

Christie's new hope

Reports by BRET CHRISTIAN

Three appeal court judges have given Rory Christie a second chance at freedom by ordering a re-trial.

Friends of Mr Christie, who spoke with him at Casuarina prison minutes after the decision, said he was delighted with the verdict.

"I was always innocent. Soon I will be innocent and free," he said.

But it has taken three-and-a-half years.

"It has stolen my life."

Justices John McKechnie, Rene Le Miere and Lindy Jenkins quashed his conviction for the murder of his wife Susan and ordered a re-trial for November 1 this year.

It will be four years since Susan Christie (42) disappeared on November 15, 2001. Her body has never been found.

Her former husband Rory Christie (35) has been in jail for three-and-a-half years.

The three appeal judges upheld two points raised at the appeal by Rory Christie's lawyers.

They strongly criticised the judge at the original trial, Justice Len Roberts-Smith, saying he had seriously misdirected the jury on the crucial point of Rory Christie's tie, said to have connected him to his wife's murder.

They also said the evidence of a new witness who came forward after the appeal to testify about a birthday party was enough to order a new trial.

Two judges said there would be a miscarriage of justice if a new trial were not held so that the new evidence could be heard by a jury.

The appeal judges agreed that there had been unfairness to Rory Christie in the way the trial judge had dealt with evidence about his silk Italian Zegna tie.

Justices Le Miere and Jenkins said the new evidence raised the reasonable possibility that blood got on the tie innocently.

The new witness was a guest at a child's birthday party in a park in Daglish a month before Susan Christie disappeared.

He testified that Susan Christie was accidentally hit on the nose with a stick. Her blood could have



Susan and Rory Christie on their wedding day at his home in Canada in 1995.

been transferred to Rory Christie's tie when he helped with a tissue or when he collected his son and carried him to his car.

"The only physical evidence linking the appellant with the deceased was the blood on the Zegna tie," they said.

"This case is exceptional and the interests of justice require that the appeal should be allowed."

The trial judge's misdirection

about the tie concerned the evidence that Rory Christie took a tie to be drycleaned at Herdsman Drycleaners the day after Susan Christie was last seen.

The prosecution said that this showed he was trying to hide evidence of the crime.

The appeal judges said that the tie possibly linked Rory

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Many broken lives

Rory Christie nurses his jaw broken by another prisoner as he sits staring at his cell wall in Casuarina Prison, still puzzling at how his marriage to a beautiful and vivacious older woman, Susan, brought him to this plight.

As a 25-year-old Canadian commerce graduate, he met Susan Stuart, his best friend's sister, and was taken with her wit and intelligence.

Susan was 11 years older, a straight-A science graduate, a brilliant pianist and a single mother who was visiting her brother in Canada from her home in Shenton Park.

Soon after Rory met Susan in Canada, Susan was pregnant with their son.

They lived in Shenton Park, going back to Canada for a spectacular family wedding against a snowy mountain backdrop.

That was in 1995. By 2003, WA Supreme Court judge Len Roberts-Smith was describing how Susan had surrounded herself with people who led "sad, unfortunate, depressing and even tragic lives".

"Susan Christie herself was a sad figure," he said.

Now, after three Christmases in jail, Rory Christie (35) is no longer the baby-faced man who fronted the criminal court each

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Threat to bulldoze OBH

An apparently fed-up Stan Quinlivan this week threatened to bulldoze the Ocean Beach Hotel and build "Cottesloe Centro" on the 6200sq.m site.

He said that, as owner of the OBH, he was totally frustrated with Cottesloe council.

Mr Quinlivan said he had spent \$1 million in the past two years on plans, lawyers, architects and marketing in his attempts to redevelop the site with Multiplex.

He said Cottesloe council staff had been helpful but most councillors, amateurs with no planning or development experience, had continually stood in the way.

He said: "They seem to be totally opposed to anything that is more than 12m high, even though there is very wide community support for it on this site."

He said the deal with Multiplex would be called off if the council voted this week not to support at least asking the community its opinion of rezoning the OBH site.

He said there were two options:

1. Demolish the hotel and motel and build Cottesloe Centro-style housing across the site from Eric Street to Eileen Street, with no open space.

2. Leave the hotel and motel and build 30 private houses around them.

He said that with Cottesloe land valued at about \$5000 per sq.m, the hotel had the most valuable carpark in Australia - worth about \$30 million.

Mr Quinlivan said: "These blokes seem to have their own agenda, but they won't say what it is except that they don't like more than 12m."

He said the state government should draw up a master plan for key sites along the coast so that local councils could not force piecemeal planning.

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Each week 51,000 copies of the POST are distributed to every household and business in the western suburbs.
These suburbs are shown on the map on page 2. Extra copies are delivered to other selected riverside suburbs.

Hot job for blue eyes

Small blue cats' eyes have been mysteriously appearing on the roads of Subiaco.

Residents have come up with a range of outlandish theories for what they might be - secret traffic cameras was one suggestion.

The POST asked Subiaco council for an explanation, and here it is.

The blue cats' eyes are placed on the road to indicate fire hydrants.

They glow in the dark and are considered an improvement on the old system of a painted "H" on the verge, which was often covered by overgrown lawn, making it hard for firemen dealing with an emergency.

The new hydrant markers are slightly off-centre on the road, being closer to the side where the hydrant is, and will eventually appear throughout the western suburbs.



Chocs can kill pets

Chocolate can be fatal to pets.

Owners are warned not to share their Easter eggs with cats or dogs.

Dr Norm Blackman, national president of the Australian Veterinarians Association, said pets can vomit, suffer diarrhoea and excessive urination and become hyperactive.

"This can be followed by depression, coma, seizures and death."

A medium-sized chocolate bar could be enough to be fatal to a pet.

A dog is less deterred by the bitter taste of dark chocolate, so a fatal dose can be gobbled down quickly if an unwary owner leaves some in an accessible place.

THE LISTENING POST

Big eggs, round kids

Giant Easter eggs may lead to similarly sized children, the Australian Medical Association has warned.

AMA (WA) president Paul Skerritt urged parents not to give in to their children's persistent nagging for "super sized" Easter eggs which had been marketed persuasively for the past 10 years.

"We don't want to take all the fun and excitement out of Easter but now is the perfect time to educate children on the importance of a healthy diet and

moderation," Dr Skerritt said.

Those bombarded with Easter eggs should not be allowed to binge-eat, but ration their consumption over the next few months, the AMA says.

Mark his words

Subiaco councillor Mark Tonti, with his eyes on the mayor's chair, has stepped up a notch at recent council meetings.

He speaks on nearly every issue and has made some pungent observations.

They included: "This city is becoming so difficult to deal with because we're up ourselves."

"When you ring this council you don't get plain English, you get planning speak."

Many broken lives

• From page 1

day dressed in immaculate suits. The former triathlete dropped 13kg during the trial.

Now he looks older, seemingly overnight. He whiles away his long days making carved coffee tables in the prison woodwork shop.

A computer expert without a computer, he tells friends he is often mind-numbingly bored.

It helps that he's been a fitness nut who has trained alone for long hours.

But an older recidivist bank robber who is a carpenter provides advice and some conversation.

Christie has earned a place in the privileged self-care unit, where 12 cells with their own bathrooms cluster around a communal kitchen. He cooks for the unit every Monday night. The five non-cooks wash up.

He speaks to his son, now aged eight, who lives with his grandparents in Canada, about three times a week.

Each night before sleep he kisses his son's photograph goodnight.

The boy is into speed skating, but Rory won't let him play ice-hockey. "Too many ugly parents in that sport," he says.

Christie's jaw was broken when he was king-hit from behind by an unknown inmate of Hakea Prison before he was transferred back to Casuarina.

He says that despite repeated requests for medical help the break went undiagnosed for weeks, and by then had set itself crookedly, too late for practical treatment.

By the time Susan Christie, met her tragic end, there was no doubt that chaos swirled around her one-bedroom ground-floor flat in Currie Street, Daglish.

Her drinking and promiscuous behaviour had driven the smartly dressed young Canadian out of their house in Harvey Road.

She frequented the bars of Wembley and Subiaco, picking up a bewildering array of casual lovers.

On the short, late-night taxi journey from her home to the Wembley Hotel for her customary bottle of Goundry wine, Susan would entice taxi drivers back to her flat for a sexual encounter.

Christie told the Supreme Court he was born Rory Bensimellar in Alberta, Canada, in 1969, but his parents divorced when he was two years old.

He has had no contact with his biological father.

He said that in 1977, the year he turned eight, his mother married Ronald Christie and he adopted his stepfather's surname.

Ron Christie and Rory's then 21-year-old half-sister travelled from the small town of Lloydminster, Saskatchewan, to sit through his five-week trial for the murder of Susan Christie, whose body has never been found, in September and October 2003.

To gasps from the press benches and cries from the public gallery, the jury convicted Christie of the murder of Susan on the black vinyl couch of her flat on a Friday morning, October 15, 2001.

The jury accepted the prosecution's case that Christie had dragged his wife's body out of sight to a bedroom and returned that night with a car to bury her body in nearby bushland, possibly Bold Park or other bush near Floreat or Mt Claremont.

The judge was scathing when sentencing Christie for his wife's murder.

"The blight in your life and (your son) was Susan Christie, as you saw it," Justice Roberts-Smith said.

Christie had disposed of her body intelligently, because it had never been found, he said.

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Murder lifted the lid off suburbia

The murder trial of Rory Christie opened a window on life in the western suburbs that few local people knew existed.

It was a culture of sex, drugs and alcohol-fuelled, ever-morphing relationships forged at parties and in the front bars of hotels around Shenton Park, Subiaco and Wembley.

The cast of characters who swirled around Susan Christie and her flat in Currie Street, Daglish, would make the most imaginative novelist blush.

Part of Christie's defence was that there was as much evidence against at least three other men and possibly some taxi drivers as existed against him.

The night Susan Christie disappeared, the couple in the flat upstairs were using drugs and enjoying a video-recording threesome with a man they contacted through an adult magazine.

The three witnesses were called into court and told of hearing noises coming from Mrs Christie's flat - bumps or thumps. But they didn't go to investigate.

The woman told the court her remark at the time was: "There's that alcoholic bitch falling over again."

Her boyfriend had fallen out with Mrs Christie after she called him a low-life and a junkie, and told him to shove his peace-offering, a bottle of bourbon, "up his arse".

"Because she had given me a



Susan Christie

hard time, I thought, 'Bugger her,' the man told the Supreme Court. "She had fallen off the toilet before - I heard her fall in the bathroom and helped her up."

The man from the magazine advertisement, who had worked as a nightclub bouncer, said he believed the sounds were a head hitting a wall.

He had heard the sound before and recognised it.

A ground-floor next-door neighbour testified that the noises she had heard coming from Mrs Christie's flat were so loud she went out into the hall to investigate.

She said she thought someone was renovating the flat.

Rory Christie's lawyer, Tom Percy QC, submitted that the noises were Mrs Christie being killed.

If that was the case, Rory Christie could not have killed her, said Mr Percy, as he had a firm alibi for that night.

Other witnesses were people

Mrs Christie had met in alcohol treatment centres, parents of school friends of her son - who launched a rescue operation when they found her drunk and evicted from her house in Keightley Road, Shenton Park - drinkers from the local hotels, a brain-damaged man - who had a fling with Mrs Christie and was caught in bed by a groundsman, who professed his love for her - and a series of taxi drivers Mrs Christie had invited into her flat after trips to the Wembley Hotel bottle shop.

There were her two ex-husbands, who watched her like a hawk because each had a son by her and each was concerned about his boys' welfare during access visits.

Then there were confrontations with Rory Christie's new girlfriends, fights, shouting, swearing and broken glass when Susan stormed into their homes.

Susan was a compulsive user of the telephone. Many of the 103 witnesses told that she sometimes called dozens of times a day and spent hours phoning friend and foe alike.

In fact, the surest sign that she was dead, although no body was ever found, was that the phone calls stopped at 10.36pm on Thursday, November 15, 2001.

Mr Percy said that sinister conclusions could be drawn about at least three other men who knew Mrs Christie.

"It's a very rare murder case - a real whodunit," he said.

Many broken lives

• From page 4

"Not only had the crime deprived their son of his mother and father, but he also had to live with the knowledge his father murdered his mother," Justice Roberts Smith told him.

Christie is facing life imprisonment, with the possibility of parole after 11 years.

Susan was separated from her first husband when she and Rory met.

When they returned to live in Shenton Park, Christie worked as an accountant for Silver Chain, while Mrs Christie kept house in Shenton Park.

Their marriage deteriorated. Mrs Christie was described by friends as witty, quick, intelligent and pretty.

When drinking, against doctors' orders, because of frontal lobe damage she suffered in a fall in London in the 1980s, she became abusive, violent and sexually promiscuous.

Christie said she would leave their son alone in his cot while she went out drinking.

So he gave up his job to look after the boy Christie said he sometimes slept in Karra-

katta Cemetery or in his car to get some peace.

He said "the last straw" was when he found Susan naked in bed with a man she had met at the pub. She denied everything.

The couple separated and there were bitter custody disputes in the Family Court.

By November 2001, Mrs Christie, then aged 42, was living in a unit in Currie Street, Daglish, and Mr Christie was living with a new partner in Whitfeld Street, Floreat.

He had full custody of his son, and lived off a trust fund created by his family in Canada.

By his account, access was sorted out and their relationship was much more civil.

Mrs Christie was last seen alive at 10.28pm on Thursday, November 15.

Seven months later, police seized a tie from Christie's wardrobe at his house in Derby Road, Subiaco.

He was charged with wilful murder of Susan, and convicted of murder after a long trial that heard evidence from 103 witnesses.

Last July he launched an appeal against the verdict in the Court of Criminal Appeal, before justices John McKechnie, Rene LeMiere and Lindy Jenkins.

He applied to have the verdict declared unsafe and unsatisfactory on the grounds of fresh evidence and alleged misdirection of the jury by the trial judge.

Christie feels unlucky that his was one of the first cases to go to trial without a preliminary committal hearing.

He says a sifting of the evidence in a lower court would have distilled the evidence and left less room for wild shifts during his Supreme Court trial.

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