

INQUIRY INTO THE CONVICTIONS OF KATHLEEN MEGAN FOLBIGG
RESPONSE TO SUBMISSIONS OF COUNSEL ASSISTING
SUBMISSIONS ON BEHALF OF MR CRAIG FOLBIGG

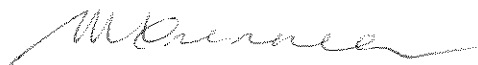
1. Mr Craig Folbigg and his family are appreciative of the opportunity for Mr Folbigg to be legally represented in this Inquiry. Mr Folbigg is grateful for the empathy and courtesy extended to him by the Judicial Officer, Counsel and staff of the Inquiry. Mr Folbigg has been particularly touched by the sensitive and respectful way his beloved children, Caleb, Patrick, Sarah and Laura have been remembered by the Inquiry.
2. Mr Folbigg makes no submission about *the non-medical evidence at trial* (Chapter 2 of Submissions of Counsel Assisting).
3. Mr Folbigg makes no submission about *the health of (his) children and Kathleen* (Chapter 3).
4. Mr Folbigg makes no submission about *Sudden Infant Death Syndrome* (Chapter 5).
5. Mr Folbigg makes no submission about *recurrence (of SIDS/unexplained death)* (Chapter 6).
6. Mr Folbigg makes no submission about *medical evidence* (Chapter 7).
7. Mr Folbigg makes no submission about *immunology* (Chapter 8).
8. It is submitted that at P33.9 of Chapter 9, the relevant transcript should read, instead of:
"Q. But they're not one in the same concept, are they?",
"Q. But they're not one **and** the same concept, are they?".
9. It is submitted that the diary entry for 9 November 1997 at 8.45pm has been inaccurately transcribed. This was noted after close perusal, before the hearings in relation to the diaries, of the original diary which contains the entry.

It is submitted that in the entry which includes the words:

"There's a problem with his security level with me & he has a morbid fear about Laura" should be followed by the words: "Me well I know there's nothing wrong with her. Nothing out of the ordinary anyway. Because it was me not them".

This submission is fortified by Ms Folbigg's concession, in her evidence at T729.6, that she often expressed herself using an interrogative "Me"? at the beginning of a sentence in which she contrasted her own circumstances to that of someone else described in the previous sentence. Moreover, Ms Folbigg acknowledged, more than once, at P35 of Chapter 9, that she had in that entry used the word: "*me*", not "*he*". There is a further example of this writing style in the diary entry for 15 December 1997 at 10.14pm, quoted at P40.7 of Chapter 9, in which Ms Folbigg's entry reads: "*...Me well Im sure she met everyone & they've told her, don't be a bad or sickly kid. Mum may you know crack it. They've warned her....*"

10. It is submitted that a transcript error appears at P41.5 (T763 of 30 April 2019) and the words: "*Craig and this kind lady gave the gift*", should read: "*Craig and this kind lady **who** gave the gift*".
11. On behalf of Mr Folbigg, we respectfully agree with Counsel Assisting's Submissions on the diaries; the evidence at the trial in light of the evidence in the Inquiry, and in particular the submissions in paragraphs 119 and 125.
12. Mr Folbigg makes no submission about the evidence relevant to sentence: Ms Folbigg's mental state (Chapter 10).
13. On behalf of Mr Folbigg, we respectfully agree with the Conclusions of Counsel Assisting the Inquiry and, in particular, support without reservation the submissions made in paragraphs 61, 63, 73, 74 and 80.



Margaret Cunneen SC

Counsel for Mr Craig Folbigg

24 May 2019

Danny Eid

Solicitor for Mr Craig Folbigg