21 November 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GLENN DAINTON**

**Date of hearing:** 15 November 2022

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

**Appearances:** Mr Alex Kitching appeared on behalf of the Stewards.

Mr Glenn Dainton represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 123 states:

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:** Dookie Devil (marred Jungle Panther in the home straight) underwent a post-race veterinary examination and was found to have a right chest and shoulder muscle injury. A 14 day stand down period was imposed. Stewards spoke to Trainer Mr Glenn Dainton regarding the greyhound’s racing manners in the home straight. Acting under the provisions of GAR 123 Dookie Devil was charged with marring. Mr. Dainton pleaded not guilty to the charge, Dookie Devil was found guilty and suspended for 28 days at Sandown only 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

**DECISION**

In this matter, Mr Glenn Dainton is the trainer of Dookie Devil, which competed in Race 8 at Sandown Park on Saturday, 12 November 2022.

After the event, the Stewards charged Dookie Devil with marring, this charge being pursuant to GAR 123. On behalf of the dog, Mr Dainton pleaded “not guilty” to the charge. Dookie Devil was found guilty of it and Stewards suspended the dog for 28 days at Sandown only, with the usual requirements in relation to the performance of a satisfactory trial.

The marring is alleged to have occurred shortly after the dogs turned into the home straight at the conclusion of the race. Dookie Devil was on the outside of Jungle Panther, the dogs being towards the rear of the field.

The appeal of Mr Dainton is essentially on the basis that, whilst Dookie Devil did turn its head towards Jungle Panther, no muzzle contact was made and that there was nothing in the racing behaviour of Jungle Panther that would indicate that contact had been made. Mr Kitching, on behalf of the Stewards, relied upon the videos of the race and some still photographs extracted from those videos.

I have viewed the videos several times. They are of little assistance. Whatever occurred is basically off camera or is very fleeting. Probably for this reason some still shots extracted from the videos were also placed before me. I have examined them many times, and particularly so in relation to the close-ups of the heads of the dogs.

The bottom line is that I cannot be comfortably satisfied that muzzle contact was made by Dookie Devil on Jungle Panther. The still shots, which are the essence of the Stewards case are blurry. I hasten to add that this is no criticism of Mr Kitching. As far as these blurry shots can be deciphered, it is not clear that any contract was made. That is so particularly in relation to the photo entitled “Head on 5”, upon which the Stewards placed considerable reliance. That Dookie Devil turned its head towards Jungle Panther is beyond dispute. That muzzle contact was made seems to me to be very doubtful. That is no criticism of the Stewards. The video and photographic material upon which they were forced to rely was blurry and, in my opinion, does not establish that any contact was made. There is also some force in the argument of Mr Dainton that there was not the usual reaction to marring on the part of Jungle Panther. It continued to race straight ahead.

In all the circumstances, I am not comfortably satisfied that the charge has been made out and the appeal is upheld, and the charge is dismissed. I repeat that this is no criticism of the Stewards, who were working with limited and blurry video material in this particular case.

Mark Howard

Registrar, Victorian Racing Tribunal