

Dean Braslin, you plead guilty to dangerous driving. Just after 2.00 pm on 12 September 2020 you were driving a Mitsubishi Magna sedan in Warrane. The car had no registration plates and, at the time, there was a warrant out for your arrest. When, near the intersection of Resolution Street and Bounty Street you saw two unmarked police cars, you drove off. The police followed intending to intercept you. They activated the lights and sirens. However you accelerated to about 80 kph and sped along Bounty Street, into Acorn Drive and Flagstaff Gully Road. In all of those streets the speed limit is 50 kph. After driving for just over a kilometre you came to a point where Flagstaff Gully Road ends. From there, a concrete path for pedestrians and cyclists extends for something approaching 500 metres to Gordons Hill Road. The concrete section seems from the photographs shown to me, to be about a metre and a half to two metres wide, but it is bordered by a grass verge. Some parts of the path are fenced on both sides. You drove onto the path and travelled towards Gordons Hill Road for about 250 to 300 metres until you could go no further. About half way along, a cyclist on the path saw you driving towards him at speed, about 60 kph. It is not alleged that you drove at him, just that you were travelling in his direction. He feared for his safety and had to push himself hard up against the side fence to avoid being struck by your car as you drove past him. You continued on and tried to drive out onto Gordons Hill Road at the end of the path but by then your car could be driven no further. You fled on foot but the police caught you not far away.

You are now aged almost 39. Your difficult background, your history of substance abuse and abuse in State care have been detailed in previous sentencing comments and there is no need for me to repeat that now. I take into account what your Counsel has told me about your personal circumstances. It is in your favour that you pleaded guilty, although it cannot be said to be an early plea, coming as a trial was imminent. You have a long history of having committed driving offences beginning when you were a youth, including negligent driving, two counts of evading police and numerous instances of driving while disqualified and driving without a licence. You have served lengthy prison sentences for very serious offences of violence. When this crime was committed you were on bail for numerous other offences including other driving and anti-social offences. You were subject to a community correction order imposed only a month before as well as suspended sentences.

On 28 September 2020 you were sentenced by another judge to imprisonment for four years and nine months, with parole eligibility after three years and four months for a vicious attack committed during a home invasion in 2017. In addition, suspended sentences totalling seven months were cumulatively activated. That total term of five years and four months was to be served from 25 August 2020 and the result is that you will not be eligible to apply for parole until 24 July 2024. That sentence is not a prior conviction because it was imposed about two weeks after this crime was committed. In addition, on 25 February 2021 a magistrate sentenced you to imprisonment for six months for a series of driving, anti-social, dishonesty and family violence offences committed throughout 2019 and 2020. However, that sentence was ordered to be served concurrently. You were disqualified from driving for three years from 25 February 2021.

In this case the danger you posed to the cyclist was real. It is not asserted that any other person was put in actual danger. The driving did not continue for a particularly long period, but the risk you posed to other drivers on the roads and other pedestrians or cyclists who may have been on the path because of the speed and manner of your driving, is obvious. The level

of danger is added to by the fact that you were attempting to avoid the police. I take into account the other sentences which you are currently required to serve. For that reason, part of the sentence I impose will be served concurrently with those sentences and I will allow eligibility for parole after marginally over the minimum period. However, this crime involves separate criminality and requires additional punishment.

The reasons that serious driving offences attract punishment have been explained by courts many times.

You are convicted. You are sentenced to imprisonment for 21 months. I order that four months of that term be served concurrently with the term of four years and nine months imposed by Porter AJ on 28 September 2020. The balance is to be served cumulatively. I order that you not be eligible for parole until having served 12 months of the term just imposed. The result is that you will be required to serve a further eight months before becoming eligible for parole. You are disqualified from driving for four years from your release from prison and any driver licence you have is cancelled.