

Inquiry into the convictions of Kathleen Megan Folbigg

Submissions on behalf of Professor John Hilton

Professor Hilton submits as follows-

The reference made to Professor Hilton's opinions by Ms Folbigg's representatives in their submissions dated 7 June 2019, subject to 1 below (**Sarah**), fairly reflect his opinion as to the possible cause of death of Caleb, Patrick and Laura.

In respect of the submissions dated 14 June 2019 on behalf of Dr Cala regarding **Laura**, Professor Hilton's submission is at 2 below.

1. **Sarah**

- (a) The submissions made by those representing Ms Folbigg in Part C at 18 stated:

"By the time of the Inquiry, Prof Hilton had changed his professional opinion considerably from his evidence at trial."

- (b) Professor Hilton maintains his opinion that the cause of death was SIDS and that the issue of the uvula was an alternative point of view. Being aware of the paper "Otolaryngological aspects of sudden infant death syndrome" International Journal of Pediatric Otorhinolaryngology 76 (2012) 311-318, he was duty bound to bring it to the attention of the Inquiry.

- (c) As stated in evidence, Transcript page 243 of the Inquiry on 21 March 2019 at line 25:

"MORRIS SC: It's possible that laryngospasm can trigger unexpected death, isn't it?"

"WITNESS HILTON: Laryngospasm means tightening up of the larynx and obstruction. Now, it's possibly not all that terribly uncommon but if you like we can take comfort from it, at the moment of death or moment immediately prior to death there may well be a relaxation and the laryngospasm disappears. I really don't know - I cannot give you a definitive answer to what you're asking me."

At page 277/278 line 50:

"WITNESS HILTON: Look, I think it's, it's a factor that's got to be considered. I mean, I - in my view, that child died of SIDS with - and I don't think, with great respect, that you can draw lines in the sand and say because a child is X days old it can't die of SIDS, and if it's X plus four days old it can die of SIDS. The manifestations, as far as I can read from Roy Cummings' autopsy report which is perhaps not as comprehensive as an autopsy report would be today but, nevertheless, it was done and the observations were made by a senior, experienced pathologist and I have no reason to doubt the accuracy of Roy Cummings' cause of death, and I

agree with it. The fact that the child had laryngomalacia is a very interesting factor. Did it play a part? It may have. Can I prove it? No, and neither can anyone else. Nor can I disprove it."

2. Laura

- (a) In respect of the submissions made on behalf of Dr Cala, Professor Hilton maintains that in the absence of another cause of death being found he would have given the cause of death as myocarditis.
- (b) Professor Hilton maintains in respect of Dr Cala's finding of "undetermined" as to the cause of death as stated at Transcript page 308 of the Inquiry on 21 March 2019 at line 40:

"Witness Hilton: I agree that he could give the cause of death as he saw fit and that if it was undetermined, I would agree with it. I would support it in the sense that it is his opinion, honestly arrived at, after due consideration."
(emphasis added)

At page 309 at line 5:

"RICHARDSON SC: You didn't express any criticism or doubt to him at the time about the fact that he was listing the death as undetermined, do you agree with that?"

WITNESS HILTON: That was his duty and his right if that's how he saw it and I would support him then, I would support him now."

Date: 18 June 2019