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THE MAGISTRATES COURT OF

WESTERN AUSTRALIA

CRIMINAL

AL 1377-1380 of 2022

WESTERN AUSTRALIA POLICE

and

DAWN MICHELLE KELLY

MAGISTRATE D. SCADDAN

TRANSCRIPT OF PROCEEDINGS

AT ALBANY ON TUESDAY, 13 SEPTEMBER 2022, AT 10.53 AM

MR D. LOVEROCK appeared for the prosecution.

ORDERLY: From the K list, calling the matter of Kelly, Dawn Michelle Kelly.

HER HONOUR: All right. Remain standing, please. Are you Dawn Kelly?

....., **MS:** I'm - on - for the record, I am Dawn Michelle - Minister Dawn Michelle, executor for the Dawn Michelle Kelly estate.

HER HONOUR: All right. Well, unless you're Dawn Kelly, you have standing to appear in court.

....., **MS:** Okay.

HER HONOUR: If you have - are not Dawn Kelly and have no standing to appear in court, you must leave the courtroom. So either you are Dawn Kelly, or you are not Dawn Kelly. If you not Dawn Kelly, please leave the courtroom.

....., **MS:** Under duress?

HER HONOUR: Not under anything.

....., **MS:** Under duress?

HER HONOUR: If you are not Dawn Kelly, then - if you are Dawn Kelly, you must announce your appearance in court. If you are not Dawn Kelly, you are to leave the courtroom.

....., **MS:** I'm Dawn Michelle, executor for the Dawn Michelle Kelly estate.

HER HONOUR: I don't recognise that in any way. All I can assume is that you are not Dawn Kelly, and you are to leave the courtroom.

....., **MS:** Sorry. I have - just one moment, please.

HER HONOUR: Please, unless you are Dawn Kelly and answer yes or no as to whether you are Dawn Kelly - - -

....., **MS:** I am the natural - you know, executor for contracts for the natural private person. So that is a - - -

HER HONOUR: This court does not - - -

....., **MS:** - - - misnomer.

HER HONOUR: - - - recognise - - -

....., **MS:** Sorry, what's - - -

HER HONOUR: - - - that sort of - - -

....., **MS:** - - - your name?

HER HONOUR: - - - nonsense argument.

....., **MS:** What's your name?

HER HONOUR: This person is not Dawn Kelly. They have no standing to appear. They refuse to announce their appearance to the court, and they may leave. Thank you. And the matter will now be heard in the absence of any person. Thank you. Please leave, whoever you are.

....., **MS:** I did put documents in, which were sent to your email address, but, anyway - - -

LOVEROCK, MR: (indistinct) to proceed by section 55, your Honour.

HER HONOUR: I'm satisfied that there is no person who responded in a positive manner and appropriate manner recognised by the court as Dawn Kelly. On that basis, I am satisfied that there has been a notice of adjournment issued by the court on 30 August to the known address of Dawn Kelly. On that basis, I'm satisfied leave will be granted to proceed under section 55.

LOVEROCK, MR: Thank you. On - at 10.56 am on Tuesday, 26 July 2022, the accused drove a Suzuki Grand Vitara station sedan in an easterly direction on South Coast Highway in Youngs Siding. The vehicle was bearing registration plates "private", p-r-i-v-a-t-e. The accused failed to stop for police and was apprehended later that day. It was ascertained that the registration plates fitted to the vehicle were not the ones issued by the licencing authority for that vehicle.

The correct registration for the vehicle was 1ASD 979. These plates had been surrendered prior to the incident. Further, at the time of driving, it was ascertained that that vehicle was not currently licenced or subject to any permit. The vehicle's licence had expired on 17 January 2020. The accused is the owner of that vehicle. Seeking half annual licence fee of \$168.75 for that matter, your Honour. Further - - -

HER HONOUR: \$168 and - - -

LOVEROCK, MR: Hundred and - - -

HER HONOUR: Five cents, I think you said; is that right?

LOVEROCK, MR: Hundred and sixty - 168.75.

HER HONOUR: 75.

LOVEROCK, MR: Yes. Thank you. Further, on driving - on that day when the accused failed to stop and was apprehended later that day, it was ascertained the accused was not authorised to drive that class of motor vehicle. The accused's licence was cancelled on account of a conviction in Perth Magistrates Court on 10 December 2021. And due to additional court suspensions, the accused was not eligible or able to hold a drivers licence until 25 September 2024.

The accused's vehicle was impounded for 28 days, and she was summonsed for the matter with the present charge proffered. For the fail to stop, your Honour, I will read the whole thing. At 10.46 am on Friday, 26 July 2022, the accused was driving a Suzuki Grand Vitara bearing registration number "private" in an easterly direction on South Coast Highway in Youngs Siding. The accused was signalled to stop by police; however, she refused to do so.

A marked police vehicle with lights and signs was activated, intercepted the accused for about six and a half kilometres, driving alongside the accused's vehicle on several occasions. The accused made eye contact with the police as the officer in the passenger seat used hand signals in an attempt to get the accused to pull over. The accused acknowledged police with her own hand gesture, which was interpreted by police officers as the accused waving them off.

Video footage of the accused committing the offence was obtained by the intercepting officers. The accused travelled south - travelled below the posted speed limit and didn't breach any other provisions of the Road Traffic Code. With no viable resolution strategy, the intercept was aborted by police. At about 3.19 pm that day, the accused was located at a restaurant on Grey Street West in Albany near York Street.

The accused failed to provide a lawful excuse of failing to stop when called upon. The accused was later

unarrested and summonsed for the matter with the present charge proffered. The conditions of the day was fine and clear. There was no obstruction to any visibility. Seeking 264.30 for that matter.

HER HONOUR: All right. This is what would be described as a fairly flagrant disregard of any police instruction and the road traffic laws. I note that the accused has a recent history of very similar offending, and it seems to demonstrate a fairly entrenched view about what they can and can't do. I also note that there are a number of disqualifications from December 2021; however, it's the second offence of a section 491A, subsection (3).

This is a cancelled licence that arises as a consequence of previous offending. There was, however, false plates - or the incorrect plates. And the vehicle is unregistered, and there was clearly no intention to stop when directed to do so by the police; in fact, it would appear that the accused person acknowledged and deliberately disobeyed that requirement.

Noting the nature of the penalties involved for offences of this type, I impose the following penalties: for driving with the incorrect plates, a fine of \$400, costs of 264.30 on the prosecution notice, using the unlicensed vehicle on a road, fine of \$200, half annual licence fee of \$168.75, for the no authority to drive on a cancelled licence, fine of \$1000, licence disqualification of nine months cumulative, and for failing to stop when given a direction to do so by the police, the modified penalty is a fine of \$600, and I impose that fine.

AT 11.01 AM THE MATTER WAS ADJOURNED ACCORDINGLY

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