

**Voluntary Statement**

State of New York

County of 42

City, Town or Village of Saratoga NY

I, MIGUEL A. GUTIERREZ, being duly sworn, am [REDACTED] at, and my address is [REDACTED]. My telephone number is [REDACTED]. My occupation is at [REDACTED]. My work address telephone number is [REDACTED].

I make this statement voluntarily concerning the information I am about to provide.

I give Leveson, Joel permission to type this statement on my behalf.

I am the Chief Outrider at NYRA tracks . I have been working as such for 23 years. I was asked if I know what a electrical device looks like I said I knew of them but not exactly.

When asked where I was positioned to watch the Travers Stakes I told Mr. Leveson that I sit a little way in front of the gate maybe 30 yards.

I told Mr. Leveson that once the race started and the horses passed me into the first turn I rode my horse to the outside rail where I could watch the horses coming up the stretch.

Mr. Leveson wanted to know if I saw anything fall from the hand of the winner. I said no. he asked me if I saw the jockey Saez place anything under the saddle cloth , I said no. he then asked me if I saw anything unusual after the race , I sad no.

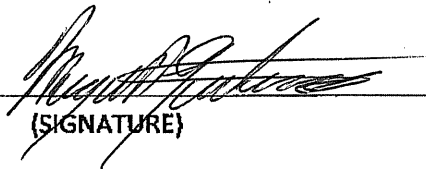
Mr. Leveson then asked me if I could say why the winning jockey Saez was not waving his hands to show he was happy. I said the jockey was only thanking God for the ride and for the win, then he was smlling , then he was talking with the second place jockey. Then he was fixing his clothes and his helmet and glasses.

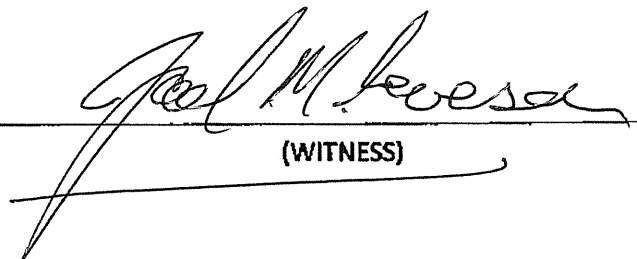
I then took the winning horse to the winner's circle then waited while they took the picture.

Mr. Leveson asked me if Saez talked to anyone else, I said only Donna Barton with NBC. She was talking to the second place winner. When she was finished she rode her horse over to Saez.

I have read this statement and/or it has been read to me. It consists of 1 page(s) and it is true and correct to the best of my knowledge.

Transcribed and affirmed before me this 18th day of September, 2013.

  
(SIGNATURE)

  
(WITNESS)

# Voluntary Statement

State of New York

County of 42

City, Town or Village of Saratoga NY

I, MIKE E. SMITH, being duly sworn, am [REDACTED] at , and my address is [REDACTED]  
[REDACTED]. My telephone number is [REDACTED]. My occupation is at . My work address  
telephone number is .

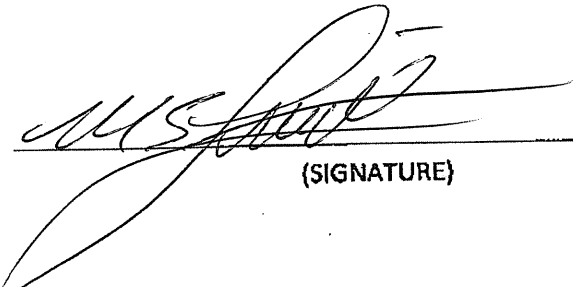
I make this statement voluntarily concerning the information I am about to provide.

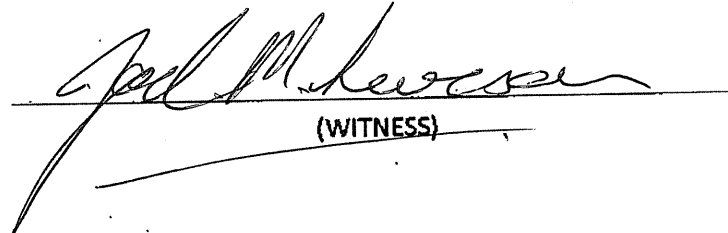
I give Leveson, Joel permission to type this statement on my behalf.

Mike Smith is a jockey who has been riding races in N.Y. since 2003. He was riding "Palice Malice" in the Travers Stakes. When asked if he could remember the race, he said his horse had a poor start and that he was behind the leaders in deep stretch. He said that he was in a position to watch Luis Saez give "WillTake Charge " a good ride. When ask if he was near or behind him at the wire he stated that he was . When asked if he saw anything unusual he said no. When asked if there was anything unusual in the jockey quarters after the race he said no, only respect and kindness for Saez.

I have read this statement and/or it has been read to me. It consists of 1 page(s) and it is true and correct to the best of my knowledge.

Transcribed and affirmed before me this 18th day of September, 2013.

  
(SIGNATURE)

  
(WITNESS)

Voluntary Statement

State of New York

County of 42

City, Town or Village of Saratoga NY

I, JAVIER J. CASTELLANO, being duly sworn, am [redacted] at, and my address is [redacted] [redacted] My telephone number is [redacted] My occupation is at. My work address telephone number is.

I make this statement voluntarily concerning the information I am about to provide.

I give Leveson, Joel permission to type this statement on my behalf.

*front will take charge*

Javier Castellano is a jockey who rode number one horse, "Romansh" when asked whether he remembered how the race unfolded, he was able to recite perfectly how it did happen. He stated that he was behind the eventual winner "Will Take Charge" ~~all the way~~. He stated that the horse ran exactly how it did when he rode it a few weeks before, in the Jim Dandy Stakes with one exception. When he rode the horse, in the stretch run the horse started to "lug-in". He went on to say he probably would have been closer to the winner if he did not have to grab the horse to the outside. He ~~opined that trainer Lukas had taken the blinkers off the horse so that he could see around himself, which improved its psyche so that he ran a straight line for jockey Saez.~~ Castellano could not say enough for Luis Saez stating that he rode the horse masterfully to win the race. Castellano stated the horse received his closing speed gradually and did it by lengthening its stride, which was done exactly the way he remembered his own ride of the horse.

When asked if while riding behind "Will Take Charge" at the end of the race, he saw anything come from the left hand of jockey Saez' hand he said no.

When asked if the riders in the colony ever joked about or talked about using a "Joint" or a electric "buzzer" he became animated and said in part "that if I would know of anyone using such a device I would immediately report them to the Stewards" he went on to say that at NYRA tracks there are the best jockeys in the world and the best horses, he opined that there is no necessity to use such a device.

When asked if there was any negativity in the jockey quarters after the race he said no. Every one was happy for Luis.

I have read this statement and/or it has been read to me. It consists of 1 page(s) and it is true and correct to the best of my knowledge. \* *RE-WROTE BRIEF STATEMENT AS I WAS CONFUSED BY* Transcribed and affirmed before me this 18th day of September, 2013. *ABOVE TYPED STATEMENT.*

*[Handwritten Signature]*  
(SIGNATURE)

*[Handwritten Signature]*  
(WITNESS)

\* *AS FAR AS I'M CONCERNED, LUIS SAEZ RODE AN EXCELLENT RACE DURING WATCH TIME, I DID NOT NOTICE ANYTHING SUSPICIOUS NOR DID I SEE SAEZ DO ANYTHING IMPROPER.*

**Voluntary Statement**

State of New York

County of 42

City, Town or Village of Saratoga NY

I, RODNEYPAINE, being duly sworn, am [redacted] at, and my address is [redacted]  
[redacted] My telephone number is [redacted] My occupation is at . My work address telephone number is .

I make this statement voluntarily concerning the information I am about to provide.

I give Leveson, Joel permission to type this statement on my behalf.

Rodney Paine is a licensed exercise rider in the morning and a jockey valet in the afternoon. Paine started as valet for Luis Saez at the beginning of the Satatoga meet. Paine is a third generation jockey having ridden in Australia and Japan before entering the United States. Paine said that he is not aware of any use of a mechanical device in his former days as a jockey nor in his time as a valet in N.Y. He further stated that to his knowledge the jockey colony has never talked even jokingly about the use of a shocking device . He emphatically stated that he was not aware of any use of a shocking device by or in the locker or clothing of Luis Saez. Paine states that he was present at the time of Saez' locker search.

When asked if he found the lack of jubilation of Saez to be unusual after crossing the finish line in the Travers, he answered that Saez is a very quiet and reserved individual, who sits quietly between races studying the racing form and past races. Also at the end of the races that he has not seen Saez do anything to show extra joy other than smiling. Paine stated that at the weigh in after the race , that Saez followed him out of the winners circle, at which time he told him to go back to the horse and remount for the picture. Paine said that he thought the winning of the race had not set in with Saez at that moment. Paine answered when questioned, that there was no negativity in the jockey quarters or the walk back to the room and no talk of anything but congratulations from the other riders. \*

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Transcribed and affirmed before me this 18th day of September, 2013.

Rodney Paine  
(SIGNATURE)

[Signature]  
(WITNESS)

\* JOSE ORTIZ, WHOM RODE THE RUNNER UP, WAS THE FIRST TO CONGRADULATE ME AND SAY HOW AWESOME IT WAS FOR ME. I THEN SEEN HIM HIGH FIVE, LUIS SAEZ AND CONGRADUAL HIM.

Rodray Paine

Statement provided by Jockey Jose Ortiz, [REDACTED] at the Belmont Office of the NYS Gaming Commission on 9/18/13, in the presence of NYS Investigator A. L. Gonzalez.

He's been a Jockey for approximately (1.5) yrs. Having started his career in Puerto Rico and then moving to New York.

He's known Jockey Luis Saez since Saez started several months ago and has competed against him on numerous occasions.

Thus far Saez has been equally as professional as he is personable. He's an excellent Jockey with the potential to be a great one. He's very sociable, well liked and respected albeit somewhat reserved.

Questioned about his opinion on the Travers Race, Ortiz said the race went as he expected with no particular surprises. His horse (Moreno) took the lead and was in the lead for most of the race except at the end when "Take Charge" took charge and won the race, beating him by a nose.

Asked if he'd been surprised at the outcome, Ortiz gave a firm response of no, stating that "Take Charge" had beaten him before in a previous race and in his opinion, "Orb" had been rested a bit too long.

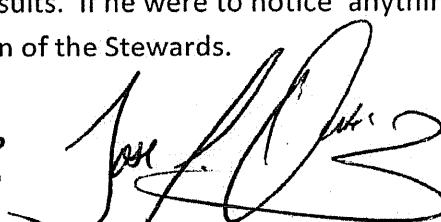
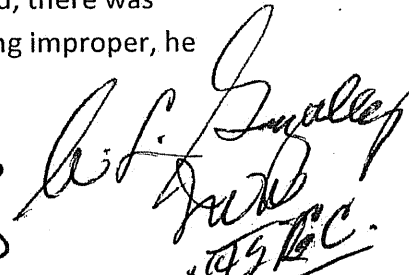
When questioned about their position around the turn, Ortiz stated that "Orb" was alongside of him on the left but "Take Charge" was behind him.

As to any conversation that he had with Saez, Ortiz stated that he congratulated Saez once they crossed the finish line but Saez appeared to be unaware that he'd won the race. Although Saez is an aggressive and skillful rider, he's also very quiet and reserved. He noticed that Saez was not as exuberant as many other Jockeys are when they win.

They had dinner together that evening, some place by the Harness Track. They had a fun time and spoke socially but each avoided talking about the race.

While Ortiz was certain that Saez had beaten him by a nose, Saez was not as certain about having won the race. He was very calm and collective as he normally seems to be.

Asked if he'd seen Saez use or drop any electrical device (Joint) during the race, Ortiz gave an emphatic no. Asked if he'd seen anything unusual during the race in terms of behavior, Ortiz again provided an emphatic no. Ortiz added that as far as he was concerned, there was nothing improper about the race or the results. If he were to notice anything improper, he would immediately bring it to the attention of the Stewards.

9-19-13    
A.L. Gonzalez  
NYS G.C.

Voluntary Statement

State of New York

County of 42

City, Town or Village of Saratoga NY

I, JOHN R. VELAZQUEZ, being duly sworn, am [redacted] being born on [redacted] at [redacted], and my address is [redacted] My telephone number is [redacted] My occupation is at [redacted]. My work address [redacted] telephone number is [redacted].

I make this statement voluntarily concerning the information I am about to provide.

I give Leveson, Joel permission to type this statement on my behalf.

John Velazquez is a long time jockey at NYRA tracks, he is also the Jockey Guild Representative for NYRA tracks. He was riding "Verrazano" in the Travers Stakes. He said he did not have a very good start and had time in the latter parts of the race to study the ride given to the eventual winner. The writer had asked Velazquez if he saw anything unusual regarding the way Saez' hands traversed the neck of the horse. The answer was that Saez was busy in the stretch from the time the horse came through the turn. He changed the whip to the left hand from the right hand urged the horse to change leads, then settled for the last ride after bringing the horse to the outside, then rode with his hands in the hair line of the mane, to the finish. The answer was that he was race riding with nothing unusual noted other than giving a good performance.

When asked if he was riding close to the eventual winner he answered directly behind him.

When asked if he saw anything fall from his hands he said no.

I have read this statement and/or it has been read to me. It consists of 1 page(s) and it is true and correct to the best of my knowledge.

Transcribed and affirmed before me this 18th day of September, 2013.

John Velazquez 9/19/13 (SIGNATURE) Joel Leveson 9/19/13 (WITNESS)

VOLUNTARY STATEMENT

STATE OF NEW YORK:

COUNTY OF NASSAU

CITY, TOWN OR VILLAGE OF ELMONT

JOSE LEZCANO, being duly sworn, am \_\_\_\_\_ years of age, born on \_\_\_\_\_, at \_\_\_\_\_, and

address is \_\_\_\_\_, My telephone number is \_\_\_\_\_, My occupation is JOCKEY

at NYRA, My work telephone number is \_\_\_\_\_

make this statement voluntarily concerning the information I am about to provide.

JOSE LEZCANO, give my permission to AIG

investigator for the New York State Gaming Commission, to write this statement on my behalf:

- I've been a Jockey for approximately 9 yrs.
- I WAS THE RIDER ON THE HORSE "ORR" IN THE 2013 TRAVERS @ SARATOGA.
- AS THE RACE STARTED, I WAS ON THE INSIDE (5TH) + TAKE CHARGE WAS ALONGSIDE ME.
- FOR MOST OF THE RACE, TAKE CHARGE WAS BEHIND ME BY (1) LENGTH.
- DURING THE (2ND) TURN, I WENT INSIDE + TAKE CHARGE WAS ON THE OUTSIDE.
- AROUND THE (1/4) POLE, I WENT AHEAD BUT SUDDENLy WILL TAKE CHARGE PASSED ME BY + WON THE RACE AS MORE HE CAME IN 2ND.
- AT THE TIME DURING RACE, DID I SEE (SABZ) <sup>OR</sup> (WILL TAKE CHARGE) USE OR GRAB ANYTHING OR ANY OBJECT. - SABZ RAN A GREAT RACE AND I CONGRATULATED HIM, NOTICING THAT HE WAS UNCERTAIN ABOUT THE VICTORY.

I have read this statement and/or it has been read to me. It consists of \_\_\_\_\_ page(s) and it is true and correct to the best of my knowledge.

Page 1 of 1 page(s)  
Transcribed and sworn before me this 28 day of Sept, 2013

Jose Lezcano  
(SIGNATURE)  
Ref: Peoples  
(WITNESS)