



Preliminary Report	Child Fatality	7/31/15
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Amendments to the information originally posted on 11/6/14 are displayed below in red.

1. Victim: Malaysia Smith-Pettway – age 3 months

2. Date of notification to DCS: 10/4/14

3. Date of fatality: 10/10/14

4. Date of determination that the fatality was the result of abuse or neglect*:

Davion Pettway – 10/7/14

Johniesha Smith – 7/23/15

5. County and general location of the residence of the victim: Maricopa County – Mesa, AZ

6. Alleged perpetrator(s) name, age and city, town or general location:

Davion Pettway, age 17 – Mesa, AZ

Johniesha Smith, age 17 – Mesa, AZ

7. Circumstances of the fatality that indicate it was the result of abuse or neglect:

On October 4, 2014, a report was received stating 3-month-old Malaysia Smith-Pettway was taken to the hospital where she was observed to have a swollen left eye. Further examination determined that she had a skull fracture, multiple rib fractures and bleeding in the brain. Malaysia's father, Davion Pettway, admitted to injuring the baby and was taken into custody on October 7, 2014. On October 10, 2014, Malaysia died from her injuries. Charges against Davion Pettway include one count of first degree murder and two counts of child abuse. **It was also determined that the child's mother, Johniesha Smith, neglected the child by failing to protect her from abuse.**

8. Whether DCS has received any reports or past cases, of child abuse, abandonment or neglect involving the child or the current alleged perpetrator(s):**

DCS received one prior report alleging neglect to Malaysia Smith-Pettway by Davion Pettway **and Johniesha Smith:**

On September 5, 2014, a report was received stating Malaysia had been hospitalized with a diagnosis of Failure to Thrive. It was determined that she had significant acid reflux and was not receiving adequate caloric intake due to improper formula mixture and an inadequate feeding schedule. The investigation determined that one of Malaysia's caregivers was her 17-year-old father, Davion Pettway. **The child was also being cared for by her 17-year-old mother, Johniesha Smith.** The family agreed to participate in intensive in-home services to address their ability to properly care for the baby. Davion was allowed to remain in the home with instruction to participate in the services. This report was substantiated against Davion Pettway **and Johniesha Smith** and in-home services began on September 11, 2014.

On September 22, 2014, DCS received a communication stating Malaysia had been spitting up a lot and the family was instructed to take her to the pediatrician as soon as possible. It was also noted that daycare had been set up for Malaysia, but she had not been there yet. There were also concerns that Davion **and Johniesha** had made comments on Facebook about "getting high" in what was believed to be a reference to marijuana.



Also on September 22, 2014, Malaysia was readmitted to the hospital due to acid reflux and difficulty with eating. Due to concerns with Davion caring for the baby, it was determined that Davion would not be allowed to remain in the home or have any contact with Malaysia. Davion left the home and his whereabouts were unknown. The family, including Johniesha Smith, was instructed to alert authorities if his whereabouts became known. The case remained open and services continued to be provided until the October 4, 2014 incident occurred.

9. Actions taken by DCS in response to the fatality:

A joint investigation was conducted with the Mesa Police Department.

10. Actions taken regarding the child and/or other children in the home:

Following an assessment of child safety, another child was determined to be safe in the home.

11. Whether the agency is or intends to provide direct services or service referrals to the family:

No services are being provided at this time.

*The determination that a fatality or near fatality is the result of abuse, abandonment or neglect is based one or more of the following criteria: (1) The perpetrator(s) arrest related to the incident, (2) Substantiated finding(s) linking the alleged perpetrator(s) action(s) to the fatality or near fatality and/or (3) Results of the Medical Examiner's report.

** Information released after July 3, 2015 provides reports, or any current or past cases, of abuse, abandonment or neglect involving the child or the alleged perpetrator pursuant to A.R.S. § 8-807.01(A)(1)(e).

Posted information may be updated as new information becomes available.