

EXHIBIT AR

SUPREME COURT OF NEW SOUTH WALES

MFI

41

JUDGE

GRAHAM BARR J.

R

v

K.M. FOLBIGG

CASE No.

70046/02

DATE

13.5.03

RETURN TO

To remain on Court file.

ASSOCIATE

R V KATHLEEN FOLBIGG

CROWN COINCIDENCE EVIDENCE (SIMILARITIES RELIED ON BY THE CROWN TO DISPROVE MERE COINCIDENCE)

Then Crown alleges that the deaths and the ALTE have the following features in common:

1. They all occurred suddenly
2. They all occurred unexpectedly
3. They all occurred at home
4. They all occurred during the child's sleep period
5. They all occurred when the child was in a bed, cot or bassinet
6. They all occurred when the mother was the only adult at home or awake, giving her the opportunity to have done them harm (Craig was a particularly heavy sleeper)
7. They were all discovered dead or moribund by their mother
8. They were all discovered dead or moribund by their mother during what she claimed was a normal check on the well-being of the children in the course of their sleep period (three of them on her way from the toilet)
9. They were all discovered dead or moribund by their mother at around or shortly after death when they were still warm to the touch (two of them still had a heart beat, so these were found by her very shortly - literally minutes - after the cessation of breathing)
10. In relation to four of the five events, she failed to render any assistance at all to them after discovering them dead or moribund, to the extent that she did not even lift them up out of their beds.