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IN RE: : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. CP-22-MD-1425-2009
:
THE SIXTH DAUPHIN COUNTY : NOTICE NUMBER: 06-2009-02
INVESTIGATING GRAND JURY

ORDER OF COURT

AND NOW, this 23 day of July, 2010, upon recommendation of the Sixth Dauphin County Investigating Grand Jury;

IT IS HEREBY ORDERED that Presentment Number 3 is accepted. This Presentment shall be sealed and no person shall disclose a return of the Presentment except when necessary for issuance and execution of process, or as otherwise directed or permitted by order of the supervising judge. The Court finds that as a matter of law the facts stated in the Presentment establish a *prima facie* case on the charges recommended. Disclosure is authorized for issuance and execution of process.

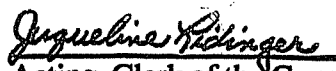
BY THE COURT:


TODD A. HOOVER J.
SUPERVISING JUDGE

DISTRIBUTION:
Francis T. Chardo, First Assistant District Attorney (3 certified copies)

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JUL 23 2010


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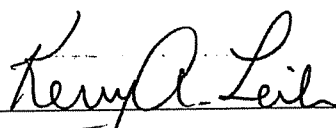
**THE SIXTH DAUPHIN COUNTY
INVESTIGATING GRAND JURY**

IN RE: : IN THE COURT OF COMMON PLEAS OF
THE SIXTH DAUPHIN COUNTY : DAUPHIN COUNTY, PENNSYLVANIA
INVESTIGATING GRAND JURY :
: No: CP-22-MD-1425-2009
: **NOTICE NUMBER: 06-2009-02**

TO THE HONORABLE TODD A. HOOVER, SUPERVISING JUDGE:

PRESENTMENT NO. 3

We, the Sixth Dauphin County Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that a violation of the criminal laws has occurred. So finding with not fewer than twelve concurring, we do hereby make this presentment to the Court.


Foreman – Sixth Dauphin County
Investigating Grand Jury

DATED: July 23, 2010

INTRODUCTION

We, the members of the Sixth Dauphin County Investigating Grand Jury, having received evidence pertaining to a possible violation of the Pennsylvania Crimes Code, occurring in Dauphin County, Pennsylvania, pursuant to Notice of Submission of Investigation 06-2009-02, do hereby make the following findings of fact and recommendation of charge.

FINDINGS OF FACT

Penn National Race Track is a thoroughbred horse racing facility located in Grantville, Dauphin County. The instant grand jury investigation arose out of an investigation by the Pennsylvania State Police into the rigging of races and other unlawful activities at Penn National. Penn National Race Track is a year round racing facility at which approximately 1500 horses are stabled.

On October 22, 2009, Penn National Security caught an individual named Guillermo Arellano-Ramirez trying to make unauthorized entry into the stable area of Penn National. Immediately before this unauthorized entry, Arellano-Ramirez had been dropped off by a van driven by Juan Gonzalez-Quiske. Both Gonzalez-Quiske and Arellano-Ramirez worked at Elk Creek Farm in Oxford, Chester County. Elk Creek Farm and the horses trained there are owned by Michael Gill of New Hampshire. Gonzalez-Quiske and Arellano-Ramirez had transported a Gill horse named Lion's Pride from Elk Creek Farm to Penn National on that date.

When the unlawful entry was discovered, Larry Clionsky, a special investigator at Penn National for the Pennsylvania State Horse Racing Commission, immediately

began an inquiry. He learned that Gonzalez-Quiske had left the track with Darrel Delahoussaye. At the time, Delahoussaye was the trainer based at Penn National for Michael Gill. Anthony Adamo was the trainer of record for Lion's Pride but was not present at Penn National on October 22, 2009. Delahoussaye was operating as the trainer that day and would have saddled any Gill horses running that day.

When Delahoussaye and Gonzalez-Quiske returned to the track, Clionsky and another investigator searched the truck from Elk Creek Farm. They found a bag of needles with a syringes behind the back seat. There was blood on the end of the syringes. They also found a tied plastic bag containing a can of Red Bull drink. Clionsky searched a plastic bin directly in front of Lion's Pride's stall. Within he found a gallon-sized bag filled with a white powder and six 6cc syringes with a sticky residue within. In combination with the Red Bull found in the truck, these items were consistent with use of a "milk shake" used to illicitly enhance the performance of a race horse when administered on a race day.

Dr. Jerry Pack, a veterinarian with extensive experience with thoroughbred race horses, testified before the grand jury. Dr. Pack described the method by which "milk shakes" can be used to unlawfully enhance the performance of a race horse. The rules governing thoroughbred racing in Pennsylvania bar the administration of any drugs, medications, or stimulants, including "milk shakes," for 24 hours before a race except for lasix and estrum. "Milk shaking" is a process in which a large syringe is used to orally inject a concoction of various components often including baking soda, sugar, electrolyte powder and Red Bull energy drink into the horse. When done in the hours before the race, this tends to prevent the buildup of lactic acid and improve

performance.

Dr. Pack testified about another method for illicitly enhancing performance. DMSO is an anti-inflammatory that is commonly and properly applied to a horse topically. It has a distinct garlic odor. DMSO can also be administered by injection. Injection of DMSO is not permitted in the 24 hours before a race and is thought to illicitly enhance performance. When administered intravenously, the smell of DMSO can often be perceived on the horse's breath. Competing jockeys often perceived DMSO on the breath of Gill horses at race time.

James Muzzy worked as a groom at Penn National. Between August 2009 and December 2009, Muzzy worked as a subcontractor for Delahoussaye who at the time was Gill's trainer at Penn National. Muzzy witnessed Delahoussaye frequently administering milk shakes to horses at Penn National on the days they were to race using a syringe. Muzzy also witnessed Delahoussaye repeatedly administer snake venom to the horses, another illicit method to enhance performance. Delahoussaye would troll through medical waste bags at Penn National to get used syringes for this purpose.

In November 2009, Delahoussaye became concerned that investigators for the Racing Commission would search the area around his stalls at Penn National. He had this concern because his horses were intermittently performing exceptionally or breaking down on the track. Delahoussaye had Muzzy hide a box containing bottles of medication so that they would not be found by the investigators. Muzzy retained the bottles for two weeks and then returned them at Delahoussaye's request. Muzzy secretly retained several representative bottles. Muzzy turned these bottles over to

Trooper Timothy Reinohl of the Pennsylvania State Police. The bottles included injectable DMSO.

Stephanie Beattie is a thoroughbred trainer based near Penn National. On January 15, 2010, she transferred three injured thoroughbreds to Delahoussaye based on his false representation that he would send the horses to a retirement facility in Ohio. The three horses transferred on that date were Rocky Blue, Iron Woman and Storm Rising. All three horses had injuries such that could not be raced for a substantial period, if ever again. For instance, Storm Rising became lame after a race on January 15, 2010 in which it suffered 4 or 5 fractures to a cannon bone. A veterinarian informed Beattie that the horse would have to take 6-8 months off. The horse would have been in a great deal of pain and unnecessary suffering if raced before full recovery. The other two horses were similarly in a position where they should not have been raced.

Beattie communicated this information to Delahoussaye. Delahoussaye explicitly promised that the horses would not go to killer sale or market. Delahoussaye even told Beattie that she could go and see the horses at the facility in Ohio which he represented to be like a petting zoo for horses. Beattie would not have given the horses to Delahoussaye if she thought that he was going to deal with them in any way other than what he represented. The fair market value of the three horses was over \$2000. On the promise that they would go to a retirement facility, Beattie transferred possession to Delahoussaye without compensation.

Instead, Delahoussaye transferred the horses to Jay Buteritz for \$450 a piece to retire a debt that Delahoussaye had to Buteritz. Notwithstanding his injuries, Storm

Rising raced at Suffolk Downs in Massachusetts on May 15, May 29, and June 7, 2010.

RECOMMENDATION OF CHARGES

Based upon the evidence we have obtained and considered, which establishes a *prima facie* case, we, the members of the Sixth Dauphin County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against Darrel Delahoussaye. We recommend charging Delahoussaye with administering drugs to race horses, 18 Pa. C.S. §7102, rigging publicly exhibited contests, 18 Pa. C.S. §4109, tampering with or fabricating physical evidence, 18 Pa. C.S. §4910, and a felony count of theft by deception, 18 Pa. C.S. §3922