

Jamaica Millennium Motoring Club,
6, 10 Westminster Rd,
Kingston

Nicholas Barnes,
152 St. Pauls Ave,
Paradise Heights,
Montego Bay.
St. James

June 3, 2023

Dear Sir/s,

On May 21, 2023, I, Nicholas Barnes, competed in the JRDC event Circuit: Wheels on Fire - The second meet of the 2023 race season.

During the course of the day, I was approached by the chief steward of the JMMC, accompanied by the scrutineers of the JRDC stating that there was a protest filed by Team Mobay Racing Team, accusing me of the use of illegal racing fuel.

I was instructed by the Chief Steward to facilitate a fuel sample and onsite examination involving the fumes of the car, requiring the car being started, in which I unhesitatingly complied in full action. The onsite examination was deemed normal by the scrutineer.

The 1st of June, 2023. I have been notified from the JMMC by a report initiated by a customer named "Environmental Solutions Limited " that I was in fact using illegal race fuel and will be disqualified and stripped of all championship points earned.

Based on the information relayed, I write to appeal the decision of the JMMC.

Upon my last vision of the substance which was taken from my car, was with Mr. Khan and the said substance being unsealed left my sight.

However, after perusing the report this alleged substance was submitted for testing at the request of "Environmental Solutions Ltd", in which I have no prior knowledge of who that may be or the Director/s. Furthermore, nor their affiliation with the Board members, Director, Employees or Shareholders of any official of the JMMC. I only ask these pertinent questions to rebut any perceived conflict of interest that could possibly arise.

Upon further perusal of the report I also became aware that the purported sample submitted was submitted in a completely different container that left our sight at the Jamwest Speedway.

I am sure of this because I personally took a photograph of this which depicts a clear glass bottle with a red cap. The bottle which was submitted for testing does not match the same description given above as such I cannot say with any surety or confidence that it was the same bottle, containing the same substance, extracted from my car, 96 hours prior.

The basic rule of evidence is that the principle of chain of custody of the alleged substance must not be broken and it is clear from the circumstances that this was not adhered to.

The reason i say this is because:

1. The specimen collected was taken from my car in a tainted, mutilated and unsecured pre-used beer bottle without a proper seal on May 21, 2023. Additionally, I have no proof of the used alcoholic container used to contain the specimen being sterile/sterilized.
2. I am unaware if any other party could have possibly altered the contents of the bottle from its original state once it left my car.
3. Based on the disclosure, the purported sample was not received at the testing facility until May 25, 2023 - which leaves many questions to be answered. Greater care and effort should have been exercised to take the sample in for testing on the 22nd of May seeing that the 23rd was a public holiday and further delay could compromise the test results. Furthermore, Wednesday May 24, another business day was forgone without submission. There was no mention or evidence of who was in possession of the purported sample from the 21st of May for 96 hours later (4 days), who then took it unto themselves to then deem it was the appropriate time to submit for testing.
4. There is no evidence also to state how this purported sample was stored over the 96 hours and furthermore, Who - if anybody, would've had access to the container which, to reiterate, did not have a tamper proof seal.

The conditions stated above cannot in the furthest stretch of anyone's imagination be considered as sound or ethical practice and/or International Standard. I can only hope that the JMMC thrives to uphold international standards. However, it is clear to my mind at least that it cannot be said that this exercise can be described as justiciable.

I have been licensed to race by the JMMC for 10 consecutive years and this is my first accusation of unsportsmanlike behavior. This is an aberration of my character. I will stand

corrected if wrong, but an accusation of this nature must be tested at the criminal standard that is to say beyond any reasonable doubt.

I am therefore submitting to this panel that great doubts have been raised as to the authenticity of the collecting, handling, storing and the elapsed time for the purported substance to be tested.

I have always heard the dictum of Lord Hewart which said “Justice must not only be done but must also be seen to be done”. This was laid down in *Rex vs Sussex justices* [1924] 1 KB 256.

Based on my intelligence and knowledge, it is very questionable that the scenario that was stated above would meet the threshold required for the alleged grievous breach of standards outlined by the FIA.

This therefore weighs on my mind as to whether or not Mr Khan of the JMMC, actions met the standard as expected of an FIA authorized agent. Repeatedly, the specific actions which i speak of are:

1. The use of a random non-sterile alcoholic bottle WITHOUT a tamper proof seal.
2. The inordinate delay (96 hours) it took to have the purported substance tested.
3. Most importantly the apparent lack of disclosure as it relates to the very important principle Chain of custody.

To conclude, I would have felt more comfortable in the process if the sample was taken, regardless of if the same manner that it has been but quarantining my car additionally which is also stated as of one the requirements of the FIA which would allow for contents of my fuel tank crossmatched with the sample taken. Regrettably, this was not the case.

I crave leave to add further grounds of appeal as soon as I am provided with them. This is so as I sought legal counsel as well as I am awaiting a reply from the FIA on queries made in regards to certain aspects of the events which unfolded on the day in question.

(Kindly view below:

- Exhibit A - a photograph taken by myself when the sample was originally taken at Jamwest Speedway at 3:55 pm on May 21,2023.
- Exhibit B - A photograph taken by an unknown source of the same received and allegedly submitted for testing.

Thank you for your time.

Best Regards,

Nicholas Barnes

Exhibit A: Original Sample Taken at Jamwest Speedway



Exhibit B - A photograph taken by an unknown source of the same received and allegedly submitted for testing.

