

**DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL**

APPELLANT: DI CRUDELI
APPLICATION NO: A30/08/583
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING: 31 OCTOBER 2002
DATE OF DETERMINATION: 31 OCTOBER 2002

IN THE MATTER OF an appeal by Mrs D Crudeli against the determination made by the Stewards of the Western Australian Greyhound Racing Authority on 29 September 2002 imposing a 3 month suspension of the greyhound SPRINGBOK MAGIC for breach of Rule AR80(1) of the Rules of Greyhound Racing.

Mr M Bate was granted leave to represent the appellant.

Mr P Searle appeared for the Stewards of the Western Australian Greyhound Racing Authority.

This is an appeal by Mrs Di Crudeli who is the trainer and an owner of SPRINGBOK MAGIC against the determination of the Stewards of the Western Australian Greyhound Racing Authority following an inquiry on 29 September 2002.

Called to the inquiry were:

Mr Graham Crudeli Owner
Mrs Di Crudeli Owner/Trainer

The inquiry related to an incident which occurred at Mandurah Greyhounds on 29 September 2002. During the course of the inquiry the Stewards indicated that they were investigating whether or not SPRINGBOK MAGIC should be suspended under AR80(1) for fighting during a race. The video replay of the race was shown to the assembled Stewards and to Mr and Mrs Crudeli. Evidence was given by Mr Sumner, a Steward who was stationed at the 530 metres box, who observed the two dogs on the home turn. He informed the Stewards that SPRINGBOK MAGIC deliberately turned its head and veered out to the 10 dog on its outside and made muzzle contact with that greyhound.

The Stewards have the benefit of the evidence from both Mr and Mrs Crudeli. The Stewards concluded that from their viewing of the video replay they could not come to a conclusion that fighting did not occur, that Steward Sumner was in the best position to observe the incident, that whilst the video replay was inconclusive he did not detract from what was stated orally so that the Stewards therefore found that the greyhound did fight and imposed a suspension of three months at all tracks.

This is an appeal against the conviction.

The appellant has largely relied upon a slow motion version of the video which the Stewards had before them. The Stewards did not see the slow motion version during the course of the inquiry. The underlying thrust of the argument raised for the appellant is that when one observed the two shadows of the respective greyhounds it was apparent that there was no muzzle contact and that at the point when potential muzzle contact occurred SPRINGBOK MAGIC was already in front of the other greyhound.

I have carefully studied the slow motion version of the video, have had the benefit of the other submissions made by Mr Bate, and have listened to Mr Searle's response. I am not convinced in all of the circumstances of this particular case that it is appropriate to find differently from the findings of the Stewards. Mr Searle has relied on a number of previous decisions of the Tribunal, namely *Wayne Rose* (Appeal 409), *Darren Rowe* (Appeal 412) and *Joyce Meryl Thompson* (Appeal 303) in support of the correct approach for the application of this Rule in an appeal.

For the reasons enunciated in those three decisions I am satisfied that these Stewards were entitled to reach the decision which they did on the evidence which was before them at their inquiry on 29 September 2002.

For these reasons the appeal is dismissed.



DAN MOSSENSON, CHAIRPERSON

