



Clues to Corryn's killer



Corryn Rayney, murdered when she was 44. Six years on, the mystery of her death remains, but experts say there are still strong clues that need to be tracked down.

By BRET CHRISTIAN

Who killed Corryn Rayney and buried her in King's Park?

Not her husband Lloyd, two courts and four eminent judges have now decided.

So what really happened that night? Let's look at some facts:

Mrs Rayney, a junior judge and mother of two, had been disabled so quickly she could not cry out.

A judge has found that this happened outside the front of her Como house after she arrived home from bootscooting class. She was due home at around 9.45pm on Tuesday, August 7, 2007.

It was after the assault that she was driven to King's Park in her own car.

Before Lloyd Rayney's arrest and trial for his wife's murder, two men who knew each other had been extensively interviewed by police, one in Sydney. A watch identical to Mrs Rayney's missing watch featured in these investigations.

Sand was found in the front passenger side footwell of Mrs Rayney's car, as well as on the driver's side. If it has been tested and found to be King's Park sand, we haven't been told the result.

Car computer data that, in the circumstances of the night of the murder, would have shown which car seats were occupied, has not been made available to the defence.

A blonde hair found on Mrs Rayney's grave has not been tested or identified. One of the men interviewed by police has light-coloured hair. Mr Rayney does not.

DNA belonging to one of the other men was found on a cigarette butt outside the Rayney home. Police accepted his explanation that he was an innocent passer-by, despite the fact he was known to have had a dodgy past.



Robin Napper



Lloyd Rayney

A key member of Mr Rayney's defence team, Robin Napper - a former British detective superintendent now a Perth forensic, criminal and intelligence consultant - said on the steps of the Supreme Court on Monday that the murder was solvable.

But, he said, this needed to be done in the absence of baggage accumulated by the WA police, using an outside police team, as happens routinely in the UK once a serious crime remains unsolved.

Mr Napper said investigating the crime in this way required a decision from the top, from Premier Colin Barnett, and that whatever any resulting embarrassment, it had to be done.

At Lloyd Rayney's trial, the state of WA maintained that Mr Rayney, acting alone, lay in wait at night for his wife, planning to kill her after she returned home.

This was due to occur at exactly the same time that he believed his teenage daughter was to be dropped off at home after a concert.

There has been no evidence Mrs Rayney was killed with a weapon. She was overpowered by someone bigger and stronger. She received a back injury and an injury to the back of her head, possibly from contact with the ground.

Mrs Rayney weighed 78kg. Mr Rayney 67kg. He was in soft physical condition, with a

• **The flimsy case against Lloyd Rayney** - pages 14-15

Merger legal hitch

A legal spanner has been thrown in the works of the Barnett government's attempts to coerce local councils to vote themselves out of existence.

By co-operating with the government's edict to merge with their neighbours, councillors could be in breach of their duty and the law, according to prominent local government lawyer Denis McLeod.

Mr McLeod said this week that if councillors gave in to Premier Colin Barnett and Local Government Minister Tony Simpson, they could breach the Local Government Act.

Mr McLeod released his written opinion as the October 4 deadline looms for councils to respond to the government's merger plan.

Mr Barnett has frequently asserted that councils are a sub-set



Denis McLeod

Tony Simpson

Colin Barnett

of the state government.

"The inference from that observation is that they [councils] should obey the directions or dictates of their political masters," Mr McLeod says.

But councils are not subject to direction by the Minister for Local Government.

"They are not invented by state governments," he says.

"Local governments are not the creatures of state government in the same sense as state departments and agencies are,"

he said.

Councillors were obliged under the law to vote in the best interests of their electors, not under the direction of the minister of the Department for Local Government.

"There is a strong arguable case that it would be improper for council members to vote in favour of the Minister's recommendation of amalgamation unless they are satisfied that it would be in the best interest of the electors," Mr McLeod said.

"If they are not so satisfied, then an opposite duty would seem to apply, and they should vote against the Minister's recommendations."

This week Mr Simpson repeated his threat to force mergers, despite Mr Barnett's

• **Please turn to page 77**



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The state's flimsy case

Life ruined

For six years Lloyd Rayney has gone to bed each night wondering whether he would be spending the rest of his life in jail for the murder of his wife.

That all but ended on Monday when three appeal judges exposed the flimsiness of the state of WA's case against Mr Rayney.

They dismissed its attempt to overturn the verdict of not guilty to wilful murder or manslaughter, which Justice Brian Martin brought down in the Supreme Court last November.

Unless the state launches a High Court appeal, Mr Rayney can continue to be a father to his two daughters and reflect on the ruinous emotional and financial expense - probably more than \$2 million - of being accused of murder.

He has no right to be reimbursed that money by the state. It is gone forever.

Other, far less serious charges relating to recording phone conversation on his household phone are yet to be heard.

For its part, the state is licking its wounds over a massive failed police investigation, a failed prosecution, and now a failed appeal.

The prosecution and appeal were run by the NSW Office of the Director of Public Prosecutions, because both Lloyd and Corryn Rayney were so well connected in WA legal circles. Judges also came from interstate.

The WA government is awaiting an invoice from the NSW DPP for the appeal bill. Like the trial, it will not be cheap.

Mr Rayney also has a defamation case pending against the WA police over a statement made early in the investigation.



Lloyd Rayney allows himself a smile outside the Supreme Court after the State's efforts to obtain a retrial for the murder of his wife were refused by three appeal judges on Monday. Photo: Billie Fairclough

How does an innocent person behave?

The myth that a normal, innocent person would behave in a particular way was exposed by Lloyd Rayney's trial judge and accepted by the three appeal judges.

This became an important issue at Mr Rayney's trial after the prosecution forcefully alleged he had displayed "consciousness of guilt".

The trial judges noted that John Agius, the prosecutor at Mr Rayney's trial, had emphasised that Mr Rayney did not make eye contact with Corryn Rayney's father-in-law when the pair went together to a police station to report Corryn missing.

"Mr Agius sought to have the trial judge draw an incriminating inference from [Mr Rayney's] inability to look his father-in-law in the face," they said.

But, the appeal judges said, the trial judge, Brian Martin, had noted that this overlooked the "less than ideal" marital

and family situation.

Justice Martin noted that an emotionally charged situation had developed, where the Coutinho family, Mrs Rayney's sisters, "became very close to the police".

"Finally the wider family relationship collapsed entirely," the judge wrote.

The appeal judges said the state had alleged Mr Rayney's actions and statements after his wife disappeared reflected the state of mind of a guilty person.

These included descriptions by various people of his responses to news of the discovery of his wife's body, his refusal to allow his children to mix with his wife's family, and shielding the children from police during the investigation.

Justice Martin noted that Mr Rayney had initially given police free access to the children, and had co-operated with all police requests.

He wrote: "It is necessary to ask how a normal innocent person would be expected to behave in this most complex matrix of traumatic circumstances."

He said the state had set out to demonstrate that in the weeks after his wife's death Mr Rayney had not behaved as a normal, innocent person would have behaved.

But, said Justice Martin: "There is no such normal, innocent person who sets a standard of behaviour."

"Such a person and standard are myths."

He said fallacies of such reasoning had been particularly exposed in sexual assaults and whether victims of sexual assault are expected to behave in particular ways.

The appeal judges agreed that so-called guilty behaviour "did not reveal any consciousness of guilt. Rather, that aspect of his behaviour was perfectly consistent with innocence".

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• From page 1

back so bad he could not pick up young children.

Mrs Rayney's body was carried 25m from grassy Wattle Track in King's Park to her grave through, spiky bush, without leaving a trail or trace. Her killer or killers had dug a hole deep enough to bury her headfirst.

Afterwards, alleged the state, Mr Rayney abandoned Mrs Rayney's disabled car in Kershaw Street Subiaco, and walked the 7.8km home to Como at night, without being seen or recorded by security cameras.

Early next morning, witnesses said he appeared completely normal, showed no sign of distress, physical scars or exertion, even to an experienced detective, two courts have accepted.

Back at the car, Mrs Rayney's boots were found in the passenger side rear footwell. Her watch and passport were missing. Her handbag had been rifled, found emptied in the driver's side rear footwell.

Something bad had happened in the back seat where her body had been transported. There were fluid traces and lots of still-unidentified fingerprints. Her face had been pressed into the seat back-rest.

Someone had evidently tried to sexually assault her. Her belt was undone and the zip on her jeans partly torn open.

Saliva on her neck and in intimate places may or may not have been hers.

TOWN OF CAMBRIDGE Coast Ward

Please re-elect Councillor Otto Pelczar

RFD, MBA(UWA), BAppSc(WAIT), FIEAust, CPEng, CD
recipient of City of Perth's 1993 Civic Medallion.

Member of Rotary, RSL and University Club of WA (Foundation Member). President Ocean Gardens Residents' Assoc 2009 - 2011



Lived in City Beach since 1974 and successfully lobbied for the creation of the 'Town of Cambridge' as well as 'First past the post' voting. If re-elected, I will try to change the Local Govt's "building proposal" Rules which currently pit neighbour against neighbour!

Having to complain against one's neighbour creates disharmony in the community. It is the elected Councillor who needs to be empowered to make those difficult decisions. If he/she gets it wrong, they will fail to be re-elected. Please see the letters below*

I completed, with distinction, a Master of Business Administration degree. Elevated to Fellow - The Institution of Engineers Australia (in recognition of my involvement with the \$4.3 billion RAN Submarine project). This provided me with a unique mix of qualifications and experience. It led Sir Ernest Lee-Steere, Perth's former Lord Mayor to write "Otto's qualifications (for Perth City Council) are impeccable". During my time on that Council, I served for 2 years as Chairman Ocean Gardens Retirement Village Board. It also led to being appointed a Sub-Warden of the State War Memorial in 1990 and yes, I am still there!

Semi-retired, I now manage a Defence Dept sponsored

PLEASE PLACE JUST THE ONE (1) TICK ON THE BALLOT PAPER AS SHOWN.

PELCZAR Otto



organisation at Leeuwin Barracks on a part time basis. I thus have the time and energy to assist Coast-ward electors. With no political affiliations, I can act independently and be fair to all.

* Otto was very helpful in clarifying Council processes and offering guidance in resolving a local dispute. His attention to detail and commitment to local government are commendable qualities to bring to this position' (signed) Melita Brown, W. Leederville

* I was recently in conflict over building proposals of a neighbour and found Otto Pelczar to be one of the few councillors to show genuine interest and concern. He offered a prompt response, understood the nature of the problem, and offered a sensible solution. I believe he deserves full support from this electorate. (signed) Dr David Jones, City Beach.