15 December 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GREGORY BERRY**

**Date of hearing:** 5 December 2022

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

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

Mr Gregory Berry represented himself.

**Charge:**  Greyhounds Australasia Rule (“GAR”) 125 states:

Failing to pursue by reason of injury – first time only

(1) A greyhound which in the opinion of the Stewards fails to pursue the lure for the first time only must be examined by an officiating veterinarian and:

(a) if the greyhound is found to be injured, a stand-down period will apply as recommended by the officiating veterinarian and the greyhound will not be permitted to compete in an Event until the completion of a satisfactory trial (with the specifics of the injury and trial to be recorded as part of its identification record)

(b) if the greyhound is found not to be injured, then the provisions of rules 124 and 127 apply.

**Particulars of charge:** Stewards spoke to trainer Gregory Berry regarding Cheap Charlie's racing manners approaching the wining post. Acting under the provisions of GAR 125, Cheap Charlie was charged with failing to pursue the lure with due commitment (by reason of injury). Mr Berry pled not guilty to the charge, Cheap Charlie was found guilty and must perform a Satisfactory Trial in accordance with GAR 125, and pursuant to GAR 132, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

Mr Gregory Berry, on behalf of the dog “Cheap Charlie” which is trained by you, you are appealing against a decision of the Stewards to charge Cheap Charlie with failing to pursue the lure with due commitment (by reason of injury). The dog must trial to the satisfaction of the Stewards before resuming racing. The suspension is pursuant to GAR 125. The suspension is expressed as being by reason of injury, that being to the right triangle.

This all arises out of Race 12 over 410 metres at Horsham on 29 November 2022. I have viewed the video of the race several times and also examined the still shots extracted from it. Cheap Charlie, wearing the blue jacket, was slowly away but railed well to be leading on the inside of the green dog, My Boy Charlott. Cheap Charlie kicked clear by about two lengths after swinging for home. However, Mr Boy Charlott came again and rapidly made up the ground. It drew alongside Cheap Charlie and went on to win.

I appreciate your submission that Cheap Charlie, having missed the start and raced to the lead, had a hard run and was tiring. That may be so, but the video and the still shots clearly show that Cheap Charlie turned its head towards Mr Boy Charlott as that dog drew alongside it and then it weakened into second place.

My finding is that the video material and the extracts clearly show that Cheap Charlie turned its head when challenged by Mr Boy Charlott and, as stated, was passed by that dog. It may well be that it was affected by injury, as found. What is clear is that Cheap Charlie turned its head and failed to pursue My Boy Charlott.

I can appreciate your disappointment at this outcome, as the dog has won three races and been placed another ten times in its 19 starts. However, the ingredients of the charge have been proved to my comfortable satisfaction. Accordingly, the appeal is dismissed.

Mark Howard  
Registrar, Victorian Racing Tribunal