

Keizer mother sentenced to 11 years in prison for son's death

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StatesmanJournal.com | July 24, 2015

On a rainy Friday afternoon in October 2014, 24-year old Niya Breann Sosa-Martinez watched her 4-year-old son burn and die.

A flaming mattress wedged in the doorway separated the two. Sosa-Martinez stood safely outside while Andre Joaquin Sosa — dressed in blue pajamas — stood helpless and scared, trapped inside a burning apartment, calling for help from his mother.

Around 2 p.m. on Oct. 24, Keizer firefighters responded to the 1100 block of Susan Court NE where they found one unit of the apartment complex completely engulfed in bright flames. At the time, the fire was deemed criminal in nature. Additional information about how the fire started was not released by law enforcement officials until the sentencing Wednesday.

Keizer Police Detective Chris Nelson described the day the young boy died.

According to Nelson's account, Sosa-Martinez smoked marijuana from a bong around 11 a.m. before setting the glass piece down next to her bed and falling asleep.

Several hours later, Sosa-Martinez woke to her son standing at the foot of her smoldering bed. She attempted to extinguish the growing flame with pots and pans of water while shouting to her son to get out of the house.

When water didn't calm the flames, Sosa-Martinez picked up the mattress and dragged it from the bedroom, into the hallway and to the front door.

The mattress was getting hotter. It wouldn't fit through the front door.

"She said she didn't know where her son was, and then saw him standing in the living room and made the decision to walk to the manager's office for help instead of going in and getting him out," Nelson said.

By the time she returned, Sosa-Martinez could see her son through the flames, it wasn't too late.

"She could see her son standing there, she could hear her son screaming," Nelson said. "She said she had an opportunity to go back in and get her son but didn't. She said she didn't know why she didn't go back in, that she was panicking."

Marion County Circuit Judge Courtland Geyer sentenced the Keizer mother 11 years in prison on Wednesday. Sosa-Martinez was also sentenced to 36 months of post prison supervision.

Court records indicate that Sosa-Martinez pleaded guilty to a charge of theft in September of 2010, to which she was sentenced one year of probation. But as she was nearing the end of the probation period in 2011, she was again arrested by Woodburn Police and again charged with theft.

Additionally, this is not the first time Sosa-Martinez has been accused of child neglect. In March 2012, she pleaded guilty to one count of second-degree child neglect in Woodburn, according to court records, although records indicate that child had a different name than the boy killed in the fire.

Niya Breann Sosa-Martinez appears during her arraignment at the Marion County Court Annex on Monday, Oct. 27, 2014. (Photo: DANIELLE PETERSON / Statesman Journal)

"Your decisions, in light of your prior actions, matter," Geyer said. "You made a bunch of bad decisions, many are part of how you ended up getting charged with manslaughter in the first degree."

Tears streamed down her face as Sosa-Martinez viewed photos from the day her son burned, one showing the outline of her son's charred body.

An autopsy performed by the state medical examiner determined that Andre Sosa died of smoke inhalation.

Sosa-Martinez was arrested Oct. 25, 2014, after she initially told police her son started the fire by knocking over a candle on a shelf in her bedroom. Detectives later found burn marks consistent with marijuana paraphernalia found near her bed and found no evidence of broken, melted or otherwise damaged candles.

She pleaded guilty to first-degree manslaughter and two counts of endangering the welfare of a minor on June 9.

Sosa-Martinez's attorney, Ron Gray, told the courtroom the mother did not want to go to trial.

"She didn't want to drag everyone through a trial," Gray said. "She didn't want to drag her son's memory through a trial."

During Wednesday's two-and-a-half hour sentencing, several people took the stand and addressed the courtroom with statements.

Sosa-Martinez's mother, Pamela Moffet, spoke of her daughter's love for her family.

"She always made sure they had everything they needed," Moffet said. "She was always there in the evening times, for shower time, she was always here. I would hear her say the 'I lay me down to sleep' prayer — she was trying to make sure that they knew she loved them very much.' "

As the mother finished her statement both of the women wept as Moffet reached down to hug her daughter and softly said "I love you."

According to Nelson, Sosa-Martinez has another daughter who was in school when the home caught fire. The daughter now lives with her father's family and is doing well, according to a family member who made a statement via telephone.

Sosa-Martinez gave a short statement before Geyer read the sentence.

"I just want to say I'm sorry for everything, and I'm sorry for all the pain you guys have gone through," Sosa-Martinez said as she turned around and spoke to her family. "I want to thank you for all the love and support you've given me, and most importantly I want to thank you for being there for my daughter. She's had a lot taken away from her.

"I love you, and I'm so thankful to have a family that loves me and is always going to be there for me."