

# Blood error in Christie trial?

**A Shenton Park man in jail for life for the murder of his former wife may have been wrongfully convicted because of confusion in court over bloodstains, says a group of four concerned observers.**

The group of volunteers, co-ordinated by the Centre for Forensic Science at the University of WA, has been studying the case and making further scientific inquiries.

They say Rory Christie (34), who was convicted of the murder of his wife, Susan Christie (42), after a sensational trial last October, did not get a fair trial.

The jury found Susan had been murdered by her former husband at her flat in Currie Street, Daglish, where she lived alone.

Her body has not been found.

In court, she was described as a lost soul who had had a head-in-

By BRET CHRISTIAN

jury that, when combined with alcohol, led her into promiscuous relationships with many men.

She has not been seen since chatting with a neighbour outside the flats at about 10.30pm on Thursday, November 15, 2001.

The couple's seven-year-old son lost his mother to apparent murder and his father to jail, and is living with his grandparents in Canada.

Mr Christie has spent two years in a maximum-security prison. He is in Casuarina jail.

At the end of the trial, the judge told the jury the only phys-



Rory Christie at Susan Christie's flat in Currie Street, Daglish, during his trial last October.

ical evidence linking Rory Christie to the crime was blood on his tie.

The expensive Zegna tie had been seized from Rory Christie's home in Derby Road six

months after Susan Christie disappeared.

The blood on it was Susan Christie's, the prosecutor and the judge said.

If the jury were not convinced the stains

were Susan Christie's blood, the jury would have to acquit Rory Christie, the judge said.

Forensic police and a scientist gave evidence of separate tests done on the tie.

But investigations by the volunteer group indicate these two key witnesses did not give direct evidence that these tests did show blood.

The second test was done by forensic police sergeant Alexander Elliott.

He used a chemical agent called luminol that is used to detect the possible presence of blood.

It is sprayed on a surface in darkness, and reacts to iron in the blood by glowing.

Sgt Elliott, who sprayed the tie with luminol at police headquarters in Perth, described the results to the court.

He said his test showed "quite an even reaction consistent with whatever reaction we were receiving" along 39cm of the wide end of the tie.

He did not say the reaction was to blood.

While luminol is used to detect the possible presence of blood, it also glows when it contacts a wide range of other materials, such as household bleach and other cleaning agents.

The court heard the reaction could not be confirmed to be blood or something else unless further testing was done.

Further laboratory tests would confirm whether the luminol is reacting to blood, and if it is blood, whose blood it is.

The volunteers say there was no evidence given in court that this

further testing was carried out, so there was no evidence given that the luminol reaction was to blood.

But, they say, the entire courtroom misinterpreted this part of the evidence.

By the end of the five-week trial, Justice Len Roberts-Smith was telling the jury Sgt Elliott's luminol tests on the tie had given a 39cm "reaction to blood".

In his sentencing remarks after the jury had delivered his verdict, Justice Roberts-Smith said: "The extensive areas of the tie showing positive for blood ... show the blood was not likely to have come from a blood nose or any other innocent explanation mentioned in the trial, and that the tie was

• Please turn to page 6



Fit for a queen ... baroque trumpet player Simon Lilly and daughter Kajsja on a family visit to Mosman Park last September. Picture: Billie Fairclough

## Mosman trumpeter gets a royal wedding gig

**When Crown Prince Frederik of Denmark ties the knot with Australian Mary Donaldson on Friday, Mosman Park trumpeter Simon Lilly, 32, will lead the accompaniment.**

Copenhagen Cathedral will reverberate to the coronation anthem, George Handel's Zadok the Priest, with Simon on his traditional handmade trumpet.

Simon showed such early musical promise that he was invited to join the Busselton

Senior High School band when still in primary school.

His family's move to Perth was the start of a journey that took Simon to Mosman Park, Scotch College and Edith Cowan University, to a musical scholarship in Vienna and eventu-

ally to Basel in Switzerland, where he now lives.

So how did Simon, now a freelance musician, come to be playing at a royal wedding?

"When I moved here (to Switzerland) I made

• Please turn to page 65

## Mayor v Multiplex

**Cottesloe mayor Rob Rowell says he is ready to block the Multiplex plan for six storeys on the Cottesloe Hotel site.**

He said: "I believe we could have a council locked 5:5, with me voting in favour of the development.

"But in that situation, I believe the mayor should then use his casting vote for the status quo, and our Cottesloe town planning scheme clearly says there should be a three-storey 12m limit, so I would have to vote for that.

"It does sound ludicrous, and it would clash with my personal views, but I believe I would have to vote that way."

Mr Rowell said he believed a building up to 20.5m would be

acceptable, though he did not like the design of the current Multiplex proposal.

He said: "It seems too different from its neighbours; it doesn't blend in enough. The top floor looks like a pimple on top.

"I preferred the earlier proposal, which had rounded corners, reflecting the art deco feeling of the existing hotel.

"If I get the opportunity, I will say so."

The council could do a mail survey of Cottesloe residents to get their views on the proposal because it would be such a

major landmark decision.

Mr Rowell said: "I don't like referendums, but we need the feedback.

"Some councillors felt intimidated at the recent public meeting, so that is not a very satisfactory way to get community comments."

Mr Rowell said a vital part of the proposal was two levels of underground parking with about 200 bays, which would be a big help with parking problems in the area.

• More reports page 16

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Live Life

# Did confusion lead to Christie trial error?

• From page 1

being worn when the blood got on it.

"The luminol examination of the tie done by Constable (sic) Elliott showed a heavy reaction to blood on the front of the tie extending 39cm from the bottom of the tie."

Prosecutor Troy Sweeney did not claim at the trial the luminol had reacted "to blood".

She told the jury: "The luminol is not a conclusive test. You test with your luminol. The police officers may well have a view because if you are experienced with luminol, you know it luminesces differently, depending on whether it's blood or cleaning agents."

"But you don't stop there, you confirm it. You have it scientifically tested to see whether it does indeed screen positive for blood."

Later, both Ms Sweeney and Justice Roberts-Smith told the jury the "blood stains" on Rory Christie's tie would be crucial evidence to consider.

Justice Roberts-Smith told the jury the Zegna floral tie was the only one in Mr Christie's collection of 40 or 50 ties "which showed positive results for blood".

"The presence of Susan Christie's blood on the tie is central to the crown case against Mr Christie," Justice Roberts-Smith told the jury.

"If the blood on the tie was not that of Susan Christie, there would be no case and the accused would have to be acquitted."

There was no confession or other physical evidence linking Mr Christie to the disappearance of his former wife.

Elimination of the "39cm bloodstain" from evidence about the tie would leave three almost invisible stains on the tie.

These stains tested positive to Susan Christie's DNA.

The three tiny marks, described as "diffuse stains", were found on the tie, which Mr Christie had owned for about 10 years.

These stains were visible only under good light.

But the forensic scientist who tested the marks at the Path Centre in Nedlands, Laurie Webb, only ever described them as "stains", say the volunteer group's members.

He did not use the word "blood" in relation to the stains.

The volunteers say the closest Mr Webb got was his answer to this question asked by prosecutor Troy Sweeney: "Having received positive results for blood on a number of items that you have told us about [from inside Mrs Christie's flat] and on the tie, were those items then analysed to determine the results from the point of view of a DNA profile?"

"Yes," was Dr Webb's full reply.

After Mr Webb gave evidence, various people addressing the court, including the judge, freely and frequently referred to these stains as Susan Christie's blood.

Justice Roberts-Smith told the jury: "What you do know about that tie is that the bloodstain is a stain of Susan Christie's blood and that it is still on the tie."

Other remarks by the judge indicate he believed DNA testing of the tie by Mr Webb showed the stains to be blood.

Mr Webb testified the three small stains contained Susan Christie's DNA, but he did not say the DNA testing showed it to be blood.



Rory Christie during his trial jury's 'view' of Susan Christie's flat in Daglish last year.

He did not describe to the court any screening of the stains for blood, the volunteer group says.

A person's unique DNA is carried in all parts of their body, including all bodily fluids.

Mr Christie, who denied having anything to do with the death of his former wife, said in court the DNA must have got on to his tie innocently, possibly through Mrs Christie's nosebleed, or when Mrs Christie broke a glass door pane during a post-separation altercation.

**“The presence of Susan Christie's blood on the tie is central to the crown case”**

— Justice Roberts-Smith

But if the volunteer investigators are right, the lack of evidence that a blood-screening test was conducted now raises the possibility it was saliva, sweat, urine or vomit that got on to the tie during the couple's relationship.

Though DNA testing can positively identify the DNA's owner, there is no way its age can be determined.

Normally, luminol testing is done first as a presumptive test for blood. A positive result is followed up with further testing to confirm or eliminate blood.

Mr Christie has appealed against his conviction, lodging more than 20 grounds with the Court of Criminal Appeal.

The grounds include the possibility the judge misdirected the jury.

The appeal is expected to be heard in July.

There are additional problems

with the "blood spot while cleaning blood" scenario, according to the group.

One of the spots is 60cm from the bottom of the tie. Mr Christie knotted his tie at 40cm.

The third spot would have been under his collar while he was wearing the tie.

The luminol test on the tie was not the only time a positive reaction to luminol was assumed to be blood when no further testing was done, they say.

Police who sprayed luminol in Susan Christie's flat got a reaction on the floor which they assumed to be bloody drag marks.

But these were apparently not screened for blood or DNA.

In addition, further inquiries have shown that the luminol reaction described in court might not have been consistent with blood.

Throughout the trial, this reaction was referred to as "drag marks".

The prosecutor, Ms Sweeney, said the evidence left in the ground-floor flat showed Mrs Christie had been murdered as she lay on a couch, and had then been dragged into the bedroom and left.

There she would have been out of sight to anyone peering through the windows.

She said Rory Christie had left the body there during the Friday, November 16, then came back at night and removed it, probably burying it in bush in Bold Park or other nearby bushland.

But the absence of blood testing of the "drag marks" would throw this whole scenario into doubt, the group says.

In sentencing, the judge said the great amount of blood in the flat showed Susan Christie had been killed there, and that Rory Christie had been the killer.

But the group says the new view of the luminol results also throws doubt on that scenario.