

## **RESPONDENT'S CLOSING BRIEF**

This case is not about horse doping; it is not about administration of prohibited substance. What's more, this is not a case about racing integrity being compromised, in any way. The case concerns only the substance "Dipo" in two syringes found in a personal vehicle. The Dipo is not tied to any horse, any race, or any racing activity. The uncontroverted evidence shows the Dipo originated with a third party for non-equine use. HIWU asks this Tribunal to infer a violation from mere presence. The evidence does not support that inference.

### **HIWU Failed to Meet Its Burden**

HIWU bears the burden of proof. That burden requires more than the discovery of a substance in a vehicle. It requires evidence that Respondent knowingly possessed a prohibited substance in a manner implicating horse racing.

There is no such evidence here. No evidence of knowledge. No evidence of intent. No evidence of use. No evidence of any connection to a horse. The case rests entirely on assumption, not proof.

### **THE ONLY EVIDENCE SUPPORTS RESPONDENT**

The Mechanic Mr. Terrazas —provided a complete and un rebutted explanation, He obtained the syringes for use on injured roosters; he placed them in Respondent's vehicle while servicing it; he forgot to remove them; Respondent was never told they were there. HIWU offered no contrary evidence.

Minor inconsistencies about collateral details—such as the color of the substance—do not undermine the central, consistent account. The core facts remain intact and are corroborated

by the nature of the substance itself. This is not a credibility contest. There is only one version of events in the record—and it does not establish a violation.

### **NO NEXUS TO HORSERACING**

The governing rules exist to protect the integrity of horse racing. That purpose is not served by sanctioning conduct that is wholly unrelated to horses or racing. Here the substance was not shown to be used in horses. The syringes were not located in a barn or stable area. There is no evidence of any racing impact whatsoever. To find a violation on these facts would extend the rules beyond their purpose and effectively impose liability without connection to horseracing.

### **RESPONDENT ACTED IN GOOD FAITH**

Respondent did exactly what the rules are intended to encourage. He cooperated immediately. He provided a candid explanation. He did not attempt to conceal or mislead. There is no evidence of wrongdoing—only evidence of transparency.

### **FUNDAMENTAL FAIRNESS PRECLUDES ADDITIONAL SANCTION**

Respondent has already been sanctioned in a separate proceeding with a 30-day suspension for possession of the same syringes. HIWU now seeks to impose an additional penalty based on the same underlying facts and identical physical evidence. That result would be duplicative and disproportionate. Even if a technical violation were found, fundamental fairness requires that any sanction be limited to, and not exceed, the prior 30-day suspension.

### **CONCLUSION**

This case presents a straightforward question: Has HIWU proven that Respondent knowingly possessed a prohibited substance in connection with horseracing?

The answer is no. The evidence establishes no knowledge, no intent, no equine connection, and a credible, un rebutted alternative explanation. For these reasons, the charge should be dismissed in its entirety. Alternatively, any sanction should be limited to no additional penalty beyond the previously imposed 30-day suspension.

/s/ John Mac Hayes

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John Mac Hayes, for Respondent