

## **Killer driver, 72, free to drive**

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Former air force pilot Graham Perske was yesterday acquitted of a dangerous driving causing death charge in Southport District Court after running over and killing Deborah Ann Whorley in 2011. Pic: Scott Fletcher

A RETIREE who lost control of his car and killed a pedestrian at the John Flynn Private Hospital car-park has been acquitted of dangerous driving causing death.

A jury took less than an hour to find Graham Perske, 72, innocent of hitting and killing Deborah Ann Whorley as he parked his car on September 30, 2011.

Mr Perske lost control of the car when he accidentally pumped the accelerator instead of the brake pedal.

CCTV footage showed Ms Whorley had been walking on a footpath and was struck and propelled over a metal fence and down a steep embankment.

The 52-year-old died of multiple injuries despite immediate assistance from hospital doctors.

Mr Perske, a grandfather and retired air force pilot who had been awarded the Order of Australia, pleaded not guilty in the Southport District Court.

A short time before the verdict, Mr Perske said it had been a terrible situation and the decision was in the hands of the jury.

He acknowledged older drivers being involved in accidents had been an issue in Queensland and it was for the court to decide.

The jury was told Mr Perske had driven his toddler grandson to hospital after a bad fall and pulled halfway in a parking spot to let his ex-wife Helen and child get out.

But when the car started rolling forward Mrs Perske shouted out, distracting Mr Perske and he pressed the accelerator.

In a police interview played to the jury, Mr Perske said he tried to brake. "I thought I was slamming on the brakes but I was slamming on the accelerator," he said.

"I saw the the poor woman in front of the car ... she was right in front of the car.

"There was nothing I could do to stop it."

Defence barrister Tony Kimmins said Mr Perske had an impeccable driving record with only one speeding fine and one minor accident in a 56-year driving history.

He reminded the jury it could not be known if his client's foot had hit the brake and the accelerator in his bid to stop the car.

Crown prosecutor Mark Whitbread said the case was sad but urged the jury to put aside their emotions and focus on the facts.

Judge Julie Dick SC discharged Mr Perske.

Mr Whitbread then asked Judge Dick to disqualify him from driving, but the judge said she found no reason to take his licence.

Former Southport MP Peter Lawlor whose daughter Ali lost her leg after a shopping centre accident involving an elderly driver just over two years ago said old drivers should face more stringent tests.

Mr Lawlor encouraged people to talk to their elderly parents about giving up driving, saying they should not wait until someone was killed or maimed to take action.

He fell short of calling for Mr Perske to be jailed, saying he doubted it would achieve anything.

"This is clearly a tragedy for both families," Mr Lawlor said.

"The Government has done the right thing by calling for annual checks for drivers over 75."

Source: [http://www.goldcoast.com.au/article/2013/05/23/452182\\_gold-coast-lead-story.html](http://www.goldcoast.com.au/article/2013/05/23/452182_gold-coast-lead-story.html)

