

BOBSLEIGH

Despres fights back against doping penalty

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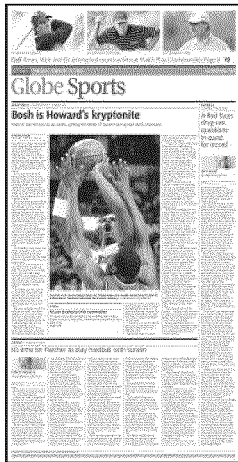
Canadian bobsleigh pilot Serge Despres says he has "possibly the lowest recorded positive test in the history of drug testing," and it will cause him to miss the Vancouver Olympics.

Despres, of Cocagne, N.B., was handed a 20-month suspension on Tuesday after testing positive for the anabolic steroid nandrolone in an off-season test last summer.

The 29-year-old, who drove Canada 2 to an 11th-place finish at the Turin Olympics in 2006, has hired high-profile California lawyer Howard Jacobs to fight the case. On Tuesday, they filed an appeal with the Court of Arbitration for Sport, although not to contest the finding, because Despres recognizes that he has some responsibility for the positive test.

"We believe that the length of the suspension is excessive, given the circumstances," Jacobs said yesterday in a telephone conference call. Despres said he had hoped for a one-year suspension.

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Jacobs has represented disgraced U.S. sprinter Marion Jones (an A sample tested positive for performance-enhancing erythropoietin, but a B sample showed otherwise); U.S. cyclist Floyd Landis (disqualified after the Tour de France for a drug infraction); U.S. sprinter Tim Montgomery; and U.S. skeleton star Zach Lund (who tested positive after using an anti-balding medication).

Jacobs has a record for getting reduced penalties for his clients.

Despres's test last Aug. 27 produced a low concentration of 2.9 nanograms a millilitre. Because it occurs naturally in the body, the legal limit for nandrolone is 2.0 nanograms a millilitre. Athletes who use nandrolone for performance enhancement usually show levels 100 to 1,000 times higher than what he had, Despres said yesterday.

He said an arbitrator for the Sport Dispute Resolution Centre of Canada agreed that he did not willfully take nandrolone and that "there is no significant fault or negligence" on his part. Still, his Olympic dream faces obstacles.

During the 2006-07 season, Despres suffered a hip injury that caused him to miss the world championships and led to hip surgery in June of 2007. To hasten his recovery, Despres said he consulted Bobsleigh Canada's nutritionist, who recommended that he eat specific foods and take "a number of supplements which were clean of any prohibited substances and low risk," he said.

The plan was to be ready to race in October of 2007. But Despres said his world shattered when team officials told him of the positive test during a visit to the bobsleigh track in Whistler, B.C., in September.

"My heart stopped when I heard the news," Despres said. "I knew there had to be a mistake. I was scared and felt like my whole world was crashing down on me. None of it made sense to me."

He said he thought the B sample would show a negative result. "Much to my complete shock, I was wrong," he said.

He and his lawyer determined that one of the supplements he had been taking contained a low level of nandrolone that was consistent with the low level in his test. He said he also passed all three questions in a polygraph test.

"I'm not lying," he said. "I'm not a cheater."

Despres said he has always followed guidelines set out by the Canadian Centre for Ethics in Sport and has been more diligent than most. On the subject of supplements, the CCES advised athletes to seek recommendations from a nutritionist, buy from a trusted retailer and avoid exotic supplements.

Despres says he's always bought his supplements from the same trusted retailer in Calgary and not through the Internet, magazines or non-licensed retailers. And the team doctor would review all his supplements before the season started.

Despres said he cross-referenced all the products listed on the label with the CCES's booklet on prohibited substances. He said he often did research on the reputation of manufacturers by checking independent reviews.

Still, he got caught.

Jacobs said one of the supplements used by Despres tested positive for nandrolone specifically, not even a nandrolone precursor.

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