

**EXHIBIT BY**

OUR REFERENCE

Laurel Baglee

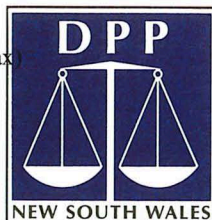
YOUR REFERENCE

Folbigg

DATE

24 October, 2002

† (02) 9267 2224 (fax)



**OFFICE OF THE DIRECTOR  
OF PUBLIC PROSECUTIONS**

265 Castlereagh Street  
Locked Bag A8  
Sydney South NSW 1232  
DX 11525 Sydney Downtown  
Telephone  
Facsimile (02) 9285 8600

Peter Krisenthal  
Legal Aid Commission  
DX 5 SYDNEY

Dear Sir

**NOTICE: TENDENCY EVIDENCE**

**PURSUANT TO : SECTION 97 OF THE EVIDENCE ACT 1995**  
**MATTER : PROSECUTION of Kathleen Megan FOLBIGG**  
**REFERENCE : 070046/02**  
**DPP CASES NO : 2114320**

Notice is hereby given that the Prosecution presently intends to adduce evidence of “tendency” pursuant to the tendency rule in sub-section 97(1) of the Evidence Act 1995, ie. evidence of the character, reputation or conduct of a person, or tendency that a person has or had to prove that a person has or had a tendency (whether because of the person’s character or otherwise) to act in a particular way or to have a particular state of mind.

1. The person whose “tendency” is the subject of the evidence sought to be adduced is Kathleen Megan FOLBIGG.
2. The substance of the “tendency” evidence which the Prosecution intends to adduce is that the accused had a tendency to become stressed and lose her temper and control with each of her four children, and then to asphyxiate them. The evidence is contained within the following documents, which previously have been served upon you.

<u>DOCUMENT</u>	<u>DATE</u>	<u>PARAGRAPH</u>
1. Craig FOLBIGG	1. 19/05/99	41, 42, 68
2. Kathleen FOLBIGG DIARY ENTRIES	2. 18/06/96 3. 22/06/96 4. 21/07/96 5. 25/07/96 6. 26/08/96 7. 08/09/96 8. 14/10/96 9. 30/10/96	

	10. 04/12/96	
	11. 01/01/97	
	12. 14/01/97	
	13. 04/02/97	
	14. 17/02/97	
	15. 28/04/97	
	16. 29/05/97	
	17. 16/05/97	
	18. 06/07/97	
	19. 11/06/97	
	20. 26/06/97	
	21. 20/07/97	
	22. 25/08/97	
	23. 20/09/97	
	24. 23/10/97	
	25. 25/10/97	
	26. 29/10/97	
	27. 03/11/97	
	28. 09/11/97	
	29. 08/11/97	
	30. 28/11/97	
	31. 15/12/97	
	32. 17/12/97	
	33. 31/12/97	
	34. 04/01/98	
	35. 16/01/97	
	36. 28/01/98	
	37. 06/03/98	
	38. 20/01/97	
4. Kathleen FOLBIGG	Undated letter (P1 missing)	P2
5. Kathleen FOLBIGG ERISP	23/07/99	Q & A 590-599 (in ref to diary entry 18/06/96) Q & A 600-604 (in ref to diary entry 21/07/96) Q & A 605-628 (in ref to diary entry 26/08/96) Q & A 629-636 (in ref to diary entry 08/09/96) Q & A 637-659 (in ref to diary entry 14/10/96) Q & A 660-667 (in ref to diary entry 30/10/96) Q & A 668-697 (in ref to diary entry 04/12/96) Q & A 698-712 (in ref to diary entry 01/01/97) Q & A 713-716 (in ref to

diary entry 14/01/97)  
Q & A 717-733 (in ref to  
diary entry 04/02/97)  
Q & A 734-748 (in ref to  
diary entry 17/02/97)  
Q & A 749-778 (in ref to  
diary entry 16/05/97)  
Q & A 797-819 (in ref to  
Craig Folbigg's statement  
par 68)  
Q & A 521-539 (in ref to  
Craig Folbigg's statement  
par 41,42)

3. So far as is known to the Prosecution, particulars of the date, time, place and circumstances at or in which the conduct referred to in paragraph 2 above occurred are contained within the documents referred to in paragraph 2 above.
4. So far as is known to the Prosecution, the names of each person who saw, heard or otherwise perceived the conduct referred to in paragraph 2 above are contained within the documents referred to in paragraph 2 above.

Yours faithfully

SIGNED:

*L. Baglee*

PRINTED NAME:

*L. Baglee*

Solicitor in the employ of the Office of the Director of Public  
Prosecutions

TELEPHONE:

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