

# DAVID H. SUMMERBELL

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June 19, 2017

**By Hand & Email**

Chairpersons of Competition Sub-Committee  
Jamaica Millennium Motoring Club  
6 Westminister Road  
Kingston 10

Attention: Mr. John Ralston

**Re: Summary of Appeal  
Caribbean Motor Racing Championship – Caribbean Invasion 2017**

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## SUMMARY OF APPEAL

Against the primary findings of the Judicial Review in the JMMC Steward's Report Form dated 20<sup>th</sup> May, 2017 which are set out below:

1. That "while all cars approaching the Start Line accelerated early, car #32 furthermore accelerated unevenly breaking formation prior to crossing the Start Line which delineates the race start"
2. That "wherein the car being overtaken having not made an unexpected, untoward or erratic move, the Stewards contend that the overall responsibility for the safe completion of an overtaking maneuver ultimately resides with the overtaking driver"
3. That "the competitive maneuver by car #32 contravenes the 'letter of the law' as well as the 'spirit of the law'"
4. That the maneuver by car #32 "amounts to a jump start"
5. That the Stewards erred in their interpretation and application of the rules applicable to starting the race and to overtaking and passing.

### **Arguments in Support of Appeal:**

#### Point 1: Start of the Race - Formation

- a. The Jamwest track is clearly marked in white paint with grid boxes indicating the position for even and odd numbered start position on the track. On review of race

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footage, it is clear that on approaching the start, car #32 was the only car in the proper position for a third place start.

- b. On review of race footage it is also clear that the pole sitter, who has control of the start, accelerated early and this resulted in all other cars participating in the event to accelerate. Failure to accelerate at that point would be irresponsible.
- c. At this particular event, other races had been started in a similar fashion – that is on the acceleration of the pole sitter, and were given the green flag to continue. It was therefore not unreasonable for car #32 to assume that at the point of acceleration of the pole sitter, the race had started and it would be open to pass or execute any other safe race maneuver.
- d. We rebut "the Start Line which delineates the race start". Whereas the 2016 JMMC General Regulations Article 6.3.3 referenced by the Stewards does state partially: "the race shall not be considered to have started until the Automobiles pass the Start Line" we note that this is in conflict with JMMC General Regulations Article 6.1.2 A "Competitor shall be deemed to have started at the moment of the Start regardless of which method is used. Under no circumstances whatsoever shall this signal be repeated." which states that the moment of the Start is indicated by a Signal and not a line. We infer this signal to be the waving of the flag by the official Starter, and this signal is also referenced in Article 6.3.3. We believe that it is event timing, also referenced in Article 6.3.3, that is relevant to the Start Line.
- e. Further to the above, we wish to make note of and confirm that the Clerk of the Course in the mandatory Driver's Meeting held prior to the beginning of racing, gave the verbal instruction that "racing starts with the flag" and not that there was any specific start line in place at the track. Instructions given by Officials during a race Meeting (ie event) including the Clerk of the Course are given credence pursuant to 2016 JMMC General Regulation Article 1.1.5 a (3).
- f. Furthermore, the starter did in fact give green flag racing, using the Jamaican flag, before the accident occurred. This is supported by race footage.
- g. Lastly, car #32 did not accelerate unevenly but consistently, resulting in said car passing car #24 and pulling up alongside car #404 in the wide space between both cars. Close examination of race footage will show that the acceleration was even and straight in line with several markings on the track.

## Point 2: Passing/Overtaking

- a. Car #24 started the race in second grid formation, although it was not perfectly in line with markings on the track to delineate that position. From the moment of acceleration to the moment of impact, car #24 veered to the right which can be factually established by a review of frame by frame analysis of race footage which shows the position of car #24 in relation to several markings on the track.
- b. In addition, in car footage from car #24 shows two motions of the steering wheel to the right.
- c. Car #32 is not responsible for the safe completion of the pass if car #24 was steering to the right and boxing car #32 in with car #404 on its right and with accelerating

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cars behind. Conversely, car #24 had open track available to its left to avoid a collision or impact.

- d. 2016 JMMC Safety Regulation, CODE OF DRIVING CONDUCT ON CIRCUITS & FLAG SIGNALS, Section 1.2 B which reads in part: "However, maneuvers liable to hinder other drivers, such as deliberate crowding of a car beyond the edge of the track or any other abnormal change of direction, are strictly prohibited. Any driver who appears guilty of any of the above offences will be reported to the Stewards." It is suggested that car #24 is guilty of an infraction directly related to this regulation.

## Point 3: Contravention of the Spirit and Letter of the Law

- a. Assuming that it is accepted that the race started at the point of acceleration of the pole sitter, which had been the precedent set earlier in the day, supported by the fact that the starter had given the flag signal – then at the time of passing the race had begun and car #32 was not in breach of any regulation regarding the start
- b. Further assume that it is established that there was sufficient space for car#32 to attempt to pass (which is plain and obvious from the race footage).
- c. Further assume that it is established that car #32 accelerated evenly and in a straight line (which is also plain and apparent from the race footage).
- d. There is therefore no contravention of the spirit or letter of the law for a driver to start a race and attempt to pass an opponent. It goes without saying that passing or overtaking can be done on the right or left and there is no reason why once there is sufficient space, a driver shouldn't take that opportunity.

## Point 4: Jump Start

- a. See points 1 and 3 above.
- b. We challenge the veracity of the Starter's Report which reads in part: "appeared to have a collision prior to the issuance of the start flag". We challenge this assertion, based on video footage evidence to the contrary, from three independent sources from three different vantage points, showing the flag signal given before contact between cars #32 & #24.
- c. We believe the Steward finding beginning "Furthermore, with this case..." is erroneous, as it is based on the faulty presumption that the Start Line is the sole indication of a Race Start, contrary to Article 6.1.2A which states explicitly that a signal is used, and that is the moment of the Start. The Stewards reliance on the Start Line as the basis of their conclusion of a false start they attribute to car #32 is incorrect.

## Point 5: Interpretation and Application of Rules

- a. The Stewards relied on the following rules which have been reproduced here as they were set out in the Judicial Review:
  - i. Article 6.3.3:

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“When the official car leaves the track, the field continues in order behind the leading automobile. The starting signal shall be given. However, unless otherwise stipulated in the relevant Sporting or Supplementary Regulations, the race shall not be considered to have started until the automobile pass the Start Line and timing shall commence until the leading automobile passes that line.”

ii. Article 6.6.1.d:

A false start occurs if a car “accelerates early or unevenly during a rolling start or fails to maintain the prescribed formation (all as described in the relevant sporting or Supplementary Regulations, or as specified by the race director or clerk of the Course)

- b. In respect of Article 6.3.3. there was no defined start line in use at the event. The direction from the COC was that racing starts on the flag. It is the responsibility of the pole sitter to accelerate once the flag is shown. In the races leading up to the incident, the pole sitter had consistently accelerated early and the flag was given in each case. In the particular race, the pole sitter again accelerated early and the flag was ultimately given. It suggests that car#32 would not be unreasonable to consider the race started at the point of acceleration.
- c. Article 6.6.1.d is not applicable in this instance since there was no false start and consequently car #32 did not break formation. Further car #32 did not accelerate early but rather following on the acceleration and start of the race by the pole sitter.
- d. The Stewards did not have regard to Section 1.2 B of 2016 JMMC Safety Regulation, Code of Driving Conduct on Circuits and Flag Signals as it relates to car #24's maneuver to deliberately crowd car #32 and hinder its ability to safely complete the pass.

## **Relief sought by Appeal:**

1. A reversal of the penalties applied to car#32, including public withdrawal of the warning for injudicious driving
2. A warning issued to car #24 contravention of rule 1.2B of the 2016 JMMC Safety Regulation.
3. A withdrawal of the statement : “there is no evidence that an incident of similar ilk has ever occurred in Jamaica.”
4. We believe that consideration should be given to the role of the Clerk of the Course relevant to the running of the day's events; if early acceleration and subsequent flag

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signal from the Starter was not the CoC's intended result, the CoC should have taken corrective measures throughout the day to avert such early acceleration.

5. That consideration be given to the fact that the Starter also bears some responsibility, in that his Starts were inconsistent, both in regard to formation and actual position of cars on the track, when the signal was given in all races.
6. If early acceleration is seen as a problem, the "pole" car #404 bears some responsibility relative to the incident; in that car #404 initiated the early acceleration. The role of car #404 should be reviewed for possible action by the panel.
7. It is suggested that the event Stewards also bear some responsibility, in that fully fourteen (14) races were allowed to proceed with early acceleration before the starting signal, prior to CMRC Group 4 Race 3. The Stewards should have taken corrective action if this behavior was deemed a problem. The role of the event Stewards should also be reviewed.

Sincerely,

David H. Summerbell

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