

DETAILS,
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Prior to a second interview, Nelson said two candles were found intact on the shelf, not broken. During the second interview, Nelson said Sosa-Martinez admitted she “was intimate” with Cruz in her bedroom for about 20 minutes that morning.

Another detective talked to Cruz and discovered he had stayed overnight and smoked marijuana with Sosa-Martinez. After a while, she changed her story again.

“She then admitted to smoking marijuana at about 10 a.m. when Cruz blew smoke into her lungs,” Nelson said. “Shortly after that, she decided to go to bed. She took a shower first. Her son was in the living room watching cartoons. She sat on the bed and took another hit of marijuana. What she described was the precise location where the fire department said the fire had started.

“She said she woke up and realized her bed was on fire,” Nelson added. “Her son was at the end of the bed with a

roll of toilet paper. She was very confused. She tried to put the fire out with a pot. She said Andre was still standing in the apartment near the kitchen.”

According to Nelson, Sosa-Martinez once again stated she tried to get the burning mattress out of the apartment but couldn’t.

“I asked at that time if she had the opportunity to go back in and grab her son,” Nelson recalled. “She said she did. She didn’t know why she didn’t grab him. She was nervous about what was going to happen (to her due to the probation).”

Another detail from the sentencing was about a fire at the Sosa-Martinez residence in April 2013 in Salem. It was reported there was a mattress fire and Sosa-Martinez did not answer the door when firefighters tried to make her aware of the situation.

Rebecca Fischer, a Department of Human Services employee, reported making contact with Sosa-Martinez that day.

“She denied all drug use,”

“Any reasonable parent would have grabbed Andre by the hand and ran out as fast as she could.”

— Bryan Orrio
Deputy district attorney

Fischer said. “She said she was drug free. She admitted to using marijuana when she was 16. She said she had last used it in September 2008.”

Fischer said the two children were not taken into protective custody and it was recommended Sosa-Martinez taking parenting and counseling classes.

“Later we found out she did not do those classes,” Fischer said.

Laird Case, deputy fire marshal with the Salem Fire Department, said when there’s a suspicion children are involved with a fire, parents are contacted to instigate screening to determine what type of intervention to take.

Case said he left three messages for Sosa-Martinez but could not reach her.

Darcy Lee Hubert with the Marion County Sheriff’s Office said Sosa-Martinez failed to do the required amount of community service and twice tested positive for marijuana, even though she was on pro-



KEIZERTIMES/Craig Murphy
Pamela Moffett, Niya Sosa-Martinez’s mother, addresses the court in a sentencing hearing July 22.

bation and told authorities she was not using drugs.

“She admitted she had not been truthful about her drug use,” Hubert said of an April 2013 meeting.

Hubert noted Sosa-Martinez was arrested the next month for possession of marijuana.

At one point, deputy district attorney Katie Suver showed a powerpoint presentation with pictures from last fall’s fatal apartment fire. In addition to fire damage, the pictures also showed burn marks on the floor and a photo of the scene with Andre’s body outlined.

Andre’s aunt, listening to the sentencing via phone, described how Andre’s older sister has been coping.

“She’s doing well, but you can see the pain,” the aunt said. “She feels really sad.”

Deputy district attorney Bryan Orrio said Sosa-Martinez had displayed a pattern of not being deterred from her behavior, even when faced with sanctions.

“Any reasonable parent would have grabbed Andre by the hand and ran out as fast as she could,” Orrio said. “But she was worried about her own self. She left Andre in a burning building to die. If the sanctions had deterred her, Andre would still be alive. If she had complied with court orders, Andre would still be alive.”

Based on that, Orrio asked for the maximum sentence of 150 months.

Before defense attorney Ron Gray spoke, he yielded the floor to Sosa-Martinez’s mom, Pamela Moffett.

“She always made sure (her children) knew she loved

them very much,” Moffett said of her daughter.

Longtime friend Elizabeth Hawkins also spoke highly of Sosa-Martinez.

“She made bad choices, but that doesn’t mean she was a bad mother,” Hawkins said. “I want to make it clear that despite the mistake she made, she was and always will be, in my eyes, a great mom. I always looked up to her and admired her. She was a good person and still is a good person.”

Gray asked for the minimum time, arguing that adding 30 months wouldn’t change the impact on Sosa-Martinez.

“What purpose does it serve? She’s not a danger to society,” Gray said. “She will live with it long beyond any sentence you may impose.”

Sosa-Martinez told judge Geyer she did take responsibility, then turned to address her family.

“I’m sorry for everything,” she said tearfully. “I’m sorry for all the pain you’ve gone through. I thank you for all of your love and support. Most importantly, thank you for loving and supporting my daughter and being there for her. I love you and I’m so thankful to have family that loves me and is there for me.”

Geyer told Sosa-Martinez he wasn’t 100 percent sure which stories were accurate, since she gave several different accounts.

“You made a whole bunch of bad decisions,” Geyer said. “That’s how you ended up being charged appropriately with manslaughter. I am convinced that based on what I know that this crime, this death happened in part by you trying to hide from sanctions.”

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