

TASMANIAN RACING APPEAL BOARD

Appeal No 9 of 2007/08

Panel:	Mr R Pearce (Chairman)	Appellant:	Mr S Amano
Appearances:	Mr Hadley on behalf of the stewards	Rule:	Thoroughbred Rule AR137(a)
Heard at:	Launceston	Penalty:	Two race meeting suspension
Date:	8 January 2008	Result:	Dismissed. Operation of penalty suspended until midnight, 13 January 2008

REASONS FOR DECISION

The appellant, Shuji Amano, was suspended by the stewards for two race meetings for careless riding contrary to AR137(a). The charge arose from his ride in Race 6 at Launceston on 16 December 2007. He has appealed against both the finding that he breached the rule and the penalty that was imposed on him.

As the field rounded the home turn Mr Amano's horse was three wide. To his inside was a horse being ridden by Mr Jason Maskiell. The stewards' case is that at about the 150 metre mark Mr Amano carelessly allowed his mount to shift in when it was insufficiently clear of Mr Maskiell's horse, causing Mr Maskiell to have to stand up and take hold of his horse and check it to avoid the heels of the appellant's horse. There was interference to one other runner as a result.

Mr Amano, through his representative Mr Walter McShane, does not dispute that his horse shifted in. He argues, however, that the shift was not as a result of any carelessness on his part but rather the unpredictable and abrupt reaction of the horse to being hit with the whip, particularly the second time it was used, in the sprint to the line.

I have carefully viewed the race films. I have heard evidence from the Chairman of Stewards, Mr Wade Hadley, from Mr Maskiell as well as from Mr Amano and one other jockey in the race, Mr Marlon Dolendo. Immediately before the incident Mr Amano's horse was well in the race. It was improving past Mr Maskiell's horse and looked to have a winning chance. Mr Amano certainly had an obligation to ride it strongly to the line to give it the best chance to win.

Shortly before the interference Mr Amano stopped riding hands and heels and commenced using the whip in his right hand. He struck the horse once. His horse can be seen to respond to the whip but also to start to shift in. Mr Amano continued to ride and use the whip again. The

horse continued to shift in until it crossed Mr Maskiell's horse causing it to be checked. At that point Mr Amano stopped riding, changed the whip to his left hand, took hold of the reins with both hands and straightened the horse. Mr Dolendo's horse was, at the critical time, looking for a run to the inside of Mr Maskiell's horse and, as a consequence, there was no room to the inside for Mr Maskiell to relieve the outside pressure. However, it is plain to me that Mr Dolendo's horse did not make contact with Mr Maskiell's horse so as to cause or contribute to any interference.

The question for me to determine is whether Mr Amano rode carelessly. He argues that the actions of his horse when he struck it the second time with the whip were unpredictable and unavoidable and took place despite the care that he exercised. He said that he took steps to correct his horse as soon as he was reasonably able to do so. I take into account in reaching my view about that evidence that he was riding his horse strongly at a critical part of the race.

The stewards contend that the horse maintained a steady inward path over the course of six or seven strides and that Mr Amano could and should have acted earlier to prevent the further inward shift. They say that he was careless not to do so. It is a question of judgment and degree.

Taking into account all of the evidence I am satisfied that the stewards' case is made out. It appears to me that the horse's inward shift commenced as soon as it was struck with the whip for the first time. It then continued after the second use of the whip, not as a sudden shift but as a continuation of what had already commenced. The horse then took a further two or three strides, at least in my view, having by then completely crossed Mr Maskiell's mount before Mr Amano took any steps to correct the path of the horse. Whilst of course Mr Amano has the obligation to give his horse every winning chance he must do so without carelessness. I realise that it is difficult in some cases, particularly in my position, to fully appreciate and understand what happens in races at full pace at such a critical time. However I am satisfied in this instance, on Mr Hadley's evidence, that Mr Amano could and should have reacted more quickly to correct the inward shift of his horse and that his failure to do so was careless. For those reasons I find the breach is established.

The reasons for my decision on conviction were announced to the parties immediately on conclusion of the appeal on 8 January 2008. I reserved my final decision on penalty until Thursday 10 January 2008 at which time I determined that taking into account the nature and extent of the carelessness and the interference caused I should not interfere with the two meeting suspension.

The appeal is dismissed. The operation of the suspension was deferred until midnight on Sunday, 13 January 2008.

Mr Amano's deposit will be returned to him.

DATED: 16 January 2008.