

# EXHIBIT P

**AFFIDAVIT OF JOHN HILTON  
DATED**

**COURT DETAILS**

Court	Inquiry
Division	Part 7, Review of Conviction and Sentence
Coram	Honourable Reginald Blanch AM QC
Registry	Sydney

**TITLE OF PROCEEDINGS**

**INQUIRY INTO THE CONVICTIONS OF KATHLEEN MEGAN FOLBIGG**

**FILING DETAILS**

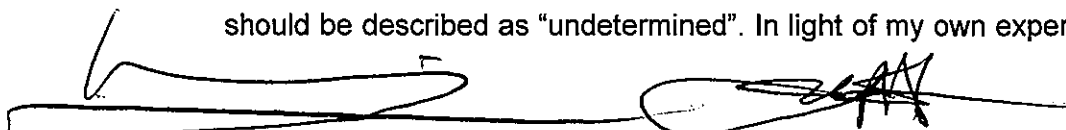
Filed for	Kathleen Folbigg
Legal representative	Stuart Gray, Cardillo Gray Partners
Legal representative reference	SG: 10332
Contact name and telephone	Stuart Gray (02) 49 100 677
Contact email	<u><a href="mailto:law@cardillograypartners.com.au">law@cardillograypartners.com.au</a></u>
Prepared for	Submissions on scope

**AFFIDAVIT**

Name John Hilton  
Address 92 Falls Road, Wentworth Falls, NSW 2782  
Occupation Medical Practitioner, Forensic Pathologist  
Date 13 November 2018

I say on affirm:

- 1 I am a retired forensic pathologist. My curriculum vitae is annexed and marked "A"
- 2 I was appointed as Director, Forensic Medicine, New South Wales Department of Health in 1991 and I practised in that capacity and later as Clinical Director, Department of Forensic Medicine (DOFM) at Glebe until late 2002. Prior to that appointment I had been forensic pathologist/chief forensic pathologist in the State Health Laboratories in Perth, Western Australia from 1971-1991. During that time I established a state-wide autopsy service in WA looking at sudden and unexplained deaths in infants and young children occurring outwith Princess Margaret Hospital for Children (and some from within that facility). I estimate approximately 90-100 babies and young children per year were referred to State Health Laboratories, Perth for autopsy, usually performed by me.
- 3 Dr Alan Cala first came to the IOFM as a trainee pathologist. He was seconded for a period to St Vincents Hospital to gain further pathology training under the late Dr Vince Munro. He returned to Glebe to complete his training in forensic pathology leading to his admission by examination to the Royal College of Pathologists of Australasia. He was then appointed as a Staff Specialist in Forensic Pathology enabling him to practice independent of supervision. By the time Dr Cala performed the autopsy on Laura Folbigg in 1998 he was fully accredited to work unsupervised.
- 4 At the time when I was head of IOFM in Sydney (Glebe), there was also a forensic pathologist in Newcastle, and three at Westmead Hospital. We adhered to accepted pathology practice and procedure as outlined by the College of Pathologists. I was familiar with the practices and procedures that were in place while I was there between 1991 and 2002. I implemented a case review practice each lunchtime during the week, during which we would review and discuss any autopsies which had been performed that day.
- 5 Dr Cala performed the autopsy on Laura Folbigg, and concluded that the death should be described as "undetermined". In light of my own experience and ongoing



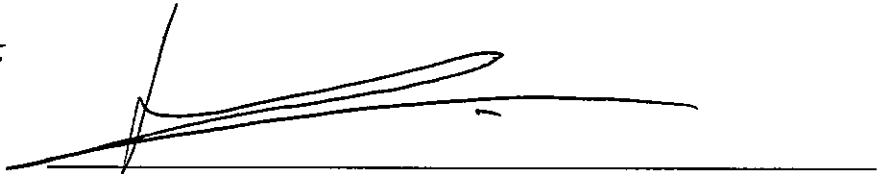
studies as a forensic pathologist and examination of the microscopic slides of Laura's heart, I myself would not have found that "undetermined" was a conclusion open to me in this instance.

6 Based on my expertise, experience and examination of relevant tissues, and in light of medical knowledge at that time, I would have concluded the cause of death of Laura Folbigg as being Myocarditis.

7 If I had been responsible for writing the autopsy report I would have written the cause of death as Myocarditis. I would have added as a notation that it was the fourth child death in the same family and that two of these deaths were diagnosed as SIDS after autopsy by forensic pathologists and one child as dying because of "Encephalopathic Disorder leading to seizures..." diagnosed by Paediatric Pathologists and Clinicians in conjunction with results from a non-forensic Paediatric team.

SWORN at LEURA

Signature of deponent



Name of witness

DARRYL IAN BROWNE

Address of witness

21 GROSE ST, LEURA

Capacity of witness

~~Justice of the peace~~  
SOLICITOR

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

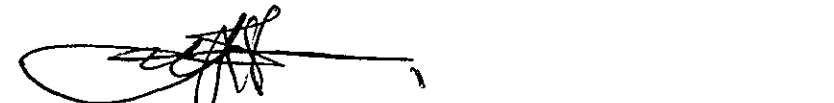
1 I saw the face of the deponent.

2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]

~~#I have confirmed the deponent's identity using the following identification document:~~

\_\_\_\_\_  
Identification document relied on (may be original or certified copy)

Signature of witness



Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.