31 March 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**CLINTON CAPUANO**

**Date of hearing:** 12 March 2021

**Panel:** Justice Shane Marshall.

**Appearances:** Mr Cameron Day appeared on behalf of the Stewards.

Mr Clinton Capuano represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 69B(1) states:

(1) Where, in the opinion of the Stewards, a greyhound fails to pursue the lure with due commitment for the first time only then it shall be examined by the officiating veterinary surgeon or authorised person at the meeting and

(a) if found to be injured, it shall be suspended until the completion of a satisfactory trial, and the specifics shall be recorded in the relevant Controlling Body Register, or where applicable, the Certificate of Registration or Weight Card of the greyhound.

(b) if found not to be injured, then the provisions of Rule 69A shall apply.

**Particulars of charge: “**Snapper Smith” underwent a post-race veterinary examination and was found to have a left wrist fracture and abrasions to the left forelimb. A 90 day stand down period was imposed. Stewards spoke to trainer Mr. Clint Capuano, regarding the greyhounds racing manners approaching the winning post. Acting under the provisions of GAR 69B(1), Snapper Smith was charged with failing to pursue the lure with due commitment (by reason of injury). Mr. Capuano pleaded not guilty to the charge, Snapper Smith was found guilty and must perform a Satisfactory Trial in accordance with GAR 69B(1) and GAR 72, before any future nomination will be accepted.

**Plea:** Not guilty

**DECISION**

1. Mr Clinton Capuano is a registered greyhound trainer and the trainer of “Snapper Smith”. The greyhound competed in Race 1 at Sandown on 4 March 2021. After the race, Stewards charged the greyhound with failing to pursue the lure for the first time by reason of injury in breach of Greyhounds Australasia Rule (“GAR”) 69B(1). Mr Capuano pleaded not guilty and the Stewards found the greyhound guilty.
2. The question for the Tribunal to determine is whether the opinion of the Stewards was open to them. To answer that question, I have viewed the replay of the race and heard submissions from Mr Day, representing the Stewards, and from Mr Capuano. I have also viewed still shots provided by the Stewards, which clearly show Snapper Smith turning her head towards the greyhound on the inside just before the winning post. The same was evident on a viewing of the replay. Mr Capuano submits that the greyhound turned her head because the greyhound on her inside was shifting out. Whether that was so was contested by the Stewards, but, even if correct, it nonetheless does not mean that Snapper Smith did not turn her head, which is including as an action in the definition of failing to pursue. In my view, the opinion of the Stewards was open to them.
3. The appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal