

3. Defendant Rhode Island Superior Court, Providence County, is a trial court in this State duly constituted pursuant to Article X of the Rhode Island State Constitution.

4. Hon. Netti C. Vogel is an Associate Justice of the Rhode Island Superior Court sitting at the Frank Licht Judicial Complex, 250 Benefit Street, Providence, RI 02903.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the Newspaper's claims for legal and equitable relief in the above-captioned proceeding pursuant to R.I. General Laws § 8-2-13.

6. This Court has jurisdiction to issue a declaratory judgment pursuant to R.I. General Laws § 9-30-1. *See State v. Cianci*, 496 A.2d 139, 146 (R.I. 1985).

7. Venue is proper in this court under R.I. General Laws § 9-4-3 because the Newspaper maintains its principal place of business, and therefore resides, in the City of Providence, Rhode Island.

STATEMENT OF FACTS

A. The *DePina* Case

8. In 2013, Jorge DePina was charged with murdering his 10-year-old daughter. During a three-week trial beginning in March 2018, DePina argued that his daughter did not die as a result of blunt force trauma as alleged by the prosecution, but that she died from an injury sustained in a bicycle accident.

9. After deliberating for approximately eight hours, a jury comprised of five men and seven women, excluding alternates, returned a verdict convicting DePina of second degree murder on April 6, 2018.

B. *The Providence Journal's Extensive Coverage of the DePina Case*

10. *The Providence Journal's* journalistic mission is to publish to its readers, in conformity with fair journalistic standards, the newsworthy information that it gathers. Consistent with this goal, the Newspaper often covers local criminal court proceedings that have independent news value or have otherwise become a reasonable subject of public concern.

11. In view of the serious charges brought against DePina, his criminal proceedings were closely followed by the readers of *The Providence Journal* and by competing Rhode Island news media.

12. Since July 2013, *The Providence Journal* has extensively covered and reported on the arrest, charges, and court proceedings involving DePina. *The Providence Journal's* coverage of DePina's criminal cases has included publication of the following news articles:

- a. July 5, 2013 (*Pawtucket Man Charged With Murder of his 10-Year-Old Daughter*);
- b. July 9, 2013 (*Pawtucket Police Say Aleida DePina, 10, Was Badly Abused Before She Died*);
- c. July 13, 2013 (*Family Members Stand By Pawtucket Man Accused of Killing His Daughter*);
- d. October 30, 2013 (*Emotions Erupt At Bail Hearing For Murder Suspect Jorge DePina*);
- e. January 2, 2014 (*Pawtucket Man Indicted In Murder Of His 10-Year-Old Daughter*);
- f. January 9, 2014 (*Pawtucket Man Pleads Not Guilty To Murder Of His 10-Year-Old Daughter*);
- g. March 19, 2018 (*Father Charged With Killing 10-Year-Old Daughter On Trial*);
- h. March 20, 2018 (*Ex-Detective Testifies In Trial Of Dad Accused Of Beating Daughter To Death*);

- i. March 22, 2018 (*Ex-Girlfriend: Pawtucket Dad Accused Of Murdering his Daughter Hit, Yelled At the "Quiet" Girl*);
- j. March 23, 2018 (*Detective At DePina Trial: Daughter's Autopsy Led To Search Warrant for Fresh Evidence*);
- k. March 26, 2018 (*Detective: Video Shows Pawtucket Father Striking His Daughter Days Before Death*);
- l. March 27, 2018 (*Ex-M.E.: Looping Abrasions, Bruises Covered Pawtucket Girl's Back At Time of Death*);
- m. March 28, 2018 (*Medical Examiner: 10-Year-Old Died Of Intestine Tear Caused By Blunt Force Trauma*);
- n. March 29, 2018 (*State Rests In Trial of Pawtucket Man Accused of Killing Daughter*);
- o. April 2, 2018 (*Defense Rests In DePina Murder Trial With Account Of Girl's Bike Crash Days Before Death*);
- p. April 5, 2018 (*Jury Deliberations Begin In DePina Murder Trial*); and
- q. April 6, 2018 (*Pawtucket Father Convicted Of Second-Degree Murder In Death Of Daughter*).

True and correct copies of the above news articles in the computerized format in which they are maintained in the Newspaper's electronic archives are annexed hereto as **Exhibit A**.

13. Kathleen Mulvaney is a Staff Reporter for *The Providence Journal*. Since 2009, she has covered post-arraignment criminal proceedings in Rhode Island state and federal courts. Reporter Mulvaney covered the DePina trial for *The Providence Journal*. With the exception of opening statements, Reporter Mulvaney was in court every day of the trial.

C. Court Order Prohibiting Post-Trial Juror Contact

14. After the verdict was read and the jurors were discharged, Judge Vogel directed the members of the general public, including the media, not to have any contact with the jurors as follows:

No one, no spectator, no one in the spectator section of the courtroom, is permitted to contact my jurors. If the jurors choose to contact anyone, that's upon them. This is for their protection. The jurors have completed their job, and when they leave here, and they will be escorted to the door or to the area where they catch their bus, unless they show great interest in speaking to the lawyers, and I mean these four lawyers, do not approach them. That is how it is. I want to protect their privacy. They have done their jobs, they've been here three weeks, and the attorneys on the case, if they want to speak to the jurors and the jurors showed interest in speaking to you, whole different story. But beyond that, if they don't show any interest, they have to be left alone. If you see them at Walmart, do not acknowledge that you know them. ***In other words, I don't allow people to contact jurors.*** They must be left alone to go on with their lives.

A true and correct copy of excerpts of the April 6, 2018 transcript are attached hereto as **Exhibit B** (emphasis added).

15. Despite the Court's admonition, nothing was entered upon the docket limiting the press or the public's access to the *DePina* jurors. Nevertheless, Reporter Mulvaney understood the import of Judge Vogel's directive had the full force and effect of an order of the Court. Accordingly, Reporter Mulvaney refrained, and continues to refrain, from contacting any of the jurors.

16. Reporter Mulvaney's regular practice is to interview jurors who consent to being interviewed at the conclusion of criminal cases. In her experience, learning what information the jurors deemed relevant and how they deliberated is of interest to readers of *The Providence Journal*. In the *DePina* case, Reporter Mulvaney was particularly interested to know how the jurors reacted to the defense's theory of the case, *viz* – that DePina's daughter was injured when she fell from her bicycle.

D. Court Order Denying Access to Jury List

17. On April 13, 2018, Reporter Mulvaney sent an e-mail to the Court's spokesperson (Craig Berke) requesting a copy of the jury list in the *DePina* case. On April 16, 2018, Mr. Berke e-mailed Reporter Mulvaney to advise that Judge Vogel had denied the request for the jury list. A true and accurate copy of the e-mail chain between Reporter Mulvaney and Mr. Berke is attached hereto as **Exhibit C**.

CAUSE OF ACTION

COUNT 1
(Declaratory Judgment)

18. The Newspaper repeats and realleges each and every allegation above as if set forth in full herein.

19. A controversy has arisen regarding access to the jury list from the *DePina* case and to the *DePina* jurors for purposes of post-trial interviews.

20. Pursuant to the right of access to judicial proceedings and records established under the First Amendment to the United States Constitution and Rhode Island common law, the press and the public are presumptively entitled to access judicial documents and to speak with any juror who is willing to speak with the media. *The Providence Journal* of course recognizes that the *DePina* jurors have no obligation to speak with the press. If the jurors decline *The Providence Journal's* invitation to speak about the case, the Newspaper will respect that decision and refrain from further contact.

21. *DePina's* criminal trial has concluded and the five men and seven women have been dismissed from their duties as jurors. In the post-verdict context, there is a heavy presumption against the constitutional validity of an order prohibiting the media from its attempts to gather news, and there are no countervailing interests sufficient to overcome the public's

constitutional and common law rights to access judicial documents and speak with members of the jury who consent to speaking with the media.

22. A declaratory judgment from this Court recognizing that the press and the public are entitled to access the jury list from the *DePina* case and are entitled to conduct post-trial jury interviews will resolve the dispute between the parties.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff LMG Rhode Island Holdings, Inc. respectfully requests that the Court enter judgment declaring that, under the First Amendment and Rhode Island common law, the press and the public are entitled to access the jury list from the *DePina* case and to speak with willing members of the jury, together with such other and further relief as the Court deems just and appropriate.

DATED: April 25, 2018

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Journal*

VERIFICATION

I, Kathleen Mulvaney, on behalf of LMG Rhode Island Holdings, Inc., publisher of *The Providence Journal*, having read the foregoing Verified Complaint, make oath that the facts recited herein are true and correct, except as to matters herein stated to be on information and belief, and as to those matters I believe them to be true to the best of my knowledge, information and belief.

**SIGNED UNDER PAINS AND PENALTIES OF PERJURY THIS 25th DAY OF
APRIL 2018.**

LMG RHODE ISLAND HOLDINGS, INC.


By: Kathleen Mulvaney, duly authorized

Exhibit A

PROVIDENCE Journal

Pawtucket man charged with murder of his 10-year-old daughter

By Tom Mooney

Posted Jul 5, 2013 at 10:04 PM

PROVIDENCE -- The charges come two days after girl's bruised, cut and burned body was brought to hospital.

PROVIDENCE -- The police on Friday charged a Pawtucket man with the murder of his 10-year-old daughter, two days after he carried her dead body -- bruised, cut and burned -- into Miriam Hospital.

Court sheriffs ushered Jorge DePina, 32, into District Court as he wailed repeatedly in Creole. One of DePina's several friends attending the arraignment translated his outcries as: "I want to die. I want to die."

Prosecutor Kevin Crawley told the court that an autopsy showed Aleida had died of blunt force trauma to the abdomen, probably inflicted days earlier. Crawley said the young girl had also been deprived of food and clothing, and suffered what appeared to be cigarette burns on her body.

As DePina's public defender twice told his client to quiet down, Crawley outlined the police case against him for Judge William C. Clifton:

Crawley said DePina, who lives in a first-floor apartment at 48 Knowles St., had been his daughter's sole guardian for at least the last several weeks and probably longer. (The girl's mother is in Cape Verde, a friend said.)

DePina brought his daughter to Miriam Hospital about 5:15 p.m. Wednesday where upon arrival "his daughter was dead," Crawley said. Hospital staff observed several injuries, both new and old, on her chest and abdomen and abrasions on her arms and elbows. Her thighs were black and blue, she had abrasions on her back and "possible cigarette marks" as well.

Following an autopsy Friday, Pawtucket police charged DePina with murder, abuse of a child, and neglect for permitting a child to suffer "for want of food, clothing and proper medical care," said Crawley.

DePina entered no plea, which is customary in initial court appearances for felony charges. Crawley asked that DePina be held without bail. DePina's lawyer Paul Tondreau objected, contending the police had presented no evidence that DePina was personally responsible for the girl's death or any mistreatment.

Clifton was unswayed and ordered DePina held, pending his next court appearance, July 19.

As sheriffs led the weeping DePina from the court room, a half-dozen of his relatives and friends cried out. Some ran from the courtroom, their hands to their mouths, while sheriffs escorted others toward the door.

Outside, Antonio Silva, of East Providence, said he had known DePina for about four years, since he had arrived from Cape Verde, and had once employed him for about eight months in his cleaning business.

He said he considered DePina a friend and knew him as a good father who recently hosted a birthday party for his daughter and who prior to his daughter's arrival from Cape Verde about two or three years ago talked excitedly about sending her toys.

"I can't imagine he would do such a thing," said Silva. "I have no words to explain this."

"We are all his friends. I wouldn't be a friend of a murderer."

Silva said some of the people most upset in the courtroom were DePina's sister and brother. They are in shock. "I'm in shock. I'm very shaken. Everybody's sad. I haven't cried in a long time. I just cried."

Pawtucket police say Aleida DePina, 10, was badly abused before she died

By Amanda Milkovits

Journal Staff Writer

Posted Jul 9, 2013 at 12:00 AM

PAWTUCKET -- The quiet and shy 10-year-old girl had suffered terribly before she died -- though no one yet has told Pawtucket police that they noticed her pain.

PAWTUCKET -- The quiet and shy 10-year-old girl had suffered terribly before she died -- though no one yet has told Pawtucket police that they noticed her pain.

Aleida DePina had been bitten, beaten, her wrists tied, and her back slashed with cuts, according to court documents released Monday. She appeared to be malnourished.

By the time her father carried her lifeless body into Miriam Hospital on Wednesday afternoon, Aleida had vomited so much that the police investigators were able to collect splashes from the outside wall of her apartment.

She'd died from blunt-force trauma to her small intestine, caused by a weapon that police have not yet identified. Her father, Jorge DePina, 32, is charged with her murder.

DePina wept in District Court on Friday, calling in Creole for his own death as he was arraigned on charges of murder, first-degree child abuse and neglect or cruelty to a child. The Cape Verdean native is blamed by the police for the abuse that doctors found on Aleida's body -- fresh bite marks on her back and arms, bruises covering her hips, thighs, buttocks, and stomach, the ligature marks left on her wrists.

The description of her injuries was laid out in an affidavit obtained by The Providence Journal on Monday that accompanied a search warrant on the first-floor apartment at 48 Knowles St., where DePina and his daughter lived. In the affidavit, Detectives Donti Rosciti and Dave Silva said they believe Aleida's injuries were "consistent with assault and severe physical abuse, likely over an extended period of time."

PROVIDENCE Journal

Family members stand by Pawtucket man accused of killing his daughter

By Amanda Milkovits

Journal Staff Writer

Posted Jul 13, 2013 at 12:00 AM

PAWTUCKET -- The Cape Verdean native, who broke down weeping on July 5 as he faced charges of abuse leading to the death of his only child, Aleida Cristiane, had been “father and mother” to her, his family said.

PAWTUCKET -- The man whom the police accuse of murdering his 10-year-old daughter is not the Jorge DePina his family knows.

The Cape Verdean native, who broke down weeping on July 5 as he faced charges of abuse leading to the death of his only child, Aleida Cristiane, had been “father and mother” to her, his family said.

They know him as a man who worked nights cleaning and borrowed money to bring Aleida here from Cape Verde more than two years ago. They saw the clothes and toys he bought for her, the big parties he threw for her birthday that went all night, the public declarations that she was his “princess.”

They saw her as a lucky little girl, with a generous and loving father.

They can't explain the puncture wounds on her back, the fresh bite marks, bruises and burns that police and medical staff said they found on Aleida's body.

They weren't there on July 3, the day Aleida DePina was dying in her father's first-floor apartment at 48 Knowles St.

They didn't know she was sick, until Jorge DePina called them from Miriam Hospital in Providence, where he'd brought her body late that afternoon.

The medical examiner said Aleida died from a blow that perforated her small intestine, leading to an infection that killed her. The police say Jorge DePina landed the fatal blow.

“Whatever they're saying about my brother is a lie,” said his younger brother, Humberto DePina. “Anybody who knew my brother knew he was a protector. He wouldn't hurt a little kid.”

DePina's family and friends are hurting about the death of the girl they called "Cris." They are ashamed about the negative attention it has drawn to them and the rest of the Cape Verdean community in the city.

They are angry that DePina is accused -- wrongly, they say. They say they know him better than the police, better than the doctors, better than the science being used to charge him with a heinous crime.

"I'll give my life for his innocence. I would, I would, I would," Humberto said. "Because I trust the guy."

And they want to know what happened to Aleida, too.

Jorge DePina was 9 years old when his father, Diamantino DePina Jr., left the family in Praia, Cape Verde, for the United States. The little boy became a father figure to his younger siblings, Humberto and sister, Joisa.

Jorge DePina and a woman in Praia had Aleida on June 9, 2003, his family said. DePina left Cape Verde when Aleida was a toddler, but he sent money, toys and clothes back to the little girl, his family said. He was cleaning buildings at night and eventually became a barber, setting up a shop in his apartment.

Eight years later, Jorge DePina brought his daughter to live with him in Pawtucket. "She came here for better education, a better life and better medical attention," Humberto said.

On March 27, 2011, Joisa flew back to America with Aleida. Aleida wasn't yet 8 years old, and she was tiny, with chicken pox, dandruff and a mouth full of rotten teeth, Joisa said.

Humberto and his wife, Jeisa Marques, recommended their children's pediatrician in Providence. The doctor was upset about Aleida's condition, they said.

She was a beautiful, doe-eyed girl, but there were other things about Aleida that her family noticed. "She didn't talk," Joisa said. "When she was at home, it's like nobody's there."

Joisa said she would talk to her. "For a while, all she was saying was, 'I miss my mom. I miss my mom.'"

Jorge DePina told them that Aleida wouldn't eat. They cooked, but they said Aleida hid the food to pretend she was eating. Jeisa Marques found food hidden under the carpet. Joisa would wash Aleida's clothes and find food stuffed in her leggings, her socks, and squirreled away in other places.

She had trouble defecating and sometimes wouldn't go for days, Humberto DePina said.

She was "extra shy" about the bathroom, said Humberto. He and his wife recalled a time when Aleida urinated and defecated in her clothes, rather than walk past them to use their bathroom.

Jorge DePina gave them money to buy any food Aleida would eat, Marques said. He bought her bicycles,

clothes, toys.

For her last birthday party on June 15, Jorge DePina bought his daughter a cake from a bakery in Boston and a \$160 pink dress. He braided her hair.

The party went into the early morning hours. Police were called about the loud gathering and noise, which was not uncommon for Jorge DePina's gatherings.

For some relatives, it was the last time they saw Aleida alive.

What happened on July 3 is under investigation.

Jorge DePina later told detectives that Aleida had been vomiting all day. He didn't seek medical attention for her. Instead, he left her home alone, according to Pawtucket police Maj. Arthur Martins.

Jorge DePina went to Home Depot on Charles Street in Providence, where he bought a shelf, an air-conditioning unit and other items; the purchases were rung up at 11:56 a.m., noon and 12:08 p.m., according to the Pawtucket police.

Mid-afternoon, Antonio Semedo was outside his house on Knowles Street, a few blocks from where Jorge and Aleida live. He'd known Jorge DePina for about a year and was letting Jorge borrow his minivan.

Semedo saw DePina drive up Knowles Street in a different vehicle with two people he didn't recognize. DePina was weeping, Semedo remembered.

"He told me, 'My daughter's dead,'" Semedo said. "I was shocked. He was crying and he couldn't even stop. I was like: She's only 10 years old."

Later, around 4:30 p.m., DePina drove Semedo's minivan to Miriam Hospital in Providence and carried his daughter inside. She was already dead. A nurse told police later that there was nothing they could do. Aleida was pronounced dead at 4:42 p.m.

DePina told police officers that Aleida hadn't felt good all day and had been vomiting violently in the house, according to a Pawtucket police report. He told them that he brought her to the hospital after she lost consciousness, and that he performed CPR on her on the way to the hospital.

Jorge DePina was inconsolable, angry and distraught, the police said.

"He called me from the hospital, desperate, crying," Humberto DePina said. "He said, 'Something has happened to Cris and the doctors don't want to tell me what.'"

When he got to the hospital, Humberto said he'd never seen his brother that way. "He was lying on the floor.

It was terrible. I was asking, 'What's going on?'

The medical staff and police gathered around Aleida's body in the emergency room.

A nurse showed them the injuries they found.

In an affidavit, Pawtucket Detective Donti Rosciti wrote that Aleida was malnourished, had numerous bruises on her hips, thighs, buttocks, and stomach, numerous puncture wounds on her back, and ligature marks on her wrists.

Investigators found vomit in Aleida's bedroom and "a stream of vomit" from Jorge's bedroom window into the driveway. "It appeared to have been dumped out the window with the black bucket that was in [Aleida's] bedroom," Detective Dave Silva wrote in his report.

The seats of the minivan were also covered in vomit, Martins confirmed.

Meanwhile, the Pawtucket detectives asked DePina to come back to the station with them.

DePina speaks English with an accent though he preferred his native Creole. Detective Silva, who is Cape Verdean, spoke to him in Creole and translated for Rosciti. DePina answered some questions in English.

As the interview went on for several hours, DePina began to cry. He was charged that day with first-degree child abuse and child neglect.

Chief medical examiner Christina Stanley performed the autopsy the next morning in the presence of Dr. Amy Goldberg from the Child Protection Program at Hasbro Children's Hospital, forensic dentist Dr. Lena Karkalas, and Pawtucket detectives. She determined that Aleida died from small bowel perforation with peritonitis, due to blunt-force trauma.

Her father had no explanation for any of her injuries, Martins said.

The medical examiner ruled the manner of death was homicide. On July 5, DePina was charged with murder.

Detectives are interviewing the staff at Elizabeth Baldwin School, where Aleida had just finished the fourth grade, just a few blocks from her house. "We're completely, obviously, cooperating with them," said Superintendent Deborah Cylke.

The teachers and staff were devastated by Aleida's death, and as in the aftermath of any tragedy, people are asking themselves what they'd missed. But, Cylke said, there were no reports from staff about any problems with Aleida, because they hadn't seen any marks or signs of abuse.

Cylke said the school staff did not report any problems with Aleida hoarding food or having "toileting" issues. "If anything, school personnel are ultra-conservative with reporting. You'd rather report it and have it not be true, than not report it," Cylke said.

Aleida's teacher had described her as a quiet girl, more shy than outgoing, but not withdrawn, Cylke said.

"This is my 35th year in education, and this is one of the saddest things we've dealt with," Cylke said.

On Knowles Street, Antonio Semedo said he hadn't slept in days.

He learned about Aleida's death from her father. He learned about DePina's arrest from the media, Semedo said.

"If he got arrested, he did something wrong, in my opinion," Semedo said. "The only thing I know is it's in his soul. She's a little girl. How could it happen?"

Her aunts have bought Aleida's funeral outfit -- a white dress, with a white ribbon at the waist, white stockings and sparkly Hello Kitty jewelry.

But they can't believe her father is responsible for her death.

Jorge DePina is at the Adult Correctional Institutions, held until a bail hearing on Friday in District Court. His father wishes he could ask him questions. "She is my granddaughter, but she is my daughter, too," Diamantino said.

"I told the detective," Diamantino said, "I want to know the truth, too."

PROVIDENCE Journal

Emotions erupt at bail hearing for murder suspect Jorge DePina

By W. Zachary Malinowski

Posted Oct 30, 2013 at 12:01 AM

PROVIDENCE -- Emotions were running high on Tuesday as Jorge DePina, accused of killing his 10-year-old daughter in their Pawtucket apartment four months ago, appeared in court for a bail hearing. As soon...

PROVIDENCE -- Emotions were running high on Tuesday as Jorge DePina, accused of killing his 10-year-old daughter in their Pawtucket apartment four months ago, appeared in court for a bail hearing.

As soon as sheriffs escorted the handcuffed DePina into the fourth-floor courtroom at the Garrahy Judicial Complex, he spotted his sister and three other relatives in the spectator gallery and began sobbing.

The hearing lasted about 10 minutes with DePina, 33, acting on his lawyers' advice, waiving his right to the bail hearing. As a result, he will remain in the Adult Correctional Institutions, where he has been held without bail since July 5.

His next scheduled court date is Jan. 3. He has pleaded not guilty to charges of murder, child abuse for a previous conviction and cruelty/neglect of a child.

But the court session did not end quietly. DePina's sister, Joisa, stood up and screamed out. Her outburst continued for several minutes, and she collapsed in the foyer between the fourth-floor hallway and courtroom.

Two sheriffs and her relatives spent more than five minutes trying to get her up from the floor, where she was lying flat on her stomach. She continued crying, yelling and accusing the sheriffs of being "racist."

Finally, she got up and was escorted by her relatives to the elevator.

DePina lived alone with his daughter, Aleida Cristiane, in a first-floor apartment at 48 Knowles St. According to an affidavit for a search warrant that was filed by Pawtucket Detective Donti Rosciti, DePina drove his daughter on July 3 to Miriam Hospital on the East Side of Providence, where she was pronounced dead on arrival.

Rosciti wrote that the girl “appeared to be malnourished” and she had “fresh bite type marks,” on her back and arms. She also had bruises on her hips, thighs, buttocks and stomach and ligature marks on her wrists, he wrote.

Rosciti noted in his affidavit that the attending physician told him that the girl’s rectum had been penetrated.

“Detectives believe this child sustained injuries and trauma consistent with assault and severe physical abuse, likely over an extended period of time,” Rosciti wrote.

A medical examiner also told Rosciti and Detective David Silva that a heated, hard metal object may have been used to burn the girl, the affidavit says.

The state medical examiner’s office conducted the autopsy and found that the girl died following a blow that perforated her small intestine. The perforation resulted in an infection that killed her. The police say that DePina landed the fatal blow.

PROVIDENCE Journal

Pawtucket father indicted in murder of his 10-year-old daughter

By Amanda Milkovits

Journal Staff Writer

Posted Jan 2, 2014 at 1:41 PM

PROVIDENCE, R.I. -- A Pawtucket man was indicted Thursday in the murder of his 10-year-old daughter last summer.

PROVIDENCE, R.I. -- A Pawtucket man was indicted Thursday in the murder of his 10-year-old daughter last summer.

Jorge DePina, 33, of 48 Knowles St., was arrested shortly after he carried the body of Aleida Cristiane DePina into Miriam Hospital on July 3. She'd died painfully of small-bowel perforation, with peritonitis. The Pawtucket police allege that DePina had beaten the small girl to death.

Aleida had grown up in Cape Verde with her mother and then came to Rhode Island to live with her father in March 2011.

His family described a charmed life of gifts and dresses, and a raucous birthday party that DePina hosted for her in the month before she died.

The police described a bedroom filled with vomit and scars and bruises on Aleida's tiny body.

The attorney general's office announced the indictment by a Providence County grand jury. DePina is scheduled to be arraigned Jan. 22 in Superior Court.

PROVIDENCE Journal

Pawtucket man pleads not guilty to murder of his 10-year-old daughter

By Amanda Milkovits

Journal Staff Writer

Posted Jan 9, 2014 at 10:15 AM

PROVIDENCE, R.I. -- A Pawtucket man pleaded not guilty Thursday to a charge that he murdered his 10-year-old daughter in their home last summer

PROVIDENCE, R.I. -- A Pawtucket man pleaded not guilty Thursday to a charge that he murdered his 10-year-old daughter in their home last summer.

More than a dozen sheriffs were in the courtroom as Jorge DePina, 33, was arraigned by Superior Court Magistrate John McBurney III. A Cape Verdean native, DePina had a Creole translator during the court proceedings.

DePina and his relatives had wailed and screamed during his previous court appearances. No one from his family attended this arraignment, though, and DePina was subdued. The magistrate ordered him held without bail.

DePina is accused of beating Aleida Cristiane, who died from a blow that perforated her small intestine and led to an infection that killed her on July 3.

The small girl died slowly and horribly that day. In police and court documents, Pawtucket detectives described how vomit covered her bedroom and was slopped out a back window; the van that DePina used to bring her body to Miriam Hospital was also covered in vomit.

Her body had bite marks, burns and bruises, according to police.

DePina has been held since he walked into the hospital that afternoon with Aleida's body in his arms. She'd been living with him since leaving Cape Verde in March 2011, at 7 years old.

She was buried back in her native city of Praia, Cape Verde, where her mother lives.

PROVIDENCE Journal

Father charged with killing 10-year-old daughter on trial

Posted Mar 19, 2018 at 4:43 PM

Updated Mar 19, 2018 at 4:43 PM

PROVIDENCE, R.I. (AP) — A prosecutor has told jurors there's video evidence from the defendant's own camera showing the abuse a 10-year-old girl suffered at the hands of her father before she was killed in 2013.

Opening statements were delivered Monday in the murder trial of Jorge DePina, who is charged with killing his daughter, Aleida.

The Pawtucket man has pleaded not guilty. His lawyer on Monday acknowledged the little girl was abused, but said her death was caused by an accident such as falling on her bicycle.

An autopsy found the girl died of blunt force trauma to her small intestine. Authorities at the time said she had been bitten, beaten and slashed.

Prosecutors are seeking a sentence of life without parole.

PROVIDENCE Journal

Ex-detective testifies in trial of dad accused of beating daughter to death

By Katie Mulvaney

Journal Staff Writer

Posted Mar 20, 2018 at 1:47 PM

Updated Mar 20, 2018 at 4:39 PM

Retired Pawtucket Detective Donti Rosciti took the stand Tuesday on the first full day of testimony in Jorge DePina's trial for allegedly beating his 10-year-old daughter to death in 2013. The state is seeking a life-without-a-chance-of-parole sentence against DePina for first-degree murder.

PROVIDENCE, R.I. — A retired Pawtucket detective testified Tuesday about arriving at Miriam Hospital around 5:30 p.m. on July 3, 2013, to find 10-year-old Aleida DePina dead on arrival, her legs, arms and back covered with bruises and apparent ligature and whip marks.

Donti Rosciti, now a school resource officer in North Providence, told jurors that he learned that the girl's father, Jorge DePina, had carried Aleida into the hospital.

"I told him I was very sorry for his loss, and we needed to speak with him further about what happened," Rosciti recalled telling a cooperative DePina.

Rosciti took the stand on the first full day of testimony in Jorge DePina's trial for allegedly beating his daughter to death. Prosecutors say that he beat the 10-year-old with such force that it left her with a perforated small intestine. The state is seeking a life-without-a-chance-of-parole sentence against him for first-degree murder.

DePina has pleaded not guilty. His lawyers, John MacDonald and Lauren Balkcom, argue that while DePina abused his child, the fatal wound occurred when the handlebars jammed into her abdomen during a bike accident.

Rosciti read two statements DePina made to Pawtucket police hours after his daughter's death. Both were translated into English from Creole, DePina's native language.

In the statements, DePina told detectives of returning home to 48 Knowles St., Pawtucket, early on July 3, 2013, after working an overnight shift, and waking his daughter up for a shower and coffee. She asked for soup, so he went out to buy ingredients.

Aleida reported feeling hot when he returned, so he again went out to buy an air conditioner and building materials. He told detectives that he could tell she wasn't feeling well, so he left to buy suppositories that he administered to her, telling her she'd feel better soon.

He was installing the air conditioner in her bedroom window when she called to him in a strange voice, he wrote. She was throwing up.

"I got scared and took her to the hospital," Rosciti read from the translated statement. He recalled buckling her into the front seat and heading to Miriam.

"I was disoriented, with my reason to live in my arms," DePina wrote of arriving at the hospital.

DePina, who is listening to the trial through a Creole interpreter, dropped his head to arms as his statements were read, his hair in long dreadlocks hanging down the back of his charcoal-colored suit.

Rosciti, under questioning by prosecutor Shannon Signore, showed jurors photos of vomit streaming down the siding at 48 Knowles St. and out onto the pavement below. Jurors got to see Aleida's bedroom painted pink, with backpacks hanging on the wall. DePina wept as photos of his daughter's last birthday parties appeared on the big screen.

Rosciti also told of seizing an Everlast jump rope, a cut electrical cord, a Samsung camera and a laptop after returning to 48 Knowles St. with a search warrant to find things that could be used to "hit, whip or be heated." Authorities say video images will be shown at trial that capture DePina abusing his daughter.

Under cross examination by MacDonald, Rosciti acknowledged that DePina was cooperative and that he had been able to confirm DePina's account with corroborating evidence. Rosciti told the jury, too, that DePina was teary-eyed and upset at the hospital. The retired detective said police didn't seized the child's bike at DePina's apartment.

The trial is expected to resume Wednesday before Superior Court Judge Netti C. Vogel.

PROVIDENCE Journal

Ex-girlfriend: Pawtucket dad accused of murdering his daughter hit, yelled at the 'quiet' girl

By Katie Mulvaney

Journal Staff Writer

Posted Mar 22, 2018 at 2:13 PM

Updated Mar 22, 2018 at 9:30 PM

PROVIDENCE, R.I. — The ex-girlfriend of the Pawtucket man accused of beating to death his 10-year-old daughter in 2013 described her as a quiet, shy girl who scarcely spoke and didn't like to eat.

"She was a quiet child, a sad child," Maria Mendes told jurors Thursday of 10-year-old Aleida DePina.

Mendes took the stand in the trial of Jorge DePina, 37, who authorities say beat, whipped and abused his daughter before dealing a fatal blow to her stomach that perforated her small intestine. The state is seeking a first-degree murder conviction for DePina that carries a sentence of life in prison without the possibility of parole.

DePina's lawyers, John E. MacDonald and Lauren Balkcom, argue that while their client abused his daughter, it was a bicycle accident that inflicted the mortal blow when handlebars jammed into her abdomen.

Mendes, a married mother of three who lives in Brockton, Massachusetts, told jurors that she dated DePina for just over a year and gave birth to his now 4-year-old child after Aleida DePina's death on July 3, 2013.

She told of questioning Aleida about why she was so quiet and being answered instead by DePina, who she'd seen yell at his daughter and hit her hands. She noticed bruises and other marks on the 10-year-old that DePina explained were due to a disease she picked up in Cape Verde, she said under questioning by Shannon Signore, who is prosecuting the case with Alison DeCosta.

She told, too, of DePina insisting that Aleida eat, even when she didn't want to and that the child was hiding food everywhere. "He would make her eat," Mendes said.

Mendes, visibly nervous and teary-eyed, spent the weekend before Aleida's death at DePina's 48 Knowles St. apartment in Pawtucket. During that time, Aleida did not report that she was sick or in pain, she said.

She received a text message from DePina a few days later, around 2:10 a.m., July 3, saying that he had taken his daughter to the hospital with a virus and "a lot of belly pain." He wrote that she would stay with his father and his stepmother the next day. She received a call the next evening that Aleida had died.

Balkcom showed Mendes a photo of the Monster High-themed birthday DePina threw for Aleida when she turned 10, with a big cake, decorations and a bouncy house, with her young friends in attendance. Aleida wore a pink party dress. Mendes burst into tears when Balkcom displayed another image of Aleida's Hello Kitty party at age 9.

Superior Court Judge Netti C. Vogel directed deputy sheriffs to usher the jury from the courtroom so Mendes could compose herself.

Mendes was not the only witness to view Aleida as a sad, isolated child. Hironcina DaCosta, a mental health clinician, and staff at Elizabeth Baldwin Elementary School made the same observations.

DaCosta said she met Aleida just once, days before her death, at a neighbor's home. She spent two hours braiding pink beads into her hair. She said the girl was withdrawn and isolated.

She went to Aleida's house on July 2, 2013, to check on her because Aleida had consumed only one glass of milk the other day. "I knew she had an eating problem ... I wanted to help," DaCosta said.

When she arrived around 5:30 p.m., DePina told her Aleida was sleeping. She never saw her again, she said.

Dorothy Ramos, a teaching assistant who spoke Creole with Aleida, described the third grader as a shy, sad, serious girl. She asked her why. "I miss my mom," she recalled Aleida saying.

She and others spoke of DePina approaching the school with concerns that Aleida was hiding and throwing up her food, instead of eating, behavior they said they never observed. They arranged for her to eat in the nurse's office with a friend, a plan that boosted her self-esteem. She typically ate at least half her lunch and was rewarded with pretzels.

Ramos recalled DePina keeping Aleida home for days after he said she spilled hot soup on her hand. He eventually took her out of her after-school program and didn't enroll her in summer school.

"His reason was he couldn't leave her in school all day without eating," Ramos said.

"She was doing fine. We wanted her to continue. She had built up friendships," school nurse Lucy Rafferty said.

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PROVIDENCE Journal

Detective at DePina trial: Daughter's autopsy led to search warrant for fresh evidence

By Katie Mulvaney

Journal Staff Writer

Posted Mar 23, 2018 at 2:36 PM

Updated Mar 24, 2018 at 12:02 AM

PROVIDENCE, R.I. — It was the medical examiner's findings that prompted Pawtucket detectives to return with a fresh search warrant to the home of 10-year-old Almeida DePina on July 5, 2013.

An autopsy had determined the third grader's death, two days earlier, was caused by a perforated small intestine due to blunt force trauma to her abdomen.

Dr. Christina Stanley told the detectives to go back to find items that could be swung, used to tie or bind, and hard objects, Pawtucket Detective David Silva told jurors Friday.

"She told us to think out of the box," Silva recalled.

"We were looking for items that could be used to injure her," Silva said of Aleida, a native of Cape Verde who attended Elizabeth Baldwin Elementary School.

They seized an extension cord, an Everlast jump rope, a Samsung camera, and a laptop from the 48 Knowles St. apartment in Pawtucket, Silva said.

Silva took the stand Friday in the trial of Jorge DePina, 37, the Pawtucket father accused of abusing his daughter, Aleida, and delivering the fatal blow to her stomach. State prosecutors are seeking to convict DePina of first-degree murder and are asking that he be sentenced to life in prison without the possibility of ever being released on parole.

DePina's lawyers, John MacDonald and Lauren Balkcom, argue that while DePina might have abused his daughter, it was a bike accident that caused the mortal blow. He has pleaded not guilty.

Silva said the detectives asked state police to extract video from the Samsung camera months after its seizure.

Prosecutors Shannon Signore and Alison DeCosta showed jurors some of those videos early Friday afternoon.

The images captured Aleida, wearing white leggings and a pink shirt, doing dozens and dozens of squats, sometimes holding them for minutes, in between bites of food. DePina would occasionally come into the girl's tidy pink bedroom room and direct her to eat in Creole. At points, her slight frame appeared to quiver with exhaustion.

DePina sobbed, his head in his arms and long dreadlocks hanging down his back, as the jury viewed the video. The jurors read from transcripts in English.

In another video, Aleida is again squatting with arms out straight in front of her, this time next to a table. She rises, takes a bite from the dish before her father enters yelling in Creole. The footage shows him wrapping her face in blue tape as she whimpers and cries, again in a squat. He then whips her on the back of her hands as she cries out.

The last video shown to jurors Friday afternoon, captured Aleida sitting listless at the corner of her bed with a bowl in her hands. She chews each bite hundreds of times slowly before lying down on the bed in a near fetal position with her white T-shirt rolled up over her stomach and her hand stroking her apparently distended belly. DePina kept his head in his arms on the table throughout the proceeding.

Witnesses Thursday testified about DePina being concerned about Aleida's eating habits, warning school officials that she was vomiting and hiding food. Teachers and a school nurse told jurors that they had never seen such behavior.

The trial will resume Monday before Superior Court Judge Netti C. Vogel with two more videos to be shown by the state.

PROVIDENCE Journal

Detective: Video shows Pawtucket father striking daughter days before her death

By Katie Mulvaney

Journal Staff Writer

Posted Mar 26, 2018 at 3:38 PM

Updated Mar 26, 2018 at 4:37 PM

PROVIDENCE, R.I. — Videos taken in the days leading up to 10-year-old Aleida DePina's death in 2013 show her father smacking the visibly weakened girl in the head with one hand while holding a severed electrical cord in the other, a Pawtucket detective told jurors Monday.

Detective David Silva said he could date the images based on Aleida's braided hairstyle, the same hairdo he saw at Miriam Hospital on July 3, 2013, after she was taken there dead on arrival by her father, Jorge DePina.

Prosecutor Alison DeCosta asked Silva if the images came at the same point that her father could be heard yelling, "Do you want me to kill you?" in Creole. Yes, Silva said.

"This is when he strikes her in the face?" DeCosta asked. "Yes," Silva said.

Silva testified for a second day in DePina's trial for allegedly killing Aleida with a blow to her stomach of such force that it perforated her small intestine. Prosecutors are seeking a sentence of life without the possibility of parole for first-degree murder.

DePina's lawyers, John MacDonald and Lauren Balkcom, acknowledge that their client might have abused his daughter, but say she suffered the fatal blow during a bicycle accident, not at her father's hands. DePina has pleaded not guilty.

Silva, under questioning by DeCosta, described to the jury what the videos showed through a series of still images taken at DePina's 48 Knowles St. apartment in Pawtucket.

In one, Aleida could be seen with her arms straight out in a squat position by a table as a radio broadcast told of 19 firefighters dying in a blaze in Arizona, and Jorge DePina stood nearby with a jump rope clasped in his hand, he said. That broadcast led him to determine that the video was taken July 1, 2013.

Jurors on Friday viewed the video footage of that same scene, in which DePina moments later could be seen wrapping his daughter's face in blue painter's tape and whipping the backs of her hands as she whimpered and cried out.

Another image captured Aleida bracing herself as she attempted to sit up on the corner of her father's bed, now with yellow stains down the front of her shirt and her hand rubbing her belly, Silva said. The severed electrical cord is on the bed beside her.

"Again, she is struggling to sit up," Silva said.

A video earlier in the day showed a listless Aleida suddenly pop up into a seated position with a bowl of food in her hands after her father entered the room. Both go off screen, but at least seven lashes could be heard as DePina yelled in Creole.

DePina sobbed and moaned with his head in his arms as jurors viewed the video Friday, his long braids hanging down his back.

During cross examination by MacDonald, Silva acknowledged that he was unable to pinpoint exactly when the videos were taken because their time stamps were inaccurate.

Silva noted, too, that the medical examiner had determined that the injury that caused Aleida's death occurred 48 to 72 hours before she died.

MacDonald questioned Silva about whether the detectives had considered whether an accident could have caused the fatal blow. "We entertained every possibility," Silva said.

"You kept an open mind?" MacDonald asked. "Yes," Silva said.

Did they look into a possible accident? "There was no information presented to us to even go down that road," Silva said.

Silva said, too, that he had not told the medical examiner about a teacher reporting that Aleida had hurt her foot in a bike accident in late May. "If that fell within the relevant timeline, I would have," Silva said.

MacDonald will resume questioning Silva on Tuesday before Superior Court Judge Netti C. Vogel.

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PROVIDENCE Journal

Ex-M.E.: Looping abrasions, bruises covered Pawtucket girl's back at the time of death

By Katie Mulvaney

Journal Staff Writer

Posted Mar 27, 2018 at 1:35 PM

Updated Mar 27, 2018 at 4:31 PM

PROVIDENCE, R.I. — Looping abrasions and lacerations in various stages of healing covered Aleida DePina's back and legs at the time of the 10-year-old's death in July 2013, a former state medical examiner told jurors Tuesday. "We don't get to see this that often," said Dr. Christina Stanley, who performed the autopsy.

PROVIDENCE, R.I. — Looping abrasions and lacerations in various stages of healing covered Aleida DePina's back and legs at the time of the 10-year-old's death in July 2013, a former state medical examiner told jurors Tuesday.

"We don't get to see this that often," said Dr. Christina Stanley, who performed the autopsy on Aleida.

Stanley detailed "many" bruises on the back of the child's shoulders and groups of broad U-shaped marks and parallel lines covering her back, as well as "innumerable" loop marks on the back of her right leg. A hemorrhage wrapped around her right wrist with another mark looping around her right wrist, she said. The 10-year-old's neck was scarred, as well as her right arm.

"They're just all over each other," she said of the loop marks, gesturing to a diagram on display in the courtroom. A detective testified Monday that investigators seized severed electrical cords and a jump rope from the Depinas' apartment at 48 Knowles St., in Pawtucket, days after Aleida's death.

She was struck, she said, at the contrast between the wounds on the child's back side as compared with her front. The front of the child's legs were entirely free of injury, she said.

"Initially, I was shocked by how different it was from the front," Stanley said.

Stanley took the stand Tuesday in the trial of Jorge DePina, 37, the Pawtucket father accused of abusing Aleida and striking the fatal blow that perforated her small intestine. Prosecutors are seeking a sentence of life in prison without the possibility of parole against DePina for first-degree murder.

DePina's lawyers, John MacDonald and Lauren Balkcom, argue that while DePina might have abused Aleida, she suffered her mortal injury in an accident, possibly a bike accident. He has pleaded not guilty.

Jurors also heard Tuesday from Yamaris Flores, an upstairs neighbor who described Aleida as a quiet, fearful girl whose father appeared to dictate her every move.

"She seemed ... very fearful," said Flores, who lived with her children and mother in an apartment above the DePinas in July 2013. "She rarely made eye contact."

Flores recalled attending Aleida's 10th birthday party weeks before the child's death on July 3, 2013. "She seemed very sad for the birthday girl," Flores said.

She said she helped Aleida adjust the pink shawl she wore at her father's direction, despite the heat. "I said, 'Hey, it's your birthday. Why don't you go play?' She said 'My dad won't let me,' and walked away," Flores said.

Flores told jurors about seeing Aleida sitting in the hot sun the day before her death assisting her father as he worked on a car. He asked Aleida to pass him a tool and then yelled at her, calling her stupid, Flores said in response to questions from Shannon Signore, who is prosecuting the case with Alison DeCosta.

Flores said she saw Aleida riding a bike "once or twice," but not for long, as her father would make her come in whenever other children came out to play.

Meanwhile, DePina had "people coming and going all the time, at all hours," she said.

Maria Rodriguez, Flores' mother, also recalled DePina screaming at Aleida the day before her death. MacDonald questioned Rodriguez about her statement to Pawtucket police that the last time she saw the child was June 25, 2013.

"I'm telling the truth. Those are the two times I saw her," said Rodriguez, who cried and wiped away tears as she identified DePina through a Spanish language interpreter.

DePina, wearing a charcoal-colored suit, listened through a Creole interpreter with little expression.

Stanley is expected to return to the stand Wednesday in the trial before Superior Court Judge Netti C. Vogel.

PROVIDENCE Journal

Medical examiner: 10-year-old died of intestine tear caused by blunt force trauma

By Katie Mulvaney

Journal Staff Writer

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PROVIDENCE, R.I. — A former Rhode Island medical examiner told jurors Wednesday that someone struck 10-year-old Aleida DePina so many times and with such force that it darkened the pigmentation of her skin on the backside of her body.

“They’re inflicted injuries,” Dr. Christina Stanley said of the “innumerable” looping abrasions, scars and bruises she documented during the autopsy she performed after Aleida’s death July 3, 2013.

“Many, many times she was struck in that area,” Stanley said. So many times that it left her muscles with deep trauma and hemorrhaging, she said.

Prosecutor Shannon Signore asked Stanley whether the Everlast jump rope seized by Pawtucket detectives from 48 Knowles St. after the third-grader’s death could have caused such injuries.

“It could have caused those injuries,” Stanley said.

Stanley took the stand in the trial of Jorge DePina, 37, the Pawtucket father accused of delivering the fatal blow that tore his daughter Aleida’s small intestine. Prosecutors are seeking a sentence of life without the possibility of parole against DePina for first-degree murder.

DePina, who is listening to testimony through a Creole interpreter, has pleaded not guilty. His lawyers, John E. MacDonald and Lauren Balkcom, argue that while DePina abused his daughter, she suffered the mortal injury in an accident, possibly while riding a bike.

DePina covered his eyes with his hands with his head down through much of Stanley’s testimony as images of his child’s dead body were displayed in the courtroom. The photos showed her back, buttocks and the backs of her legs covered in bruising, abrasions. and strike marks. Sometimes the blows were delivered with such force that it tore the skin.

Her wrists bore marks from being bound in ligatures, Stanley said. Hydrocodone and Vicodin were found in her system, she said.

Stanley, who now works as a medical examiner in Massachusetts, said she determined that Aleida died from peritonitis brought on by a half-centimeter hole in her small intestine. The wound was caused by blunt force trauma, she said.

She estimated the injury occurred 24 to 72 hours before the child's death.

Under cross examination by Balkcom, Stanley acknowledged that she testified before a grand jury in December 2013 that she could not make a one-to-one correlation between Aleida's external and internal injuries.

Balkcom asked, too, if detectives told her that Aleida vomited often.

Stanley replied that she knew that the child had thrown up a lot right before her death.

Stanley is expected to return to the stand Thursday at the trial before Superior Court Judge Netti C. Vogel.

PROVIDENCE Journal

State rests in trial of Pawtucket man accused of killing daughter

By Katie Mulvaney

Journal Staff Writer

Posted Mar 29, 2018 at 1:17 PM

Updated Mar 29, 2018 at 6:13 PM

PROVIDENCE — The state rested Thursday morning in the trial of the Pawtucket father accused of beating his 10-year-old daughter to death, with a pediatric surgeon describing the excruciating pain the child endured in the hours leading to her death.

Dr. Francois Luks, chief of pediatric surgery at Hasbro Children's Hospital, said intestinal fluid and bacteria would have seeped out into her abdominal cavity after her small intestine was pierced by an "immediate" blunt force trauma. He estimated that the injury occurred 12 to 24 hours before the third grader's death July 3, 2013.

"It is most likely a direct blow that caused the trauma," Luks said.

Luks detailed how Aleida's body would have responded to bile entering her system from the intestines. Fluid would have built up inside her body as she suffered severe pain. She would have become dehydrated and developed fever as her blood pressure dropped and her breathing became rapid and shallow. She eventually would have entered shock, but all that could have been remedied by surgery if she had made it to the hospital on time, he said.

Luks was the final state witness in the trial of Jorge DePina, the Pawtucket father accused of delivering the blow that punctured Aleida's small intestine and led to her death. Prosecutors are seeking a sentence of life without the chance of parole against DePina for first-degree murder.

DePina's lawyers, John MacDonald and Lauren Balkcom, argue that while their client abused his daughter, the fatal blow was caused by accident, possibly a bike accident.

Under questioning by Balkcom, former state medical examiner Christina Stanley testified Thursday that car and bike accidents can cause perforations of the small intestine in children. She said, too, that sometimes handlebars leave no mark.

Shannon Signore, who is prosecuting the case with Alison DeCosta, asked Stanley if anyone had mentioned that Aleida had been involved in an accident before her death. No, Stanley said.

The trial is set to resume Monday before Superior Court Judge Netti C. Vogel.

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PROVIDENCE Journal

Defense rests in DePina murder trial with account of girl's bike crash days before death

By Katie Mulvaney

Journal Staff Writer

Posted Apr 2, 2018 at 2:00 PM

Updated Apr 2, 2018 at 6:05 PM

PROVIDENCE, R.I. — The defense rested in the trial of the Pawtucket father accused of beating to death his 10-year-old daughter, with a family friend testifying that the little girl's stomach was swollen from a bike accident days before she died.

Maria Cruz, of Providence, told jurors Monday that Aleida DePina's stomach rammed into her bike handlebars after she was nearly hit by a car two days before her death.

"She seemed like she was hurt to me," Cruz said, demonstrating in court how Aleida held her stomach and cried in the aftermath, with minor scrapes to her kness, hands and elbows.

"She told me she was fine," Cruz said, and they walked back to the 48 Knowles St. apartment Aleida lived in with her father, Jorge DePina. There, she treated her wounds and told Jorge DePina about the accident.

Cruz, who visited 48 Knowles often to eat and drink, said she checked the girl's stomach the following day.

"It seemed like it was a little swollen to me," she said. She recommended that DePina take Aleida to the doctor. The next day she learned that Aleida was dead, she said.

Cruz took the stand Monday as the final defense witness in the trial of Jorge DePina, the Pawtucket father accused of abusing Aleida and delivering a fatal blow that perforated the child's small intestine in July 2013. Prosecutors are seeking a sentence of life without the possibility of parole against DePina for first-degree murder.

DePina's lawyers, John E. MacDonald and Lauren Balkcom, argue that while DePina abused his daughter, the injury was caused by a bike accident that happened days before the child's death. DePina, 37, has pleaded not guilty.

Cruz said she didn't tell anyone about the bike crash until being contacted by MacDonald in December 2017. She then was questioned by prosecutors and Pawtucket detectives, who showed her videos and images of DePina striking and abusing Aleida and whipping her hands while her face was wrapped in painter's tape, she said.

Had she ever seen such behavior by DePina? MacDonald asked. "No, sir, never. I never saw that in my life," she said.

She acknowledged calling MacDonald to tell him, "I didn't want nothing to do with it no more." She said the defense subpoenaed her to testify.

"It actually traumatized me for days. I had nightmares," she said, wiping tears from her eyes.

Cruz admitted, too, under questioning by prosecutor Shannon Signore that she never contacted police about the bike crash. She couldn't recall telling defense lawyers that she learned through the media and the neighborhood that DePina stood accused of abusing Aleida.

Didn't she know that DePina was charged with murder? asked Signore, who is prosecuting the case with Alison DeCosta.

"No, I still don't know what he's being charged for," she said.

Jurors also heard from Aleida's godmother, Joisa Daveiga, Jorge DePina's youngest sister, who described her niece as a slight child with skin infections behind her ears when she came to the United States from Cape Verde in March 2011.

"She was very skinny. She was tiny," Daveiga testified Monday. Aleida, too, had chicken pox and would often scratch her hair due to the infection, she said.

Daveiga, who often wiped away tears, told of Aleida's eating troubles during the four to six months she lived with her aunt's family after her arrival in America.

"She didn't like to eat," she said, adding, "She's just moving her mouth but she's not chewing."

Daveiga said she would place her niece on her lap and feed her and that the child began putting on weight.

Aleida loved riding bikes, so much so that she kept a bike at 48 Knowles St., in Pawtucket, and at the Daveigas' Providence home, she said.

Closing arguments are set for Thursday before Superior Court Judge Netti C. Vogel.

PROVIDENCE Journal

Jury deliberations begin in DePina murder trial

By Katie Mulvaney

Journal Staff Writer

Posted Apr 5, 2018 at 2:27 PM

Updated Apr 5, 2018 at 7:18 PM

PROVIDENCE, R.I. — It's undisputed that Jorge DePina was a ghastly father who abused his young daughter, but now a jury must decide whether he delivered the blow that killed the 10-year-old or whether, perhaps, she suffered the injury in a bicycle fall.

PROVIDENCE, R.I. — It's undisputed that Jorge DePina made a ghastly father who abused his young daughter, but now a jury must decide whether he delivered the blow that killed the 10-year-old or whether, perhaps, she suffered the injury in a bicycle fall.

The jury of five men and seven women began deliberating shortly after 1 p.m. Thursday in the murder trial of DePina, 37, the Pawtucket father who authorities say dealt the strike to Aleida DePina's abdomen in July 2013 that perforated her small intestine and led to her death.

And the jury, which concluded its first day of deliberations without a verdict, has a lot to weigh. Superior Court Judge Netti C. Vogel instructed them that they must decide if DePina is guilty or not of first-degree murder, entailing premeditation; second-degree murder, showing an indifference to the sanctity of human life; or involuntary manslaughter, an unintentional killing with criminal negligence.

Prosecutors Shannon Signore and Alison DeCosta are seeking for DePina to serve life without the possibility of parole for first-degree murder in a manner involving torture or aggravated battery.

DePina's defense team, John MacDonald and Lauren Balkcom, are asking that DePina be held responsible for manslaughter for failing to get his daughter medical treatment in a timely manner after a bicycle accident left her seriously injured or to find him at most accountable for second-degree, or felony, murder.

In closing arguments Thursday, MacDonald looked to the testimony of Maria Cruz, who told jurors that Aleida fell into the handlebars of her bike two days before her death and that she told DePina to take the third-grader to the doctor after she noticed her belly was swelling.

"You can believe that Jorge DePina is a horrible father...," his lawyer John MacDonald said. "Jorge DePina

never intended to kill his daughter.”

MacDonald urged the jury not to be swayed by videos that show DePina whipping Aleida with her face covered in blue painters’ tape as he ordered her to eat. DePina captured those images due to his preoccupation with his daughter’s eating issues, he said.

“Those whip marks did not cause the perforation,” MacDonald said as about a dozen of DePina’s supporters observed in the packed courtroom.

MacDonald emphasized that then medical examiner Dr. Christina Stanley’s autopsy did not find a one-to-one correlation between the many, many blows DePina dealt to his child’s back and legs to the injury that left a hole in her small intestine.

“None of it shows anything consistent with blunt force trauma,” MacDonald said as DePina held his head in his hands, his long braids hanging down his back.

Signore countered that the videos captured DePina’s escalating violence toward Aleida, who came to America from Cape Verde in 2011.

“There are many things he forced her to do, but the one thing he couldn’t force her to do is smile,” Signore said, again showing images of DePina screaming at and lashing his daughter while demanding that she eat.

“She’s literally dying, and he’s continuing to beat her,” Signore said of other video showing DePina striking a visibly weakened Aleida in the hours before her death.

“She’s in pain. She’s in a lot of pain because of what he did,” Signore said.

Signore dismissed Cruz’s account of a bike accident as a complete fabrication. “This child wasn’t in a bike accident. A bike didn’t kill this child,” she said.

“He was relentless. He was merciless,” Signore said.

“There is no doubt he acted with malice, hardness of heart, cruelty,” she said in asking the jury to convict DePina of first-degree murder.

Jurors will return to court Friday.

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PROVIDENCE Journal

Pawtucket father convicted of second-degree murder in death of daughter

By Katie Mulvaney

Journal Staff Writer

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PROVIDENCE — The crowded courtroom fell completely silent Friday afternoon as a Superior Court jury convicted a Pawtucket father of second-degree murder in the 2013 death of his 10-year-old daughter.

In doing so, the panel of five men and seven women cleared Jorge DePina, 37, of the most serious charge he faced: first-degree murder with the possibility of serving life in prison without parole for the death of third-grader Aleida DePina, a slight girl who died July 3, 2013, due to peritonitis brought on by perforation of her small intestine. The verdict indicated that the jury did not view DePina's crime as premeditated.

DePina stood expressionless as the verdict was read, then closed his eyes. His sister, Joisa Daveiga, cried as DePina shouted out to her in Creole as deputy sheriffs led him from the courtroom amid a heavy law-enforcement presence.

"We're extremely grateful to the jury that they did not see this case as the state did: premeditated first-degree murder. They saw it for what it was," said John MacDonald, who represented DePina with Lauren Balkcom.

"Jorge DePina never intended to kill his daughter," MacDonald continued, adding that the jury had "seen through the hype."

"Aleida DePina's death was without question tragic and unnecessary. Even the defense's position was that Jorge DePina was responsible, but responsible for the lesser charge," MacDonald said.

The state attorney general's office declined to comment afterward, but the case was hard-fought by prosecutors Shannon Signore and Alison DeCosta. Pawtucket detectives, including lead investigators David Silva and Donti Rosciti, hugged Signore following the conviction.

Throughout the two-week trial, prosecutors showed horrific videos taken by DePina at his 48 Knowles St. apartment in Pawtucket. The footage captured DePina screaming at and whipping the child with painter's tape wrapped around her head as he demanded that she eat. At times, he yelled, "Do you want me to kill you?"

Her autopsy revealed that she had been lashed many times in the back and legs, most likely with a jump rope and severed electrical cord seized from the scene. Some of the blows were delivered with such force that they tore her skin and left her with internal bleeding into her muscles.

The video images showed, too, that the child suffered mightily in the hours leading up to her death as intestinal fluids contaminated her abdominal cavity. The visibly weakened child could be seen struggling to hold herself up at the edge of her father's bed with her belly distended. Still, DePina screamed at her and struck her in the head.

At trial, MacDonald and Balkcom acknowledged that DePina was a horrendous father who had an unhealthy preoccupation with his daughter's eating, but they maintained that she suffered her fatal injury in a bike crash days before her death.

Daveiga, DePina's youngest sister, said in the minutes leading up to the verdict that she was horrified by the abuse her brother subjected Aleida to and that it was a dramatic departure from the doting father the family knew. She speculated that he must have snapped in the days leading up to Aleida's death, and wondered why officials hadn't had him undergo a psychological examination after his arrest.

She expressed guilt, too, that she had allowed her brother to take vicious whippings for her as a child from their mother back in their native country, Cape Verde. He had been her protector. She continues to love and support him, she said, despite his failings, but said he needs to be held responsible for his crimes.

The greatest measure of her guilt, however, lies with Aleida herself. It was Daveiga who brought the child to the United States from Cape Verde on March 27, 2011, as a tiny malnourished child speckled with chicken pox and with a mouth full of rotten teeth.

She never would have, she said, if she knew Aleida would have to endure such abuse. "She was my daughter, too," Daveiga said.

DePina faces up to life in prison at his sentencing May 18 before Judge Netti C. Vogel.

— kmulvane@providencejournal.com

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Exhibit B

1 THE COURT: Thank you. In that case, I want to
2 order a presentence report. Ms. Clerk, what is the date
3 six weeks from today?

4 THE CLERK: May 11th.

5 THE COURT: May 11th, all right. May 11th for
6 presentence report and May 18th for sentencing at
7 11:00 a.m. May 18th is my last day before going on
8 vacation, so I do want it to go forward on that date.

9 Please, Ms. Clerk, it is very important that a week
10 before that presentence report is due you contact
11 probation and make sure that they're going to have it
12 done. Okay?

13 THE CLERK: Yes, Your Honor.

14 THE COURT: This has to go forward on the 18th.
15 Anything further?

16 MS. SIGNORE: No.

17 THE COURT: Anything further anybody?

18 MS. BALKCOM: No, Your Honor.

19 MR. MacDONALD: No, Your Honor.

20 THE COURT: Thank you all very much. I do have
21 something I need to say. Would you all be seated for a
22 moment, please.

23 No one, no spectator, no one in the spectator
24 section of the courtroom, is permitted to contact my
25 jurors. If the jurors choose to contact anyone, that's

1 up to them. This is for their protection. The jurors
2 have completed their job, and when they leave here, and
3 they will be escorted to the door or to the area where
4 they catch their bus, unless they show great interest in
5 speaking to the lawyers, and I mean these four lawyers,
6 do not approach them. No one else is to approach them.

7 That is how it is. I want to protect their privacy.
8 They have done their job, they've been here three weeks,
9 and the attorneys on the case, if they wanted to speak to
10 the jurors and the jurors showed interest in speaking to
11 you, whole different story. But beyond that, if they
12 don't show any interest, they have to be left alone. If
13 you see them at Walmart, do not acknowledge that you know
14 them. In other words, I do not allow people to contact
15 jurors. They must be left alone to go on with their
16 lives.

17 Thank you all very much for all of your cooperation,
18 and again for your decorum.

19 [ADJOURNED AT 2:45 P.M.]

20 * * * * *

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Exhibit C

----- Forwarded message -----

From: **Berke, Craig N.** <cberke@courts.ri.gov>
Date: Mon, Apr 16, 2018 at 10:22 AM
Subject: RE: Jorge DePina's jury list
To: "Mulvaney, Kathleen" <kmulvane@providencejournal.com>

Hi Katie,

Judge Vogel has denied this request.

Craig

Craig N. Berke
Assistant State Court Administrator
Director, Community Outreach & Public Relations
Rhode Island Judiciary

250 Benefit Street
Providence, RI 02903
(401) 222-8631



From: Mulvaney, Kathleen [mailto:kmulvane@providencejournal.com]
Sent: Friday, April 13, 2018 4:33 PM
To: Berke, Craig N.
Subject: Jorge DePina's jury list

I have been directed to request the jury list. The jury commissioner said it would be available through the clerk's office. I was hoping to get it through you.

As an FYI, I am off next week and I'm about to head out. Thanks much.

Cordially,

Katie Mulvaney

Courts Reporter

The Providence Journal

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@kmulvane

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