

Andrew Upstone

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November 26, 2024

Jamaica Millenium Motoring Club
6 Westminster Road,
Kingston 10

Re: Appeal regarding Dismissal of Protest at JKA 2024 Meet #10 Rotax Senior Class Race 3

Dear Sirs,

In accordance with Article 12 of the 2024 JMMC General Regulations, I am writing to formally appeal the decision issued by the stewards regarding the protest I had filed following the incidents at the JKA 2024 Go-Kart Race Meet #10, held on November 24th at the Palisadoes Track. The protest was returned as being "without foundation", and I respectfully believe this decision does not fully reflect the facts of the incident or the applicable rules.

Please see attached bank transfer confirmation receipt for \$13,000.00, being the required appeal fee equivalent to the event entry fee.

Grounds for the Protest:

1. On November 24th, 2024 I submitted a protest on the grounds that the actions of Zander Williams, Kart #9 during Race Meet #10, Race 3, violated the Rotax Global RMC Sporting Regulations 2024 Rule regarding driving in a zig-zag manner on a straight section of the track and also Articles 4.2.24 and 4.3.2 (b) of the JKA 2024 Rules – causing a collision with Edward Upstone, Kart #6 along the Pit Straight before Corner 1.
2. Two witnesses, Zachery Lee & Collin Daley were named by me to provide witness testimony in support of my protest.
3. Relevant video footage was readily available as evidence of the incidents from at least 5 cameras owned and operated by the JKA.

Incident #1

- During JKA Race Meet 10 Race #3 on Lap #2, exiting Corner 15 leading onto the Pit Straight (**Refer to Image 1**), Kart #9 (Zander Williams) was leading the race in P1, Kart #6 (Edward Upstone) was drafting in P2, with Kart #8 (Zachery Lee) also following closely behind in P3.
- Approximately 10 Metres prior to crossing the Start/Finish Line, Kart #6 pulled out to the right side from drafting Kart #9 to attempt an overtake.
- Upon crossing the start/Finish Line, Kart #6's position on the Track is directly over the centreline whilst Kart #9 is in the centre of the left tramlines. Kart #6 is now alongside Kart #9 and the lateral distance between both karts is approximately 0.9 Metres.
- When about to cross under the "Christmas Tree" horizontal Pole over the track, Kart #6 is maintaining its lateral position over the centreline of the track and is now leading Kart #9. At this point, Kart #9's lateral movement to the right has further decreased the gap between karts to only about 0.3 Metres.
- Once both karts pass under the "Christmas Tree" Kart #6 is clearly leading, with Kart #9 having moved further laterally to the right and is almost touching Kart #6.
- After another 5 metres, while Kart #6 continues along astride the centreline marker of the track and has gradually started to move to the right in preparation for entry into corner 1, Kart #9 continues its rightward trajectory, and its right-side wheels and side pod are now almost in line with the centreline marker.
- Kart #9 front left bumper and tyre then makes impact with the rear left wheel of Kart #6 causing a loss of traction and causing Kart #6 to rotate, leading to a spin off of the track and ending up backwards into the left tyre barrier at the entrance to Corner 1.
- Kart #9 then retook the P1 position with Kart # 6 eventually recovering and restarting after losing approximately 30 seconds.

Applicable Rules – Incident #1

Article 4.2.24 Incidents speaks to this being defined as a fact or a series of facts involving one or several Drivers who:

- have caused a collision;
- have forced another Driver out of the track;
- have illegally prevented a legitimate passing maneuverer by a Driver;
- have illegally impeded another Driver during a passing maneuverer.

4.2.24 b) goes on to say:

The Stewards shall inflict a 10-second time penalty on any Driver having caused an Incident. However, considering its serious nature, the Stewards may decide, instead of the 10-second time penalty, of a sanction among those provided for in the penalty scale of Article 4.24.

4.3.2 Overtaking


a) During a race, a kart alone on the track may use the full width of the said track. However, as soon as it is caught up by a kart which is either temporarily or constantly faster, **the Driver is not allowed to swing from one side to the other or make a move sideways in order to prevent a legal overtaking manoeuvre when the other Competitor is already by his side. He shall give the other kart the right of way in order to allow for passing**

Incident #2

During the same JKA Race Meet 10 Race #3, Kart # 9 was observed on more than one occasion to drive in a Zig-Zag pattern on straight track sections for more than one kart width in an attempt to block an overtaking move by Kart #8.

Applicable Rules – Incident #2

Rotax Global RMC Sporting Regulations 2024

34.24.	<p>ZIG-ZAG means that Kart 1 changes the driving line more than two times on a straight track section for more than a kart width. It is irrelevant how far Kart 1 is ahead of Kart 2 or if Kart 2 would have been able to overtake.</p> <p>An advantage is at hand, if (either/or):</p> <ul style="list-style-type: none">- Kart 1 acts more than once a time this way within the same race.		General:
			Not relevant
			Without advantage:
			Warning only
			With advantage: 10 positions

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Rationale for Appeal:

The decision to return the protest without foundation overlooks several important aspects that should have been considered, namely:

1. Issue 1: Unresolved Rule Violations:

- I believe that Regulations contained in Article 4.2.24, 4.3.2 and Rotax Global RMC Sporting Regulations were either overlooked or misinterpreted by the stewards.

2. Issue 2: Lack of Consideration of Evidence

- Neither the of the two drivers involved (Zander Williams & Edward Upstone) were called to the Tower by the Stewards for an interview into the incidents referred to in the protest.
- Key evidence from the two witnesses named in the Protest (Zachery Lee & Collin Daley) was never obtained by the Stewards as the witnesses were not called upon to be interviewed to discuss the incidents.
- Vital video footage, readily available to the Stewards was not either taken into account or properly evaluated. Third party video footage that was obtained could not be submitted into evidence at the hearing as the appellant was not called upon to attend the hearing.

3. Issue 3: Inconsistency in Stewarding

- During Race Meet #10, in Race 2, Kart #9 gained an advantage by a bump pass on Kart #6 while negotiating the Double Apex - Corner 5. **No penalty was issued.**
- In Race Meet #9, held on the previous day, Saturday, November 23rd, a **10-position penalty** was applied by the Stewards on Kart #8 after Race 3 for a bump pass with advantage on Kart #9 in the Double Apex - Corner 5 on Lap 11, even though Kart#8 immediately relinquished any advantage to Kart #9 that he had gained.
- However, during the same Race Meet #9 Race 3, on Lap 10, Kart #9 had gained an advantage by a bump pass on Kart #6 while negotiating Corner 1. **No penalty was issued.**

Given these points, I believe the protest was dismissed prematurely and without proper consideration of all relevant factors. I respectfully request that the FIA ASN for Jamaica review the decision to dismiss the protest and re-examine the incident in light of the full context, the supporting evidence, and the applicable regulations.

I am confident that a fair and thorough review will show that the actions in question were in violation of the rules and that the protest should be upheld.

Thank you for your time and attention to this matter. I trust that the JMMC will ensure that the integrity of the competition is maintained by considering this appeal in accordance with the principles of fairness and justice.

Should you require any further information or clarification, please do not hesitate to contact me.

I would be obliged if you could share in a reasonable time in advance of the appeal hearing date, any media/camera footage, including images and video utilized by the Stewards in their Judicial Review of the incident as well as any statements or reports from race officials.

We look forward to receipt of this notice of appeal and your notification of the appeal hearing date, time and location.

Sincerely,

A handwritten signature in black ink that reads "Andrew Upstone". The signature is written in a cursive style with a long, sweeping underline.

Andrew Upstone
JMMC Member

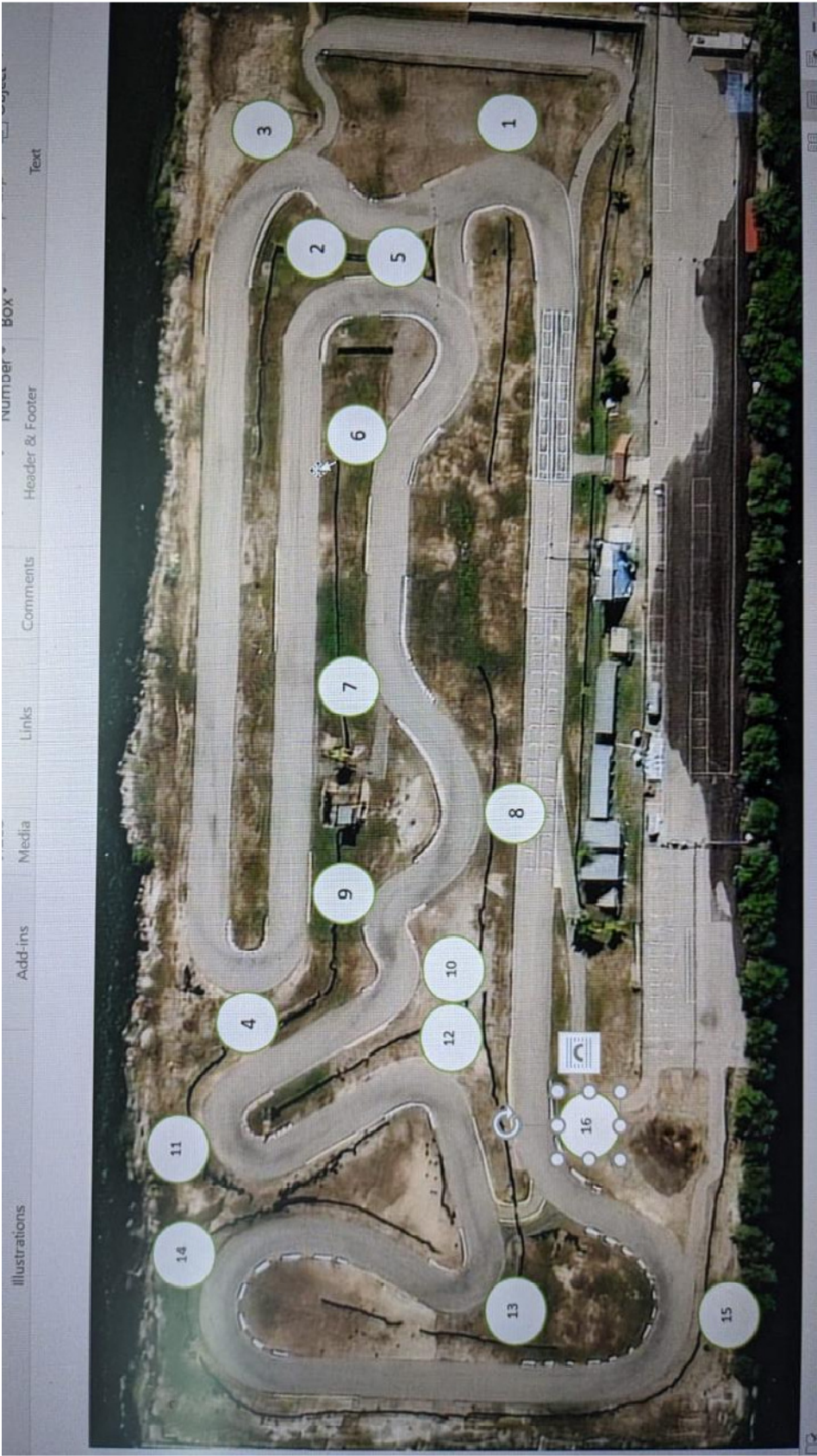


Image 1: Palisadoes Track Layout

Payment Summary

Payment details

General Transaction Details

Reference ID: 20486693	Transaction Type: Third Party Transfer
Pay From Account: AVALONTECH	Counterparty Type: Personal Payees
Nickname: JMMC	
Amount: JMD 13,000.00	Frequency Type: One Time
Payment Date:(dd/MM/yyyy): 26/11/2024	
Remarks: Appeal Upstone- JKA	
Transaction Status: Success	

Amount & Frequency Details

Total Amount: JMD 13,000.00	Negotiated Rate: =
Total Charge Amount: JMD 0.00	Transaction Currency: JMD