

# Judge: Was it a bungled sex attack?

By **BRET CHRISTIAN**

**The judge who found lawyer Lloyd Rayney not guilty of killing his wife Corryn has implied that a giant blunder was made.**

The prosecution disregarded the possibility that Mrs Rayney's assailant attempted sexual assault in her front garden or front verge as she arrived home at night.

But, said the judge, that was the theory that best fits the forensic facts.

The police and prosecution theory does not fit the forensic facts, Justice Brian Martin says.

Mr Rayney's lawyers said in court that the state constructed a scenario for the night of the murder that implicated Mr Rayney.

In his full-length written judgment, Justice Martin detailed forensic evidence presented during the three-month trial of Mr Rayney to advance his scenario of a sexual assault gone wrong to explain the death.

He detailed how the murder could have happened outside the family home without involving Lloyd Rayney.

The judge's scenario is set out in a section of his 369-page judgment. Because Justice Martin tried Mr Rayney without a jury, he had to give written reasons for his decision to acquit him last week.

Juries do not give reasons for their decisions – and they are banned by strict laws from talking about their deliberations.

During the trial, Justice Martin stated his intention to find the truth of what had happened to Mrs Rayney if possible.

The prosecution case was that Lloyd Rayney killed his wife inside the family home after she returned home from her boot-cooting class around 9.45pm on the night of August 7, 2007.

Mr Rayney hid her body either beside the house or in her car, the prosecutor alleged, dragging her across the brick paving, where the contact picked up fragments of brick, sand, paint and plastic plus big seed pods dropped by a liquidambar tree in the front yard.

The prosecutor explained away the unbuckling of Mrs Rayney's belt and ripping open of her jeans zip as part of Mr Rayney's alleged action in burying his wife's body in King's Park.

The prosecutor alleged Mr Rayney had undone the jeans so he could pull up Mrs Rayney's knees to fit her in the near-vertical grave he had dug in King's Park.

Her boots were off and later found in her car.

On the boots were found traces of her own DNA and the DNA of an unknown male.

The judge said Mr Rayney's lawyer, David Edwardson, had said "the removal of the boots was consistent with an attempt to remove the jeans worn by the deceased for the purposes of sexual activity".

The judge rejected any sug-

count for the scratches on the bra clasp and the presence of the artefacts [particles]?

"Someone took the deceased's boots off. The presence of male DNA is a piece of circumstantial evidence capable of suggesting a male person was involved that night."

Damage scientists examined on the boots would have re-

**Someone took the deceased's boots off. The presence of male DNA is a piece of circumstantial evidence capable of suggesting a male person was involved that night.**



*Mysterious scuff marks on Corryn Rayney's boots were not made by her being dragged, the judge said.*

gestion of consensual sexual intercourse. But, he said, a sexually motivated assault must be carefully considered as an alternative.

The judge gave a very broad hint of what he thought really happened to Mrs Rayney.

His theory explained mysterious damage to her boots and bra clasp, and particles from the Como yard found attached to her body and clothes.

She had head injuries consistent with having been attacked from behind, or when she fell to the ground, Justice Martin said.

"If she had been struck from behind she could have been deprived of the opportunity to make a noise or attempting to defend herself," he said.

"If during the assault the deceased struggled while lying on her back on the bricks, and in the process her legs were apart and the assailant between them, is it reasonably possible that in the struggle the boots could be damaged by the deceased moving her feet in an effort to get away?"

"Could such a struggle ac-

quired two separate "dragging events", the judge said. Some of the damage was circular and direction-less scuffing. He accepted defence expert evidence that other boot damage was normal wear and tear.

A third dragging event, with Mrs Rayney held by her legs or feet, would have been required to deposit material from the yard in her bra and hair, including the seed pods.

But the judge, on examining the detailed mechanical damage to the boots and other forensic evidence, does not believe there was any dragging.

"I am far from persuaded that the soil, artefacts and damage to boots and clothing point to a dragging event," he said.

Two seed pods from a liquidambar tree found in her hair also support the judge's "yard or verge" attack theory.

Pods from the tree were scattered over a wide area of the front garden and on the verge, driveway and road.

Mrs Rayney often parked on the verge if Mr Rayney's car was in the driveway of their Como home, as it was that night.

Mr Rayney was inside the house. Had he been towards the rear of the house he would have heard nothing, the judge said.

"I am satisfied that the deceased was in difficulty and on the ground when the seed pods became attached to her hair, and she was not able to remove them," Justice Martin said.

It was unlikely that the particles found on her body, though not unique to the family home in Como, could be found in the same combination in another

location, he said.

DNA of an unknown male, plus 26 unidentified fingerprints, were found in her car, abandoned in Kershaw Street, Subiaco, when, driven probably by the murderer, the car broke down after Mrs Rayney had been buried.

"The state has failed to disprove an alternative explanation consistent with the accused's [Mr Rayney's] innocence," the judge said.

"There is no evidence at Como that implicates the accused and no evidence that supports the state scenario. The evidence tends to contradict the state scenario," he said.

"This is crucial area," the judge says, "that does not rise above speculation in order to fill a very significant gap in the state's evidence."

Police found unidentified fingerprints on a David Jones bag in the car and on the contents of her purse, which had been spilt on the car floor.

Moving to the makeshift grave site off Lovekin Drive in King's Park, the judge said DNA of an

• Please turn to page 17



*Corryn Rayney ... Forensic evidence supports a different death scenario to the one put forward by the prosecution in court, said the judge.*

## Wellness Wednesdays @ Remède

### Beating The Blues

a seminar with **Rodger Jones** - Psychologist

Wednesday 14 November - 7:30pm



Are you or a loved one feeling flat, moody or sad? Have you stopped enjoying things that you used to? Low mood is something most of us experience from time to time. However, if these feelings continue at length and it is compromising your ability to function and enjoy life – you or a family member/friend may be experiencing depression.

In this information-packed seminar, psychologist Rodger Jones, will discuss how one in five people will experience depression at some stage in their life, but it can be overcome. Beating the Blues will help you to clarify the symptoms of depression, and support you to help yourself and others to regain & retain a positive state of mind.

**Free** - bookings essential to reserve your seat  
Call **9286 1166** or [reception@remede.com.au](mailto:reception@remede.com.au)

**remède**  
wellness medicine

naturopaths | doctors | psychologists | acupuncturists | nutritionists | osteopaths | massage

13 Glyde Street, Mosman Park

[www.remede.com.au](http://www.remede.com.au)



## New summer stock arrivals



**Purchase sunscreen in November and December and go into the draw for a summer tennis pack**

334 Rokeby Road, Subiaco | Phone +61 8 9381 5810

[www.cancervic.org.au/store](http://www.cancervic.org.au/store)

Government of Western Australia  
Department of Sport and Recreation

## New Perth Stadium Information Sessions

The new Perth Stadium will host a series of community information sessions for local residents. You must register to attend.

To register visit our website:  
[www.perthstadium.com.au/community](http://www.perthstadium.com.au/community)  
or call us on 1300 433 306.

**ATTENDEES:** Local residents of Fremantle  
**WHEN:** 5pm, November 19, 2012  
**WHERE:** Fremantle Council, 8 William Street, Fremantle, Office Meeting Room

adcorp F79213

**Mainpeak Paddlesports**  
Kayaking fun on the water

**perception Pescadore 10**  
WAS \$799  
NOW \$699  
with a Swell Gemini Alloy 2 pce Paddle worth \$89  
Save \$189

**Tarpon 120**  
WAS \$1,499  
NOW \$999  
Save \$200

Buy a Swell Gemini Glass Paddle for \$99 RRP \$149 Save \$50

MAINPEAK PADDLESPTS  
**COTTESLOE** 2A Railway St, Ph: 6103 4530  
**OSBORNE PARK** 2/94 Hector St West, Ph: 9242 8600  
[www.mainpeak.com.au/paddle](http://www.mainpeak.com.au/paddle) Offer valid to 18/11/12

Latest Roy Morgan Research\* shows the **POST** has **54% more readers each week in the western suburbs**  
\* Roy Morgan March 2012