



Information for Release		11/6/2014
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Date of the notification to DCS: 10/4/2014

Child Fatality

Date of fatality or near fatality: 10/10/2014

Child's name: Malaysia Smith-Pettway

Age at time of incident: 3 months

Alleged perpetrator(s) name and age:

Davion Pettway – age 17

City, town or general location of residence of the child and alleged perpetrator(s):

Mesa, AZ

Circumstances of the fatality or near 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.

Whether DCS has received any reports or past cases, of child abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian*:

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

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 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 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 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 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.

1. Actions taken by DCS in response to the fatality or near fatality of the child including:

The Department of Child Safety, in conjunction with the Office of Child Welfare Investigations, is conducting a joint investigation with the Mesa Police Department.

2. 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.

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

No services are being provided at this time.

*Posted information provides whether there have been reports, or any current or past cases, of child abuse, abandonment or neglect involving the child who has died or suffered a near fatality and the current alleged abusive or neglectful parent, guardian or custodian pursuant to A.R.S. § 8-807(F)(2)(a)(iv).

*Posted information may be updated as new information becomes available.

Information, if any, regarding the child and other family or household members, not specifically related to the fatality or near fatality, is not posted on the website. This also applies to information, if any, regarding the alleged perpetrator(s) and other family or household members.