

23 October 2023

DECISION

GREYHOUND RACING VICTORIA

and

VINCENT MILETO

- Date of hearing:** 16 October 2023
- Panel:** Magistrate John Doherty (Deputy Chairperson), Judge Marilyn Harbison and Mr Des Gleeson.
- Appearances:** Mr Damien Hannan, instructed by Ms Evangeline Murray, appeared on behalf of the Stewards.
Mr Terrence Meehan represented Mr Vincent Mileto.
- Charges:** Greyhounds Australasia Rule (“GAR”) 156(f)(ii) states:
(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:
(ii) constitutes misconduct or is negligent or improper.
- GAR 165(a) states:
(a) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control, or promotion of greyhound racing.
- Particulars:** **Charge 1: GAR 156(f)(ii)**
1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 27358) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.
 2. On 19 December 2022, you were present at Shepparton Greyhound Racing Club for the purposes of a GRV Race Meeting.

3. You engaged in conduct that in the opinion of the Stewards which constitutes misconduct and was improper, in that:
 - a. You engaged in a physical altercation with a GRV participant.
 - b. You were physically and verbally abusive towards another GRV participant.
 - c. You struck a GRV participant on two (2) occasions with your elbow, using such force to knock them to the ground.
 - d. The participant suffered a combination of injuries as a result of the assault which was witnessed by other participants.

Charge 2: GAR 165(a)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 27358) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.
2. On 19 December 2022, you were present at Shepparton Greyhound Racing Club for the purposes of a GRV Race Meeting.
3. You engaged in conduct that in the opinion of the Stewards which was detrimental or prejudicial to the interest, welfare, image, control, or promotion of greyhound racing, in that:
 - a. You engaged in a physical altercation with a GRV participant.
 - b. You were physically and verbally abusive towards another GRV participant.
 - c. You struck a GRV participant on two (2) occasions with your elbow, using such force to knock them to the ground.

- d. The participant suffered a combination of injuries as a result of the assault which was witnessed by other participants.

Pleas: Guilty

DECISION

Mr Vincent Mileto has pleaded guilty to two charges pursuant to Greyhounds Australasia Rule ("GAR") 156(f)(ii) and GAR 165(a). The charges arise out of an incident that occurred on 19 December 2022 within the confines of the Shepparton Greyhound Racing Club. The persons involved in the incident involving Mr Mileto are all registered participants with Greyhound Racing Victoria ("GRV").

The events leading up to charges arising out of the incident may be summarised as follows: -

Prior to the running of Race 1, Mr Mileto and Mr Ricky Coleman used the toilet facilities at the track. As Mr Mileto was using the male facility, Mr Ricky Coleman used the female facility. After both men exited the toilet facilities, Mr Mileto confronted Mr Ricky Coleman about using the female toilet.

Shortly thereafter, whilst Mr Ricky Coleman was walking towards the kennel block with his younger brother, Mr Corey Coleman, Mr Corey Coleman engaged in a very close conversation with Mr Mileto. CCTV footage shows Mr Mileto striking Mr Corey Coleman twice and knocking him to the ground. GRV participant, Mr Gregory Berry, had walked up to this altercation prior to the assault occurring. Following the assault, Mr Berry restrained Mr Ricky Coleman, who attempted to retaliate towards Mr Mileto, after he had witnessed the assault on his younger brother from only a couple of metres away. Mr Berry grabbed hold of Mr Ricky Coleman and moved him away from Mr Mileto, who walked away from the area. Mr Berry assisted Mr Corey Coleman and checked on his welfare before assisting him up from the ground.

Medical records indicate Mr Corey Coleman sustained superficial abrasions to his left cheek, left elbow and left hip, as well as some minor bruising. The medical report states that he probably sustained a mild concussion from striking his head on the ground and experienced some loss of memory as a result of the incident.

The Stewards conducted an inquiry into the incident on 11 January 2023. At that inquiry, Mr Mileto acknowledged that he did confront Mr Ricky Coleman about using the female toilet facilities and, although he maintained he felt threatened and acted in self-defence, he agreed that his conduct was unacceptable and that it was "not a good look for greyhound racing".

In respect of penalty, the Tribunal has been aided by both written and oral submissions from GRV. In addition, we have considered the victim impact statements tendered by GRV on behalf of Mr Korey Coleman and his mother, Ms Deborah Coleman.

Comparable cases upon which GRV sought to rely include the matters of Racing and Wagering Western Australia (“RWWA”) Greyhound Stewards v Mr John Paikos, Harness Racing Victoria (“HRV”) Mr Shane Furze, HR Office of Racing Integrity (Tas) v Mr Grant Hodges, Mr Rohan Hillier, Mr Troy Hillier and Mr Nathan Ford, GRV v Mr Harrison Goss and GRV v Mr Troy Scott. Mr Meehan, on behalf of Mr Mileto, has referred to the case of Racing Victoria v Ms Jackie Beriman, heard by this Tribunal in May 2023.

Mr Mileto has been engaged in the greyhound racing industry since 1989, when he was first licensed as an attendant. He shares his living arrangements with another greyhound participant. He currently has two racing dogs and others which he trains for their owners. He derives his sole income from greyhound racing and training.

He has no record of similar prior offences and counsel for him stated that at the time of the incident with Mr Korey Coleman, Mr Mileto “snapped” and reacted physically after being verbally abused. We accept that Mr Mileto’s assault on Mr Korey Coleman was not premeditated and occurred on the “spur of the moment”. Nevertheless, it was out of all proportion to the threat that Mr Korey Coleman posed.

The Tribunal is now aware that this incident has had the effect of enlivening post-traumatic stress for Mr Mileto and that he has sought medical assistance in that regard. In addition, the victim, Mr Korey Coleman has also suffered lingering effects from the assault, including time away from work, resulting in lost income, as well as out of pocket expenses due to injury, heightened anxiety and constant headaches for three months. It is also noted that Ms Coleman has suffered with anxiety and depression following the incident. Ms Coleman has sought counselling to assist in managing the lingering effects of the assault on her son.

Mr Mileto has pleaded guilty to both offences and is entitled to a sentence reduction because of his plea, although late. We accept that he is genuinely remorseful for his actions and that the risk of reoffending in a similar way is low. Specific deterrence would not appear to be relevant, but the penalty must reflect considerations of general deterrence and denunciation.

Counsel for GRV has contended that any penalty involving suspension or disqualification for each charge can be concurrent.

In the event, on each charge, we impose a period of six months disqualification, with three months of that six month period to be wholly suspended for a period of 24 months. The

penalty imposed on Charge 2 is to be served concurrently with the penalty imposed on Charge 1.

The effective three months disqualification is to commence on 30 October 2023 and the balance of the three months that is suspended for 24 months commences from today's date, being 16 October 2023. We also declare that the period of suspension served by Mr Mileto from 20 December 2022 until 17 January 2023 has been accounted for in arriving at an appropriate penalty.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal