

CANADA / JUDGMENT

R. v. Rayner

2024 BCSC 2213

COURT

Supreme Court of British Columbia

DECIDED

29 November 2024

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2024 BCSC 2213 R. v. Rayner IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Rayner, 2024 BCSC 2213 Date: 20241129 Dockets: 35751-1; 35751-2 Registry: Vancouver Rex v. John David Rayner Before: The Honourable Madam Justice Duncan Oral Reasons for Judgment Re: Application for disclosure and other relief pursuant to the Supreme Court Criminal Rules Counsel for the Provincial Crown appearing as amicus curiae via videoconference: L.A. Vizsolyi Appearing on his own behalf via videoconference: J.D. Rayner Place and Date of Trial/Hearing: Vancouver, B.C. November 29, 2024 Place and Date of Judgment: Vancouver, B.C. November 29, 2024

- [1] THE COURT: This is an application by a federal inmate, John David Rayner, for a variety of orders pursuant to the Supreme Court Civil Rules. Mr. Rayner seeks the orders to prepare for an eventual habeas corpus application.
- [2] During the course of this hearing, it became clear to me that the orders Mr. Rayner seeks relate solely to the basis for his conviction in Prince Edward Island. I will provide some background.
- [3] According to the materials filed by Mr. Rayner, he was arrested on December 9, 2005, in Prince Edward Island for first degree murder. He was convicted of first degree murder on June 15, 2007, and sentenced to imprisonment for life with no parole eligibility for 25 years. At some point after the conviction, Mr. Rayner, or someone on his behalf, filed a notice of appeal against the conviction. On August 26, 2010, Mr. Rayner abandoned his conviction appeal via a handwritten letter to a Sheila Gallant at the Prince Edward Island Court of Appeal.
- [4] Since sometime after abandoning his conviction appeal, Mr. Rayner has determined that he has grounds to challenge some of the rulings of the trial judge. I do not need to go into more detail than to say the rulings seem to be focused on DNA evidence relied on to find Mr. Rayner guilty of first degree murder.

- [5] Mr. Rayner, with the assistance of a fellow inmate, began filing a flurry of materials in the B.C. Supreme Court seeking relief by way of disclosure or other orders. Those orders relate solely to the basis for the conviction in Prince Edward Island, although a small part of the complaint is Mr. Rayner's allegation that he paid for transcripts of his trial but the Attorney General of Prince Edward Island has refused to provide them to him.
- [6] Mr. Rayner advises that he has a Grade 4 education and has some difficulty processing information and deciding what steps to take in furtherance of his wish to challenge his conviction.
- [7] As I explained to Mr. Rayner during the course of this hearing, there is no jurisdiction in this Court, by habeas corpus or otherwise, to issue the orders he is seeking.
- [8] Ms. Vizsolyi, Crown counsel, appeared as friend of the court. She has been present on past applications by Mr. Rayner and has taken the time to contact the Prince Edward Island Court of Appeal to determine what Mr. Rayner needs to do. Ms. Vizsolyi advises that an official with the Prince Edward Island Court of Appeal is going to send Mr. Rayner the forms to apply to withdraw the 2010 abandonment of his appeal. It does not appear he has received those forms yet.
- [9] Mr. Rayner is now also aware that if he is unsuccessful in withdrawing the abandonment, he has avenues through applications to the Supreme Court of Canada and to the Minister of Justice for Canada.
- [10] Therefore, Mr. Rayner's applications are dismissed as being outside the jurisdiction of this Court, but I am hopeful that he will be provided with the correct forms to fill out in the near future.
- [11] I am very grateful to Ms. Vizsolyi's involvement and assistance with this matter and I will have these reasons transcribed in the hope that Mr. Rayner's path forward is directed to the correct provincial or federal court of jurisdiction. "Duncan J."

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