



Acting Justice Terry Buddin delivers judgment in high-profile WA murder case

UOW School of Law Professor Terry Buddin SC, a retired Justice of the Supreme Court of New South Wales, was on a court which recently delivered judgment in one of the most high-profile cases ever seen in Western Australia.

Professor Buddin was appointed an Acting Justice of Appeal of the Supreme Court of Western Australia, together with Acting Justice Mark Weinberg (a serving judge of the Court of Appeal of Victoria) and Acting Justice Anthony Whealy (a retired judge of the Court of Appeal of New South Wales) to hear the appeal by the State of Western Australia against the acquittal of Barrister and former Crown Prosecutor Mr Lloyd Rayney. Mr Rayney had been accused of the murder of his wife, Ms Corryn Rayney, who was Registrar of the Supreme Court of Western Australia.

The involvement in the case of so many prominent members of WA's legal community necessitated the appointment of interstate judges. The first instance judgment in 2012 followed a rare judge-only trial by Acting Justice Brian Martin, a former Chief Justice of the Northern Territory.

Professor Buddin, UOW's Judge in Residence, was selected for appointment undoubtedly because of his considerable expertise, which included his service as a judge during which he sat both as a trial judge and as a member of the Court of Criminal Appeal.

Professor Buddin has extensive experience in criminal law, including co-authoring a leading criminal law book that became the standard case book for students and practitioners. He has also served as Director of Public Prosecutions for the Australian Capital Territory and as Senior Public Defender in New South Wales.

The Court delivered a joint judgment dismissing the State's appeal. It characterised the case against Mr Rayney as entirely circumstantial.

According to a five-page summary of the judgment issued by the Court, the State's case "relied on evidence as to the deteriorating relationship between the deceased and Mr Rayney, the assertion that he had both motive and opportunity to have carried out the murder, the finding of a place card bearing Mr Rayney's name in close proximity to the gravesite where the deceased had been buried, and evidence as to his conduct on the days following the disappearance of his wife, conduct which the state maintained had suggested consciousness of guilt on his part of the murder of his wife."



The grounds ultimately argued on appeal were that the trial judge had failed to properly consider the evidence in the circumstantial case as a whole and also that he had incorrectly found that any alleged motive on Mr Rayney's part was no longer a consideration by the time of his wife's death.

However, the appeal judges ruled that the trial judge had "carefully and correctly" evaluated the evidence put by the State in light of the State's overall circumstantial case.

According to the judgment summary, the Court concluded, "after a detailed analysis of the overall structure of the trial judge's reasons, including his careful statement of legal principles, and the manner in which he had assessed and later re-assessed the relevant evidence," that no error had been demonstrated. The citation for the full 180 page judgment is *The State of Western Australia v Rayney* [2013] WASCA 219 (available at www.supremecourt.wa.gov.au).

Terry Buddin is the Director of UOW's Master of Laws (Criminal Practice) program. This is a unique practically-oriented program in legal advocacy.



UOW's Professor Terry Buddin recently delivered judgment in one of the most high-profile cases ever seen in Western Australia. Photo: The West Australian.



Barrister and former Crown Prosecutor Mr Lloyd Rayney had been accused of the murder of his wife. Photo: The West Australian.