



AMERICA'S CUP 32

AMERICA'S CUP JURY JURY NOTICE JN024 Jury Decision ACJ010



26th June 2005
2 pages

To: Challengers and Defender
Copies: ACM, Chief Measurer, Jury, Umpires, Media Centre

JURY HEARING ACJ010 25th June 2005 21h30 local in Valencia

REQUEST for REDRESS: Victory Challenge (SWE 63) v Race Committee

Fleet Racing Race 3

Date of Incident: 25th June 2005

Request by Victory Challenge for redress in respect of an alleged error in scoring Luna Rossa as having finished in front of Victory Challenge.

By letter received by the Jury on 25th June 2005 Victory Challenge applied to be scored as finishing ahead of Luna Rossa (ITA 74) in race 3. The issue involved a very close finish between Victory Challenge and Luna Rossa, and the Race Committee judged that Luna Rossa had crossed the finish line in front of Victory Challenge.

Jurisdiction

The Jury Chairman brought the parties' attention to the fact that one of the five appointed Jury members was not available, and that the remaining members of the Jury believed that there was an urgent need to resolve the issue and that resolution cannot be reasonably delayed without disrupting the Event (Protocol, Article 21.1(c)¹).

Both Victory Challenge and the Race Committee agreed that the four members of the Jury present should hear the Request for Redress.

Validity

The Request for Redress was received at 19h30 on the 25th June 2005. The time limit for lodging protests was 19h39. The Request was lodged within the time limit.

Decision

The Request for Redress is valid.

EVIDENCE AND SUBMISSIONS

¹ Protocol Article 21.1(c): 'Size of the Jury5: The quorum for meetings of the Jury shall be all five members. However, if some members are unavailable for any reason, the quorum may be reduced provided that: (i) the remaining members of the Jury believe there is an urgent need to resolve an issue before all five members of the Jury will be available, and resolution reasonably cannot be delayed without disrupting the Event; (ii) the jurisdiction of the remaining Jury is limited to only those urgent matters requiring resolution to avoid disrupting the Event ...'

Evidence was heard from Harold Bennett who was the Race Officer in charge of the Fleet Race. Mr Bennett stated that he was stationed on the Race Committee vessel sighting the finishing line in the vicinity of the mast and that he, together with another Race Committee official (Javier Escolamo) judged the spinnaker of Luna Rossa to have crossed the finish line ahead of Victory Challenge with a one second gap.

Evidence was heard from Victory Challenge's helmsman, Magnus Holmberg, with the assistance of boat models on a white board, that as she approached the pin end of the finish line, Luna Rossa was sailing below the port lay line on port tack on a course higher than that of Mascalzone Latino. Luna Rossa was being affected by Mascalzone Latino who was ahead of them. Mr Holmberg asserted that Luna Rossa could not bear away until clear of the finishing mark. He further asserted that Victory Challenge's spinnaker had crossed the finishing line ahead of Luna Rossa.

Video taken from two different camera angles was then viewed. Mr Bennett stated that after viewing the video he had no reason to change the decision on the finishing order. Mr Bennett also stated that he had a clear view of the finish from a different angle to that shown in the video.

Javier Escolamo gave evidence that he saw the finish clearly and judged the spinnaker of Luna Ross to have crossed the line ahead of Victory Challenge.

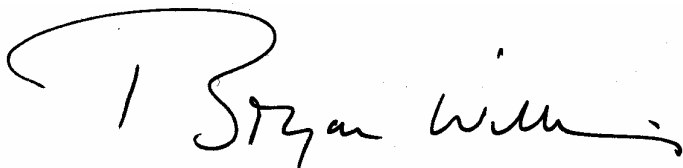
Mr Holmberg submitted that the Race Committee officials did not have a clear view of the finish line and it was not possible for Luna Rossa from the position she was in, to have finished ahead of Victory Challenge. He further submitted that although the video showed Luna Rossa's spinnaker ahead at the time she was scored as finished, this was as a result of the spinnaker having crossed the extension of the finish line rather than the line itself.

CONCLUSIONS

1. The video evidence showed that the spinnaker of Luna Rossa crossed before that of Victory Challenge, but was inconclusive on the question as to whether Luna Rossa's spinnaker crossed on the extension of the finishing line or the finishing line itself.
2. After analysing evidence of Luna Rossa's angle of approach and spinnaker setting, and having regard to all of the evidence and submissions made, the Jury was satisfied that Luna Rossa's spinnaker did not cross the finishing line extension, and that the spinnaker of Luna Rossa being in its normal position crossed the finishing line before that of Victory Challenge.
3. The Race Committee scored the finishing positions correctly, and therefore there was no improper action by the Race Committee.

DECISION

The Request for Redress was denied.

A handwritten signature in black ink that reads "Bryan Willis". The signature is written in a cursive style with a large, sweeping initial 'B'.

Bryan Willis

America's Cup Jury:
Graham McKenzie, Henry Menin, David Tillett, Bryan Willis (Chairman)