

JUDGE KILLS CLAIM THAT DOG HANDLER LIED AT '83 TRIAL

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Dog handler John Preston did not commit perjury when he testified in 1983 that he graduated from a Pennsylvania school, even though the owner disputes his claim, a circuit judge ruled Thursday.

The ruling by Orlando Circuit Judge Ted Coleman ends about seven months of controversy about Preston, who was called as a witness in a dozen criminal cases in Brevard County. Although Coleman acknowledged there are conflicts in Preston's testimony, he said there was no evidence Preston forged the certificate or lied about his credentials.

In his ruling, Coleman refused to grant 23-year-old Nick Lennear another trial on charges of burglary and battery. Preston was a witness at his trial in 1983.

The case was assigned to Coleman after Brevard judges cited a conflict of interest because Circuit Judge Dean Moxley prosecuted the case and was called as a witness.

During Lennear's trial, Preston said he received 240 hours of training in dog tracking in 1975 from instructor James Hardwick at Tom McGinn's School for Dogs in Pennsylvania. Last fall McGinn said Preston did not attend the school and forged the certificate.

McGinn stuck by his story Thursday, although prosecutors presented court records that showed McGinn testified in 1977 and 1984 that Preston attended his school and that Hardwick was an instructor there.

Another former student and Indiana police Officer Garry Jones testified that Hardwick was his teacher at the school and awarded him a certificate signed by McGinn. He said that certificate also was forged.

Prosecutors have been sorting through statements by Preston and McGinn for months trying to determine who is lying. Those findings should be released in a week, Assistant State Attorney Wayne Holmes said.

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Page: B6

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