



JUDGEMENT OF THE COURT OF APPEALS
Stevan Davis vs. SOM - COA Ref. No. 13-08-NE
June 21, 2013

FACTS IN BRIEF

At the 2013 US Majors Jersey Devil held at the New Jersey Motorsports Park, during the Group 1 race on June 2, 2013, Stevan Davis (FV #80) and Jonathan Weisheit (FV #61) contacted each other in Turn 1 causing both cars to slide off track. Mr. Davis was able to continue and finish the race, while Mr. Weisheit retired with suspension damage shortly after the contact. After the race, Mr. Weisheit protested Mr. Davis for violations related to GCR 6.1.1. (A, B, & C) - Rules of The Road. Mr. Weisheit asserted in his witness statement that he was contacted by Mr. Davis on the left side of his cockpit, causing both to spin because Mr. Davis failed to give racing room at the apex of Turn 1.

The Stewards of the Meeting (SOM), Steve Pence and John Nesbitt, Chairman, heard testimony, reviewed witness statements, and upheld Mr. Weisheit's protest. The basis for their decision was that Mr. Davis should have been aware of Mr. Weisheit's car and thus, Mr. Davis failed to give racing room. The SOM penalized Mr. Davis by moving him behind Mr. Weisheit in the final finishing order (19th and 20th place, respectively) and assessed two (2) penalty points to Mr. Davis' competition license.

Mr. Davis appealed the decision of the SOM.

DATES OF THE COURT

The SCCA Court of Appeals (COA) Tom Hoffman, Jeffrey Niess and Jack Marr, Chairman, met on June 13 & 20, 2013 by Conference Call and on June 21, 2013 by E-mail to review, hear and render a decision on the appeal.

DOCUMENTS RECEIVED AND REVIEWED

1. Appeal letter from Stevan Davis including a link to his in-car video of the Turn 1 contact with Mr. Weisheit, received June 6, 2013.
2. Two E-mail statements from Jonathan Weisheit with photos of damage to his car, received June 12 & 13, 2013.
3. E-mail statement from John Nesbitt, Chairman SOM, received June 16, 2013.
4. Relevant sections of the Official Observer's Report, dated June 2, 2013.

FINDINGS



Witness statements from Mr. Weisheit and the Turn 1 workers report that Mr. Weisheit was running in fourth place behind the leader, Mr. Davis, and two other cars (FV #77 and FV #72) as

they raced down the front straight. According to the SOM Deliberation Report submitted with the Official Observer's Report, FV #77, FV #72 and FV #61 (Mr. Weisheit) were running "nose-to-tail" in a group behind Mr. Davis. FV #77 and FV #72 passed Mr. Davis prior to the Turn 1 apex; however at or near the apex of Turn 1, Mr. Davis and Mr. Weisheit made significant side-to-side contact. All the documents in the SOM Deliberation Report and witness statements support Mr. Weisheit's email testimony that FV #77, FV #72 and he were all "nose-to-tail" and "less than an inch apart," except for Mr. Davis' testimony to the SOM in which he stated there was a "gap" between FV #72 and Mr. Weisheit.

Mr. Davis supplied an in-car video as new evidence not available to the SOM's at their hearing. Mr. Davis stated in his appeal letter that he did not have the equipment to view the video at the track. The 58 second video begins 28 seconds prior to the contact with Mr. Weisheit and refutes the assertion that #77, #72 and Mr. Weisheit were all running "nose-to-tail" and "less than an inch apart." In the right side rear view mirror on Mr. Davis' car, it can be seen that FV #77 pops out to the right from the draft of Mr. Davis, and proceeds to pass him. FV #72 moves to the right almost immediately after FV #77 and also passes Mr. Davis prior to the apex. At this point, Mr. Weisheit can be clearly seen behind Mr. Davis and he doesn't move to his right to begin his pass until Mr. Davis has already begun his turn toward the apex of Turn 1. The video supports Mr. Davis' testimony to the SOM that there was a clear gap between #72 and Mr. Weisheit and that when the two cars made contact, Mr. Davis was well into the braking zone and committed to the apex of Turn 1. At best, the video shows that the contact was a 'racing incident' and at worst, the decision of Mr. Weisheit to attempt a pass so late in Turn 1 may have been ill advised.

DECISION

The Court of Appeals overturns the decision of the SOM in its entirety and the penalties to Mr. Davis are nullified. Mr. Davis shall be restored to his original finishing position in Race Group 1 and the two (2) penalty points are to be removed from his competition license. Mr. Davis' appeal is deemed to be well founded and his appeal fee, less an administrative fee, shall be returned.