16 June 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**AARON DEBATTISTA**

**Date of hearing:** 3 June 2022

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Andrew Spence appeared on behalf of the Stewards.

Mr Aaron Debattista represented himself.

**Charge:** Greyhounds Australasia Rule (GAR) 123 Marring by a greyhound; Where, in the opinion of the Stewards, a greyhound is found to have marred during an Event, the Stewards must impose a period of suspension in respect of the greyhound pursuant to rule 127, which is to be recorded by them as part of the identification record.

**Particulars of charge:** Stewards spoke to Mr Aaron Debattista, the trainer of Extreme Force regarding the greyhound’s racing manners approaching the home turn. Acting under the provisions of GAR 123 Extreme Force was charged with marring. Mr Debattista pleaded not guilty to the charge, Extreme Force was found guilty and suspended for 28 days all tracks and must perform a Satisfactory Trial in accordance with GAR 127, and pursuant to GAR 132, before any future nomination will be accepted.

**Plea:** Not Guilty

**RULING**

In this matter, a preliminary dispute has arisen. The case itself concerns a marring charge brought by the Stewards against the dog Extreme Force, trained by Mr Aaron Debattista. The alleged marring occurred on or approaching the home turn in Race 3 at Traralgon on 20 May 2022. Mr Debattista is pleading not guilty to the charge. He is appealing the finding of guilt and the penalty imposed by the Stewards.

There is no argument but that the charge brought states that the other dog involved in the alleged marring was Dr Fraya. The Stewards now state that this is a slip or error. Dr Fraya was certainly in the race and close to Extreme Force in the concluding stages of the event. However, the victim of the alleged marring was River Rough, which was the red, and which came into contact with Extreme Force on or approaching the home turn. The Stewards now seek to amend the charge by deleting the name Dr Fraya and inserting the name River Rough.

I have been provided with the video of the race, some still photographs extracted from it, and with the transcript of the inquiry carried out on the night of the race and attended by Mr Debattista. On that transcript, I would point to extracts such as the Stewards saying “The Stewards had a concern approaching the home turn” and Mr Debattista saying “He’s trying to get off the track and he just hits the back end of the red”. The Chairperson further states “Your greyhound crosses out from number 1 there, the number one being River Rough.

Thus, in the enquiry until almost the very end there are only two dogs referred to – Extreme Force and “the red” or “1” – that is, River Rough.

At the very conclusion, the charge laid, as showed in the Charge sheet, is marring involving Dr Fraya.

Even on his appeal form, Mr Debattista alleged that the Stewards were determined to charge Extreme Force with marring River Rough. On that appeal form, he then added: “The Stewards then to my surprise charged Extreme Force with marring Dr Fraya”.

What has occurred here is a slip or error. All discussions effectively centred on Extreme Force and River Rough. The charge was laid of marring Dr Freya, not River Rough. That was clearly an error – unfortunate, but still an error.

In my opinion, the charge can be amended by deleting the name Dr Fraya and inserting River Rough. At all relevant times during the interview, what was being considered was an incident on the home turn, and the two dogs involved were Extreme Force and River Rough. The video of the race shows that the incident, whether or not it was marring, involved those two dogs and occurred on or approaching the home turn. There are also three still photos extracted from the video. The dogs are clearly identifiable.

If Mr Debattista needs any time to consider the situation, that will be granted. However, it is clear to me that the focus of attention by all concerned was on Extreme Force and River Rough, and what happened on the home turn. An accidental naming error subsequently occurred.

The Stewards seek to amend the charge by inserting the name River Rough for that of Dr Fraya. That seems to me to be a proper and reasonable request in all the circumstances and it is granted.

I might add that confusion such as this can be eliminated or substantially reduced if the dogs or individuals concerned, along with the race particulars and where any alleged interference occurred, are named or set out at the start of the Stewards interview. It is usually done that way at the beginning of interviews in racing and harness racing and reduces the risk of slips or errors. It often takes only one sentence or one short paragraph. That should assist all concerned, including trainers.

**DECISION**

This case involves a charge of marring, that is a breach of GAR 123. It involves Race 3 at Traralgon on 20 May 2022. Extreme Force, trained by Mr Aaron Debattista, is charged with making muzzle contact with River Rough on the home turn.

Further details are contained in my Ruling above in relation to the amendment of the charge so as to correctly identify the other dog involved as being River Rough, as the incorrect name had been inserted.

I have viewed the video many times and have also seen three still photographs extracted from the video. I would add that these are a little blurry and it would be difficult to be confident from them that muzzle contact was made. However, the video itself does establish to my comfortable satisfaction that marring did occur.

Approaching the home turn, Extreme Force was behind and to the inside of River Rough, Extreme Force then closed the gap and moved away from the rails. I am satisfied that it then made muzzle contact with River Rough. It does not seem to me that River Rough moved off its line to any appreciable extent, if at all, before the muzzle contact was made. Extreme Force was subsequently found to be suffering from a leg injury which would sideline it for a 14 day period. Unfortunately, that does not assist in relation to matters of marring. I have some sympathy for Mr Debattista, who put in a big effort on behalf of his dog, but the ingredients of marring, however brief, have been established to my comfortable satisfaction.

As a result of the marring, the stand down period of 28 days is imposed and Extreme Force must trial to the satisfaction of the Stewards. These requirements, as imposed, remain in place.

In short, the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal