

Defence: Reasonable doubt on every front

A "bombshell" accusation by a police officer about Lloyd Rayney on the night Corryn Rayney's body was exhumed from King's Park was described as outrageous by Mr Rayney's defence lawyer.

The judge in the case described the officer's statement as inappropriate when Mr Rayney's lawyer, David Edwardson QC, was summing up the defence case last week.

"It was not only inappropriate, it was outrageous," Mr Edwardson said.

From the time Mrs Rayney's body had been discovered buried in King's Park, entries in the critical decisions log of the police had shown there was no doubt police had concentrated on her husband as a suspect, Mr Edwardson said.

"Police bias has a very important role to play in this case," he said.

Acting Justice Martin said police could rightly have been criticised if they had not investigated Mr Rayney.

Mrs Rayney's body was found buried a week after she went missing on August 7, 2007.

Her body was exhumed and taken to the state mortuary in Nedlands on the night of August 16, where Pathwest forensic pathologist Gerard Cadden conducted a preliminary examination for any obvious wounds.

Dr Cadden gave evidence that he had overheard officer Stuart Bartels say police knew Lloyd Rayney was the culprit, whether by himself or with the help of a male lover.

Dr Cadden asked Mr Bartels to repeat what he had said.

"I had the impression that



Lloyd Rayney

there was a high level of confidence that they knew it was Lloyd Rayney," Dr Cadden said in evidence.

"I was under the impression that an arrest was imminent.

"It was obvious he was uncomfortable with telling me."

Dr Cadden said the statement had influenced the timing of his reports of suspicious marks found on Mrs Rayney's neck.

"I thought they were going to be interviewing him [Mr Rayney] as a suspect," he said.

"I was trying to give them some indication of where the case was going."

The next day, he told another officer that he wanted "chat of that type shut down" during a post mortem examination.

Mr Rayney was arrested for his wife's murder three years later.

Mr Bartels later made a statement that he could not recall making the comment.

Two other witnesses who had

been present said they had heard them.

One, a police officer, said he had heard it but had not taken much notice because he had thought Mr Bartels was joking.

Eleven days later, detectives consulted an American profiler, Greg Saathoff.

Police logs record that the meeting "cemented our thoughts with regards to Lloyd Rayney as a person of interest".

Acting Justice Martin said the meeting with Dr Saathoff had been a pointless exercise.

Mr Edwardson said: "At that point, there was no suggestion that he was anything other than a grieving husband."

The most senior police officer in the investigation also admitted under questioning that he and another detective had visited a psychic, Debbie Malone, taking to her Mrs Rayney's diary - wrapped in cling-wrap - to see what could be discerned.

I was under the impression that an arrest was imminent.

She had told them nothing useful, the officer said.

(A 2009 Sunday Times report tendered by Mr Edwardson was not accepted as evidence.

It said police had given Ms Malone Mrs Rayney's diary as an "energy source" so she could perform a technique known as psychometry, where people communicate with the dead and see past, present and future events.

"Two detectives accompanied her to the Subiaco street where the 44-year-old's abandoned car was found and a track in



Corryn Rayney

King's Park where her body was recovered from a bush grave," the report said.)

Three weeks after the profiler meeting, on the day police discovered the Rayneys' home phone had been bugged and police raided his home and office, the then head of the major crime squad, Senior Sergeant Jack Lee, publicly named Mr Rayney as the prime and only suspect.

"From that point he [Mr Rayney] was a condemned man," Mr Edwardson said.

"The police clearly believed he was it.

"Conjecture is not evidence. "Lloyd Rayney is innocent."

The prosecution had put forward "fantasy and pure speculation", he said.

He said that despite the widespread publicity Sergeant Lee's announcement had created, no one came forward who said they had seen Mr Rayney concealing his wife's car in a street near the family home, taking his wife's

body to King's Park in her car, or walking the 8km home from where the car had broken down in Subiaco, all of which had been alleged by the prosecution.

"No matter who killed her, the car wasn't seen after bootscooting," Mr Edwardson said.

"The state's case is that Lloyd Rayney drove the car with his wife dead in it.

"His photo was on the front page of the newspaper and he had a distinctive Indian appearance.

"Nobody saw him or heard anything."

The prosecution had alleged Mr Rayney had murderous intent and carried out a carefully planned, calculated killing, Mr Edwardson said, but it was impossible to conceive he would "execute his wife and mother of his children in the family home" while at least one of his daughters was in the house.

Mrs Rayney weighed 78kg and Mr Rayney 67kg.

"In any confrontation, he would come off far worse," he said.

"It beggars belief."

It was not possible for him to have committed the murder and hidden the body and car in the apparent time available.

Mr Rayney had been in his pyjamas and appeared normal to the mother of his daughter's friend who arrived at the house that night, but according to the prosecution he had "just executed his wife and mother of his two children".

Mr Rayney had also appeared normal to numerous people the next day, including an experienced detective, his client at the Corruption and Crime Commission, until he heard that his wife had not arrived at work.

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