

MOM'S CRIES PROMPT CALL FOR A MISTRIAL - BUT MURDER TRIAL WILL GO ON IN BABY'S DEATH

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Testimony from a Wayne County medical examiner that 9-month-old Tatijuana Neal was hit so hard in the stomach that her injuries were comparable to a fall from a four-story window or to involvement in a high-speed automobile accident, prompted the removal of her distraught mother from the courtroom and a motion for a mistrial .

"He hurt my baby. He hurt my baby," her mother cried, referring to Mario Smith, 18, who is accused of fatally beating Tatijuana in a hospital bathroom last August because she wouldn't stop crying.

The Wayne County jury of six men and seven women heard much of the outburst before Judge Leonard Townsend sent them to the jury room. Smith's attorney, Robert Morris, asked for a mistrial , citing irreparable emotional damage to the jury. The motion was denied.

Smith is charged with first-degree murder, felony murder and first-degree child abuse. If convicted, he faces life in prison with no chance of parole.

Tatijuana's mother, Serita Neal, testified earlier that Smith -- her boyfriend of about two months - - accompanied her to St. John Riverview Hospital on Aug. 15 because she was having complications with her pregnancy. Smith was watching Tatijuana because hospital policy would not permit the baby inside the emergency room.

Neal testified that Smith was agitated and brought Tatijuana where her mother was being treated, saying he was ready to go. Tatijuana was breathing oddly and was upset, Neal said. She napped on her mother's lap for about 15 minutes until doctors made Smith remove her.

Neal said she later heard an announcement on the hospital public-address system: "Code Blue. Code Blue. A baby has stopped breathing." She said she had no idea that Tatijuana was the one in need of medical assistance.

During opening statements, Wayne County Assistant Prosecutor Terrance Haugabook said Smith did not tell doctors that he repeatedly hit Tatijuana.

Instead, he argued, Smith allowed doctors to run tests.

But defense attorney Morris said the drug barium, which allows doctors to check internal organs, was accidentally inserted into Tatijuana's lungs, causing her death. He said medical records were concealed but that he will prove his accusations during trial.

Kelly Mills, a Wayne County medical examiner, testified Tuesday that Tatijuana died from blunt force trauma to the abdomen. An autopsy showed that Tatijuana sustained multiple liver lacerations, bleeding in the abdominal cavity, bruised lungs and tears to her adrenal glands, which are near the kidneys.

Testimony continues today.

Meanwhile, the murder trial **for** Harold Reed, accused of fatally beating 3-month-old Isaiah Lewis last August, was delayed because of a judge reassignment. Jury selection will begin today.

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