



<b>Summary Report</b>	<b>Fatality</b>	<b>1/7/15</b>
-----------------------	-----------------	---------------

**1. Victim:** Malaysia Smith-Pettway – 3-month-old female

**2. Was the child residing in the child's home or in an out-of-home placement at the time of the fatality?**

The child was residing in her home when the following incident occurred:

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.

**3. If the victim in the Preliminary Report involved a child residing in the child's home, the following information will be provided:**

**a. Services being provided to the child, a member of the child's family or the person suspected of the abuse or neglect at the time of the incident and the date of the last contact before the incident between the entity providing services and the person receiving services:**

The Department had investigated the family for a report dated September 5, 2014, and was providing in-home services when the incident occurred. The last date of contact with the family was on October 2, 2014. The whereabouts of the child's father, Davion Pettway, were reported to be unknown at that time.

**b. Was the child, a member of the child's family or the person suspected of the abuse or neglect the subject of a report for investigation at the time of the incident?**

The child and her parents, Johniesha Smith and Davion Pettway, were subjects of the September 5, 2014 report.

**c. All involvement of the child's parents and of the person suspected of the abuse or neglect in a situation for which a report for investigation was made or in services provided pursuant to this chapter in the five years preceding the incident:**

The child's parents, Johniesha Smith and Davion Pettway, were involved in the following:

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 the child was being cared for by her 17-year-old parents, Davion Pettway and Johniesha Smith. The family agreed to participate in 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. Shortly thereafter, safety concerns developed regarding Davion Pettway's care of the baby. The family was informed that he was no longer allowed to remain in the home or



have any contact with Malaysia. The family reported that Davion had run away from the home and his whereabouts were unknown. The family 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.

**d. Any investigation pursuant to a report for investigation concerning the child, a member of the child's family or the person suspected of the abuse or neglect or services provided to the child or the child's family since the date of the incident involving the fatality:**

The investigation of the fatality report resulted in arrest of the child's father, Davion Pettway, for first degree murder and child abuse. The Department also determined that the child's mother, Johniesha Smith, neglected the child by failing to protect her from abuse. The allegations pertaining to each parent have been substantiated. Another child in the home was assessed as being safe with that child's caregiver and the Department is providing services. No subsequent reports of abuse or neglect have been received.

**4. If the victim in the Preliminary Report involved a child residing in an out-of-home placement, the following information will be provided:**

**a. Licensing Agency:**

N/A

**b. Licensing history of the out-of-home placement, including the type of license held by the operator of the placement and the period for which the placement has been licensed:**

N/A

**c. Summary of all violations by the licensee:**

N/A

**d. Any other actions by the licensee or an employee of the licensee that constitute a substantial failure to protect and promote the health, safety and welfare of a child.**

N/A

**5. Actions taken by the Department in response to the case including any changes to policy or practice and/or recommendations for further changes in policies, practices, rules or statutes:**

The Department conducted a joint investigation with the Mesa Police Department. The child's father, Davion Pettway, was arrested and charged with first degree murder and child abuse. The Department also determined that the child's mother, Johniesha Smith, neglected the child by failing to protect her from abuse. Following the Department's safety assessment, another child in the home was found to be safe in the home. Services are being provided by the Department.

Additionally, in accordance with the DCS Strategic Plan for State Fiscal Year 2016 (FY16), multidisciplinary team (MDT) reviews of fatality and near fatality cases were implemented during the first quarter of FY16. The MDT reviews of fatality and near fatality cases, especially those with prior DCS involvement, are a key feature of the Strategic Plan and support the objective of increasing the accuracy of safety and risk assessments in investigations.



## *Arizona Department of Child Safety*

**Douglas A. Ducey**  
Governor

**Gregory McKay**  
Director

This case was reviewed by the MDT in order to identify any systemic factors, both internal and external to the Department that may have had an impact. The Department is using the aggregate data gathered through all of the MDT reviews to assess and guide future changes and/or recommendations to policies, practices, rules or statutes. Findings from these reviews will be compiled into an annual report to be shared on the DCS website. The target date for release of this report is September 1, 2016.

For more information regarding the Department of Child Safety's Strategic Plan for State Fiscal Year 2016, please visit the DCS website at: <https://dcs.az.gov/news/dcs-strategic-plan>