

Cumberland man found not guilty in infant death

- 10 Nov 2015
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- Published in [News](#)
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CUMBERLAND COUNTY — A Cumberland County man charged in the death of his infant daughter five years ago was found not guilty in a jury trial there last week.

William Allen Davenport was acquitted of first degree murder and aggravated child abuse in the 2010 death of his seven-week old daughter, Destiny.

Davenport was represented by Cookeville defense attorney Doug Dennis, who offered gratitude to the jury of seven men and five women following last week's verdict.

"They took their jobs seriously, and it was obvious that they were there to work. They were remarkably attentive throughout the three-day trial," he said.

Following less than an hour and a half of deliberation, the jury returned not guilty verdicts on the two indicted charges and also rejected Davenport's guilt in three lesser offenses, acquitting him of every offense for which he had been charged.

The charges against Davenport came after an investigation into the November 2010 death of his infant daughter, who had reportedly been ill in the days leading up to her death.

On Nov. 12, 2010, he called 911 because he noticed that the baby was not breathing, after having been throwing up earlier.

Paramedic Jonel Phipps was dispatched to the scene, while dispatchers assisted Davenport with beginning CPR on the unresponsive child.

Phipps testified in last week's trial, saying she found Davenport administering CPR on the baby when she arrived on the scene, and she took over those efforts.

"It was 10 minutes before the EMT got there, and it took her seven minutes to get a pulse," Dennis said.

The paramedic testified that, when the baby began breathing again, she heard "wet sounds" indicative of aspiration and the presence of something foreign in the lungs.

She testified that she cleared spit-up from the baby's nose and mouth in transport and that Davenport himself rode in the back of the ambulance with her and the baby, offering assistance to Phipps throughout.

A physician who briefly treated Destiny Davenport after her arrival at Cumberland Medical Center also testified that he removed fluid from her mouth before she was transported by helicopter ambulance to Erlanger Medical Center in Chattanooga.

Assistant District Attorneys Carolyn Knight and Philip Hatch called as witnesses Dr. Annamarie Church, the chief children's physician at Erlanger's T.C. Thompson Children's Hospital, and former state medical examiner Dr. Bridgett Eutiner.

In her testimony, Church said that in studying scans of the baby's brain, she found injuries consistent with abusive head trauma, formerly known as "shaken baby syndrome."

Eutiner said that she found evidence of both old and new bleeding in the baby's brain, and she sought a second opinion.

That opinion came from Dr. Karen Chancellor, a renowned neuropathologist and medical examiner in Shelby County, whose own findings could not rule the cause of the baby's death as homicide.

Chancellor served as an expert witness for the defense and testified that natural medical issues could have resulted in the triad of symptoms commonly used to diagnose abusive head trauma in infants.

That triad of symptoms includes subdural hematoma, or bleeding on the brain; retinal hemorrhaging, or bleeding behind the eyes; and cerebral edema, or brain swelling.

Dennis argued that an unnaturally growing skull following a difficult birth and 25 minutes deprived of oxygen could have resulted in those symptoms in this incident.

In recent years, in fact, more physicians are claiming that the triad of symptoms alone is not enough evidence to prove abusive head trauma.

A recent report by the Washington Post has found that since 2000, more than 100 "shaken baby" court cases across the country whose evidence relied heavily on the triad symptoms have been reversed or dismissed.

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