurred NO ROCK NO POP would have beaten HYDROEXPRESS. The protest 3rd v 1st was therefore dismissed.

We next considered the protest 2nd (ANDUIN) v 1st (HYDROEXPRESS). There was only a nose margin between these 2 horses. The proximity to the finish post also made it difficult to be sure that had interference not occurred ANDUIN would have beaten HYDROEXPRESS.

The Committee took into account the fact that ANDUIN also failed to maintain a straight line and contributed to the incident.

Accordingly, both protests were dismissed and authorisation to pay dividends on the Judge's placings and stake money was approved.