

JUDGE NOT SURE HOW BABY DIED

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By Naomi Toy - Court Reporter

A father accused of killing his baby daughter by violently shaking her was yesterday found not guilty of manslaughter.

Scott Warren Walters, 28, was acquitted of the manslaughter of three-month-old Rikki-Lee after a Supreme Court Judge found that her death could have been caused by factors other than "shaking baby syndrome".

Acting Justice James Black said he was not satisfied that the evidence of two doctors who put forward other possibilities on the cause of Rikki Lee's death should be rejected or was unreliable.

Mr. Walters, who was tried by Justice Black sitting without a jury, pleaded not guilty to manslaughter by an unlawful and dangerous act.

He maintained that when he put his baby down to sleep at his Bidwell home about 6pm on April 22, 1995, she was happy and healthy.

He told the court that he fell asleep and when he woke about four hours later Rikki-Lee was dead.

He tried to resuscitate her and took her to a neighbour to call an ambulance but she could not be revived.

The court heard evidence from Mr. Walters' friends and relatives, including the baby's mother Karen Hoenstok, that he was "an excellent dad", "a mother and father all in one" and adored Rikki-Lee.

A post-mortem examination revealed that Rikki-Lee died as a result of a brain haemorrhage which the forensic pathologist said "the most likely cause in this case is due to shaking of the child".

Another doctor told the court that the range of injuries within the brain was "consistent with violent shaking way out ahead of any other possibility; in terms of percentages something like 99 per cent, something like that". But other medical evidence raised the possibility that the brain haemorrhage could have been caused by factors other than violent shaking.

Dr. Archivides Kalokerinos said a possible cause of Rikki-Lee's death was "scurvy haemorrhages precipitated by pertussis [whooping cough] vaccine".

Another doctor Mark Donohoe said Rikki-Lee may have been suffering from a bleeding disorder which combined with other factors could have caused the haemorrhaging.

Also, an Australian TV channel covered this case. It reported that Scott Walters was cleared after Dr Kalokerinos and Dr Donohoe's evidence convinced the judge that perhaps the obvious answer (shaking baby syndrome) was not the right one.

Dr Donohoe said: "The baby had an undiagnosed liver complaint. This liver disease was sitting like a time-bomb below the surface. One day this child was going to bleed and bruise very easily. At some stage this was going to go off and the circumstances around this time were that we have a child that was somewhat sick, was vaccinated, and the vaccination placed one load on its immune system."

Dr Kalokerinos, who was also featured, echoed Dr Donohoe's words: "So here we have a bottle-fed baby that was not really 100% since it was born, given antibiotics early in life. A baby that was vaccinated 3 days before its death and suffered a severe reaction to the vaccine."

[\[Vaccination\]](#) [\[Shaken baby syndrome\]](#)