

LAW & ORDER  
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COLUMBUS

## **Murder appeal dismissed**

In a 5-2 vote, the Ohio Supreme Court dismissed an appeal by Angela Garcia, who was convicted of killing her two children in a 1999 house fire on Cleveland's East Side. The court rejected the appeal and ended the case without comment. Justices Paul Pfeifer and Francis Sweeney dissented. Garcia, 25, was charged with setting fire to her home to collect \$40,000 in insurance. Her children, Nyeemah, 3, and Nijah, 2, died in the fire. The case twice ended in mistrials before a third jury convicted Garcia in 2001 of aggravated murder, aggravated arson and insurance fraud. She is serving two life prison terms.

## **Appeal rejected for mom convicted of killing kids Conviction upheld for mom accused of killing her kids**

Scott Hiaasen

Publication Date: August 16, 2002

An appeals court upheld Angela Garcia's conviction for killing her two children in a 1999 house fire, though the court found yesterday that two prosecution witnesses had testified improperly.

Prosecutors charged Garcia, 25, with setting fire to her home on Cleveland's East Side to collect on a \$40,000 insurance policy. Garcia's children, Nyeemah, 3, and Nijah, 2, died in the blaze, but Garcia was uninjured. She said the fire was accidental.

Garcia is now serving two life prison terms.

The case twice ended in mistrials before a third jury convicted Garcia last year of aggravated murder, aggravated arson and insurance fraud. In the third trial, an FBI crime-scene expert and a forensic auditor testified that Garcia's finances and past attempts to collect insurance claims suggested she had set the fire for the insurance money.

A three-judge panel of the 8th Ohio District Court of Appeals said the testimony should have been barred because it offered no expertise; the witnesses simply drew conclusions based on the evidence, which was the jury's job. However, the jury heard enough other evidence to justify the conviction, the court said.

Assistant County Prosecutor Richard Bell said the testimony was not important. Prosecutors called more than 50 witnesses, many of whom had not testified in the earlier trials. But Garcia's lawyer, David Doughten, said the testimony unfairly swayed the jury. He said he would appeal to the state Supreme Court.

"It's interesting that in the first two trials, when these witnesses didn't testify, they got two hung juries," Doughten said. "How is that harmless?"

## **Mother gets two life terms for murder of her children**

JOHN F. HAGAN

Publication Date: May 31, 2001

The Cleveland woman found guilty of murdering her two small children in a fire was sentenced yesterday to two life prison terms by a judge who called the killings a "heinous and monstrous act."

Angela Garcia showed little outward emotion during the scolding. She stood in handcuffs between her two lawyers, rocking slightly on her back foot, her fingers moving rapidly across prayer beads.

Cuyahoga Common Pleas Judge Bridget McCafferty spent 45 minutes sentencing Garcia, outlining her justification for the maximum term. Garcia, 24, will not be eligible for parole for 49½ years. She was also ordered to pay a \$60,000 fine.

Apparently referring to Garcia's demeanor when she sobbed after a jury found her guilty last week, McCafferty said: "May you some day shed a tear for someone other than yourself."

Garcia incurred the judge's wrath after prosecutors presented evidence showing that she started the fire to collect on a \$40,000 renters insurance policy that she obtained shortly before the Nov. 20, 1999, fire. Her children, Nyeemah Garcia, 3, and Nijah Evans, 2, died in the blaze. Nyeemah, prosecutors said, had been tied with the cord from a window blind to keep her from escaping the fire.

Garcia escaped, telling fire officials that the smoke forced her from the house. She said the fire may have started from a candle she left unattended in the dining room.

She said she jumped through a second-floor window, sliding down a porch roof to the ground.

She did not require medical treatment and refused care when she went to MetroHealth Medical Center to see her children.

"To you, these children were nothing more than coins in a slot machine - insert two children in a burning home, a home you set on fire, and hope, wait, plot and plan for the money to come pouring out," said McCafferty, reading from prepared remarks.

Before the judge came into court, Garcia's mother, Lucy Ahmed, spoke loudly from her seat, saying repeatedly, "My daughter's innocent." Later, after the sentencing, an emotional Ahmed, repeated the refrain to reporters in the court's hallway as family and friends chanted, "No justice, no peace."

Garcia was found guilty only after two other juries were unable to reach unanimous decisions. But in the third trial, prosecutors

presented new evidence that they said showed that a second fire was started on the stairway to the second floor.

At the first two trials, evidence was presented that showed one fire starting in the dining room. The fire on the steps corroborated the testimony of a jailhouse snitch who said that Garcia told her she tried to set two fires to collect insurance money.

Garcia did not take the stand in any of the trials. However, her family and supporters have held demonstrations and charged that Garcia's prosecution was racially motivated.

Assistant County Prosecutor Aaron Phillips, who tried the case with Richard Bell, said the case had nothing to do with race.

"We are here because two African-American young girls are dead," he said. "It has nothing to do with black and white. If a white mother killed her white children, we'd be here prosecuting her just as hard and just as heavy."

Her lawyers plan a vigorous appeal.

"We're 100 percent sure of her innocence," said Thomas E. Shaughnessy, who tried the case with attorney Mark Rudy. "She passed two polygraph tests and we absolutely believe we'll be back after this goes to the court of appeals. We told her not to talk because she is going to get her day in court again."

## **Mom guilty of murdering her 2 children**

JOHN F. HAGAN and KARIN SCHOLZ

Publication Date: May 25, 2001

A jury found Angela Garcia guilty yesterday of intentionally starting a fire that killed her two young daughters in 1999.

Two earlier trials ended in mistrials after jurors could not reach a

unanimous decision on whether Garcia purposely killed Nyeemah Garcia, 3, and Nijah Evans, 2.

After 12 hours of deliberations over two days, the third jury found Garcia guilty of all charges: four counts of aggravated murder, two counts of murder and three counts of arson. She faces life in prison at her sentencing Wednesday by Judge Bridget M. McCafferty in Cuyahoga County Common Pleas Court.

The verdict came despite a lunchtime request yesterday from Garcia's defense lawyers, Thomas Shaughnessy and Mark Rudy, that McCafferty declare a mistrial after the jury foreman said he feared for his family's safety and asked to be excused from the panel.

McCafferty declined to comment on her decision.

Before the jurors entered, McCafferty noted that extra sheriff's deputies were in the room and warned the spectators to control their emotions.

The only other sounds as she read the verdicts were Garcia's sobs. Garcia's family, which had held rallies at the Justice Center, silently focused on the jury and then evaded reporters by exiting down the back stairs.

Garcia, 24, was convicted in the first trial last August of insurance fraud relating to the fire. Assistant county prosecutors Richard Bell and Aaron Phillips argued that Garcia torched her Harvard Ave. home so she could make a claim on the \$40,000 rental insurance she had bought just weeks before the Nov. 20, 1999, fire.

Garcia contended that a fire from an unattended candle quickly burned out of control and she was overcome by smoke, unable to save her children.

Firefighters found the children on the floor in an upstairs bedroom. One of the girls was wrapped in the cord of a window blind. Prosecutors suggested to jurors that Garcia had tied up the child so she could not escape.

Garcia told fire officials that she jumped through a second-floor window and slid down the porch roof to the ground to run for help. Her appearance, however, confounded emergency workers, who testified she had little or no soot on her and required no treatment for smoke inhalation or cuts she probably would have gotten from the window.

Court documents released after the verdict revealed that jurors got sidetracked in their deliberations yesterday morning. The jury foreman sent McCafferty a note saying that he felt "grave concern for me and my family's personal safety." He said he was in the same business - rebuilding burned-out homes - as the Garcias. He said "visual or physical" contact between his family and the Garcia family is "highly likely."

"It is my feeling as well as those of my fellow jurors that I be removed from the jury," the foreman wrote. Three of the other 11 jurors signed his letter.

The judge denied his request, writing, "We appreciate the jury having the perseverance to continue in your duty. You must continue to deliberate." She refused to allow Garcia's lawyers to question the jurors about the foreman's fears.

County Prosecutor William D. Mason said last night that the fear wasn't so overwhelming that it prevented jurors from reaching a verdict.

"I don't think it's a problem at all," he said. "If they didn't come to a verdict because they're scared, it could have been a problem. They were just a little intimidated."

Defense attorneys vowed to raise the issue of the jury's difficulties to the 8th Ohio District Court of Appeals. They told McCafferty yesterday that the foreman's comments about his fears were beyond the scope of what jurors are allowed to discuss.

Bell and Phillips said new evidence at the third trial helped convict Garcia. A second burn pattern on the stairway was determined to have been caused by a flammable liquid. The experts based that

conclusion on photos of the fire scene.

"This woman's guilt was clear to me from the first time I reviewed the evidence," Mason said. "That is why I made an unwavering commitment to this prosecution. The suffering and death of these two children demanded justice and today's verdicts courageously delivered justice."

## **Mother faces 3rd trial for girls' murder First 2 efforts ended in hung juries**

KARL TURNER

Publication Date: May 7, 2001

It has been nearly 18 months since the thick black smoke that filled their home literally choked the life out of Nyeemah Garcia and Nijah Evans.

Today, in a Cuyahoga County courtroom, prosecutors will set out on a third attempt to prove that the girls' mother, Angela Garcia, is responsible for the deaths of the girls, ages 3 and 2.

Garcia's first two trials ended in hung juries, meaning 12 jurors couldn't reach a unanimous verdict on the aggravated murder and aggravated arson charges. The first jury convicted Garcia of insurance fraud for making false claims regarding items she lost in the fire.

Prosecutors contend that Garcia, 24, set her Harvard Ave. house on fire Nov. 20, 1999, to kill her children and scam money from her insurance company. They say Garcia no longer wanted her children and had tried to give away custody so she could join the Navy or get married.

Garcia's lawyers, Thomas Shaughnessy and Mark Rudy, say the fire was an accident. They argued in the first two trials that prosecutors

can't prove how the fire started.

Shaughnessy and Rudy wanted the results of two polygraph tests Garcia passed about the fire admitted as evidence in each of the trials, but prosecutors objected. Polygraph results are only admissible in court under specific circumstances, such as when both sides agree they should be used.

County Prosecutor William D. Mason appointed new lawyers to handle the third trial. Richard A. Bell, head of the office's General Felony Unit, replaces Robert T. Glickman as the lead prosecutor. Aaron Phillips will assist Bell.

Bell has indicated he will bring in new witnesses, including former FBI profiler Gregg McCrary. McCrary, a world-renowned crime scene expert, probably will testify that "the crime and acts preceding the crime show that the motive for the crimes was an arson for profit with a staged explanation," according to court records.

McCrary testified for the state of Ohio in the Sam Sheppard civil trial last year and has helped police investigate homicides in Canada, Spain, France, Hungary and Germany.

Prosecutors also will introduce new evidence of what they say is a "liquid pour pattern" on the steps inside the burned-out house, calling two new fire experts in addition to the three who testified in the first two trials.

That would support testimony of Tonya Lanum, who met Garcia while both were in the County Jail. Lanum testified in the second trial that Garcia confessed in jail to setting two fires in the house. During the first two trials, prosecution experts pointed to the dining room floor as the ignition point of the fire.

Shaughnessy and Rudy have argued that prosecution experts concocted the pour pattern theory from looking at photographs and have pointed out that dogs trained to sniff out accelerants at fire scenes detected none at Garcia's house after the fire.

In the first two trials, Shaughnessy and Rudy called no witnesses and



instead relied on their cross-examination of prosecution witnesses. Neither would comment on their strategy for the upcoming trial.

Garcia's relatives remain steadfast in their belief that she is innocent. They have held several rallies outside the Justice Center supporting her and decrying the prosecutor's office for trying her a third time.

Mason said after the second trial that someone had to be held accountable for the deaths of Nyeemah and Nijah.

So this morning, McCafferty's bailiff, James Newman, will usher 60 county residents into court, from which 12 jurors will be called on to decide what 24 others couldn't - did Angela Garcia set the fire that killed her two young daughters?

## **No verdict a 2nd time in fatal fire Angela Garcia's next trial is set to begin March 5**

KARL TURNER

Publication Date: February 3, 2001

For the second time in five months, jurors have failed to decide whether Angela Garcia set the fire that killed her two young daughters.

Prosecutors immediately said they are not giving up, and the judge scheduled Garcia's third trial for March 5.

Garcia shed no tears and showed no joy as she left the courtroom of Cuyahoga County Common Pleas Judge Bridget M. McCafferty and headed back to the jail where she has spent the last 11 months.

"It beats losing," said Thomas E. Shaughnessy, one of Garcia's lawyers. "Two trials and we're still standing."

Garcia, 24, is charged with aggravated murder and aggravated arson in the Nov. 20, 1999, fire that prosecutors say she set to kill her two

daughters, Nyeemah Garcia, 3, and Nijah Evans, 2, in the family's home on Harvard Ave. in Cleveland.

Hung juries - panels of 12 jurors that cannot reach a unanimous decision on any verdict - are relatively rare in Cuyahoga County. Prosecutors said last year that about 4 percent of trials end with a hung jury.

Lewis Katz, a Case Western Reserve University Law School professor, said that trying Garcia a third time hinges largely on the prosecution's belief that Garcia is guilty.

"At a certain point, and I'm not sure it's now, you could make an argument that it's government overreaching," he said.

But that may not be until after three or four trials, he said.

"The state has authority to use all its resources over and over again," Katz said. "When to do it, is a really tough decision."

Shaughnessy and Garcia's other court-appointed lawyer, Mark Rudy, said they would be willing to talk with prosecutors about a plea bargain to avoid a third trial. Before the second trial, Garcia refused a deal in which she would have pleaded guilty to involuntary manslaughter.

Garcia has held steadfastly that she is innocent. She passed two lie detector tests before her first trial, Shaughnessy said. Her family and friends have stood behind her.

"I know my sister wouldn't do anything like that. It's frustrating to see them make her out to be some raging monster," said Carin Ingram. "She loved her kids. They loved the ground she walked on and she loved the ground they walked on. Her kids were her whole world."

The jury tried for five days to reach a verdict. The jury foreman sent two notes to the judge saying they were hopelessly deadlocked on all the charges. After the first note Thursday, McCafferty told the jurors to keep trying. The second note came at 11:45 a.m. yesterday. A few hours later, McCafferty declared a mistrial.

The racially mixed jury of six men and six women refused to disclose how many of them thought Garcia was guilty. But they said the breakdown didn't fall along racial lines as it did in the first trial.

The jurors told McCafferty they went over the testimony of each of the witnesses three times. They said that each time they voted, they came up deadlocked.

The jurors told the judge they were almost unanimous in their disdain for a jailhouse snitch who testified that Garcia confessed to the murder last Thanksgiving. They were also troubled by the testimony of Fire Capt. Richard Patton, who was grilled under cross-examination by Rudy.

But the jurors who thought Garcia was guilty questioned how she could jump through a second-floor bedroom window in the middle of a raging house fire and suffer no injuries, as she told investigators she did.

Prosecutors contend Garcia set the fire and walked out the front door, leaving the children to perish. They say she tried to give the children away to her sister before the fire.

In her first trial, prosecutors sought the death penalty but dropped that effort after the jury could not reach a verdict in September. They also dropped involuntary manslaughter charges, leaving the second set of jurors to choose between aggravated murder and murder.

"I think it is awfully sad that no one is crying out for justice for these victims," said Assistant County Prosecutor Robert Glickman. "We believe Angela Garcia set the fire that killed those children and she has to be held accountable."

Prosecutors have been unable in two trials to show how the fire started, and a trained dog failed to identify any accelerants at the fire scene.

"Obviously, there are some questions that no one has answers to," County Prosecutor William D. Mason said. "But the system demands

that someone be held accountable for the deaths of these children. You never know what the next jury will do. My prosecutors will present the evidence we have and let the jurors decide."

*Plain Dealer reporter Amanda Garrett contributed to this article.*

## **Mother admitted she set fire, snitch says**

Karl Turner

Publication Date: January 25, 2001

A jailhouse snitch testified yesterday that Angela Garcia confessed to setting the fire that killed her two young daughters.

Former inmate Tonya Lanum said Garcia told her: "I didn't mean to kill my kids. It was all a misunderstanding and it was supposed to be an insurance thing."

Garcia is being retried on charges of aggravated murder and arson in the Nov. 20, 1999, fire that killed her daughters, Nyeemah Garcia, 3, and Nijah Evans, 2. The first trial before Cuyahoga County Common Pleas Judge Bridget McCafferty ended in a hung jury on all charges except insurance fraud, for which Garcia was found guilty.

Lanum, 20, of Parma, did not testify at Garcia's first trial in September. She said yesterday that Garcia, 24, of Cleveland, first confessed to setting the fire last Thanksgiving while they were in Cuyahoga County Jail. She said Garcia felt sad and missed her daughters.

Garcia's lawyers, Thomas Shaughnessy and Mark Rudy, questioned Lanum's credibility and motive for coming forward with the alleged confession. Lanum did not tell authorities about the confession until this month and did so at the prompting of her husband, Timothy, who has acted as a government informer on three occasions.

The Lanums were jailed last fall for writing bad checks. Within days,

Timothy Lanum, 30, claimed that an accused murderer had confessed to him. Timothy Lanum testified against the man, but the trial ended in a hung jury.

Assistant Cuyahoga County Prosecutors Robert Glickman, Mary McGrath and Michael Sullivan said no deals were made to get Tonya Lanum to testify against Garcia.

Tonya Lanum pleaded guilty a month before she told authorities about Garcia's alleged confession. Two felony charges against her were reduced to a misdemeanor as part of her plea agreement. Less than a week after she told of the confession, she received a 60-day suspended sentence.

Timothy Lanum pleaded guilty to three felony theft charges and must serve at least six months in prison.

Cleveland Fire Capt. Richard Patton testified yesterday that the fire was intentionally set and that Garcia had lied about how she got out of the house. If Garcia had dived out of a second-floor window as she claimed, she would have had to step over one of her dying daughters, Patton said.

## **Second trial begins for mother of two killed by house fire**

KARL TURNER

Publication Date: January 19, 2001 Page: 4B

In an instant, Angela Garcia's blank stare turned into a cascade of tears during her aggravated murder retrial yesterday.

Garcia stared at the defense table as Cuyahoga County Assistant Prosecutor Robert Glickman accused her in his opening statement to jurors of killing her daughters in a house fire set to collect insurance money.

Then he said jurors should convict Garcia because her daughters, Nyeemah and Nijah, "can't be here to explain what their mother did that night."

As Mark Rudy, one of Garcia's lawyers, got her a tissue to dry her tears, her other lawyer rose to her defense. Thomas E. Shaughnessy accused prosecutors of starting with the premise that Garcia was guilty, then piecing together evidence to prove it.

"You have a number of statements, a number of factors," Shaughnessy said in his opening statement. "The evidence is going to show that they pick and choose the ones that fit their conclusion."

Two firefighters testified yesterday to entering Garcia's Harvard Ave. house Nov. 20, 1999, and searching for Nijah Evans, 2, and Nyeemah Garcia, 3, through pitch blackness and temperatures up to 1,000 degrees.

Garcia, 24, had left the burning house without the girls. Firefighter Timothy DeBarr found Nijah in an upstairs bedroom but she was in her final moments. Paramedic Marne Richards testified that she had shocked Nijah's heart three times with emergency equipment but the girl had succumbed to her injuries.

Firefighter John Hlatcky Jr. found Nyeemah tangled in the miniblinds by the bedroom window. She had died before she could get medical attention.

Prosecutors contend Garcia set the house on fire to collect on a \$40,000 renter's insurance policy. Daniel Curtin, an insurance property specialist, testified that Garcia was given initial payments totaling \$4,000 on the policy before she was indicted for murder, arson and insurance fraud.

Garcia was found guilty of insurance fraud in the first trial. She submitted claims of \$64,000 to the insurance company but didn't possess the items she said she had. The jury in the first trial could not agree on other charges, including murder and aggravated murder.

Despite the conviction and the remaining charges, Garcia's family has stood by her throughout the ordeal. Her mother, Lucy Garcia Ahmed, paced the hallways outside the courtroom yesterday. Ahmed may be called as a witness, so she can't sit in on the trial. She said it was hard for her to be so close to her daughter and not be able to touch her.

"It's been almost a year since I hugged her," Ahmed said. "She said all she wants to do is go to the cemetery so she can say goodbye to her girls." Garcia has been imprisoned for almost a year.

The trial resumes this morning before Common Pleas Judge Bridget M. McCafferty.

## **Selection of jurors under way for mother's 2nd murder trial**

**KARL TURNER**

Publication Date: January 17, 2001

Clutching a handwritten Arabic prayer, Angela Garcia waved and spoke a soft "Good afternoon" to the 50 people called to serve on the jury in her second aggravated murder trial yesterday.

Garcia's first trial ended in a mistrial last September after jurors couldn't agree on whether she should be held criminally responsible for the deaths of her daughters, Nyeemah Garcia, 3, and Nijah Evans, 2.

Prosecutors say Garcia set her house on Harvard Ave. in Cleveland on fire Nov. 20, 1999, to kill the girls because she didn't want to take care of them and so she could collect insurance money. The prosecutors sought the death penalty in the first trial but are not seeking it in the retrial.

Garcia, 24, has steadfastly maintained that the fire was an accident.

She refused a deal in which she would have been allowed to plead guilty to two counts of involuntary manslaughter. She would have faced up to 20 years in prison for the two charges.

Garcia was convicted of insurance fraud in the previous trial for filing a claim for items that weren't in the house at the time of the fire. She faces up to 18 months in prison for that conviction.

The first trial ended with eight jurors convinced that Garcia killed her daughters, three equally convinced she didn't and one undecided. The jurors in the first trial had heated debates over five days of deliberations about the facts in the case before giving up.

Jury selection in the new trial began yesterday in the courtroom of Cuyahoga County Common Pleas Judge Bridget M. McCafferty and will resume this morning. Testimony should begin today.

Garcia, who is Muslim, sat quietly with her lawyers as prospective jurors were questioned about their ability to be fair and impartial jurors. Many of the jurors had heard of the case but said they could put aside what they heard and be fair. McCafferty informed all of the prospective jurors that this was the second trial for Garcia.

## **BLACK JURORS INTRODUCE A DIFFERENCE OF OPINION CULTURE SENSITIVITIES CLASH IN COURTROOMS**

AMANDA GARRETT PLAIN DEALER REPORTER

Publication Date: September 17, 2000

It was the quietest juror on the panel who first decided that Angela Garcia, the woman on trial in the deaths of her two daughters, was a loving mother.



When prosecutors in the murder trial showed a photo of the girls smiling, the juror immediately noted the dozens of red and blue beads carefully woven into the toddlers' dark, curly hair.

It was a project that took many hours and unwavering patience, the juror argued, not the sort of tedious endeavor a mother would undertake if she didn't truly care for her kids.

Yet most of the woman's fellow jurors hadn't noticed the beads, or if they did, they didn't mention them.

They had heard prosecutors describe Garcia as a malevolent monster, and most believed the story was true.

Prosecutors contended that the 23-year-old Cleveland woman had grown weary of her daughters and that she burned down her house in a plot to cash in on an insurance policy, kill the girls and salvage whatever freedom she might have left in her own young life.

If convicted, Garcia could have been one of the few women ever sent to Ohio's death row.

But last week, a judge declared a mistrial in her case because the jurors - seven white, four black and one Hispanic - couldn't agree on a verdict.

Jurors at first declined to discuss the case. But as the days passed, four of them agreed to talk about their deliberations, all on condition of anonymity.

In the end, eight jurors believed Garcia was guilty of arson and murder. Three black women believed she was innocent. And one juror was undecided.

That jurors reached such different conclusions after hearing the same testimony and seeing the same evidence reflects the different lives lived by white suburbanites and black city dwellers, the jurors said.

"It was almost like we were coming from different planets on these things," one of the white jurors said.

Many defense attorneys and legal scholars say that such disagreements, many of which end in hung juries, are an increasingly common phenomenon. The reason, they argue, is that more blacks are serving as jurors.

A continuing study by the National Center for State Courts, a nonprofit Virginia think tank, shows that hung juries account for up to 25 percent of cases tried in some U.S. urban areas.

Case Western Reserve law professor Lewis Katz, along with many other court watchers, contends that black jurors are largely responsible.

"They simply don't accept a government official's word as being true, as many of their white counterparts may," said Katz, who is white. "It's a skepticism, and there's nothing more American than that."

Cleveland attorney Charles Patton, who is black, takes the same view.

"Suburbanites don't look at life the same way as inner-city minority residents look at it," he said.

Most thought her guilty

Nearly as soon as the Garcia jurors entered the jury room - on Wednesday, Sept. 6 - tension began to simmer.

After more than a week of testimony, they were eager to share their views. As they took their turns, it became clear that most thought Garcia was guilty - if not of murdering her kids, then at least of setting the fire in the house where they died.

But when it came time for the quietest juror to speak, a middle-aged black woman from the East Side, the tenor of the discussion changed.

She politely but defiantly said that Garcia was innocent.

"I just know in my heart that she didn't do it," she told her fellow jurors.

Several jurors recoiled in their chairs. Others looked puzzled. A few asked the woman how she could be so certain.

"What evidence do you have?" one white juror asked. "What hard, physical evidence? Knowing in your heart isn't good enough."

The quiet woman held out. But after 2 1/2 hours, she agreed with the 11 other jurors that Garcia was guilty of insurance fraud, the least serious of the 12 charges against her.

It was the last moment of unanimity. Over the next five days, two other black women declared their belief that Garcia was innocent of arson, murder and other charges.

Much of their reasoning was rooted in black culture, like the beads carefully woven into the girls' hair. The rest was rooted in a deep distrust of the government and its witnesses.

One juror, a white man, was overwhelmed with frustration.

"It's difficult to reason with someone who refuses to take any testimony as fact," he said. But he added that the black women's views were legitimate.

"When you're suspicious of the system, it's hard to function in it," he said.

Still, the verbal sparring grew loud and heated, repeatedly drawing the attention of sheriff's deputies, who stood outside the jury room door in case the fights turned physical.

That never happened, but by the time deliberations ended last Sunday, the foreman, a white Vietnam veteran, said he would rather have fought the war again than deliberate any further.

"I was glad to have met all of them," he said. "I respected them all for their opinion, but I never want to go through this again."

Bystanders said she sobbed

The fire at Angela Garcia's Harvard Avenue home broke out some time after 7 p.m. Nov. 20. The smoke and flames moved quickly from the downstairs, where the fire started, to the upstairs. Garcia said later she was in the upstairs bathroom, and her two girls, Nyeemah Garcia, 3, and Nijah Evans, 2, were in a nearby bedroom.

When firefighters arrived, Angela Garcia was standing outside with her neighbors. Some bystanders later testified that she was sobbing, others that she was eerily calm.

The children were found in the bedroom, Nijah on one side of a bed, Nyeemah on the other, a Venetian blind from a nearby window melted to her tiny arm.

Prosecutors contended that Garcia, whose family owns a business that rebuilds burned-out buildings, set the fire downstairs. They built their case around these points:

In the months leading up the fire, Garcia tried unsuccessfully to give custody of the girls to her sister so she could get married or enter the Navy.

Garcia told conflicting stories about how she escaped. The one most frequently told was that she kicked out a second-story window, jumped onto a porch and leaped to the ground - all without suffering so much as a scratch

Garcia had suggested that an accidentally overturned candle started the fire, but scientific tests and arson investigators testified that the fire could not have started this way.

The jurors who wanted to convict Garcia rested comfortably on this evidence.

But the black women dismissed all of it. They interpreted the evidence this way:

Garcia's attempt to turn over custody of her children was an admirable gesture showing she was willing to make a temporary sacrifice to better all their lives.

Garcia's stories about how she escaped were bound to change because she had been through such a traumatic incident. Moreover, the women said, they knew people who had had similar falls without being injured.

The scientific tests, along with the testimony of investigators, could not be trusted since the tests were paid for by the prosecution. Firefighters, they added, have a reputation for racism.

The jurors went over dozens of scenarios of how events could have unfolded. They played role-reversal games where jurors who actually believed Garcia was innocent took the opposite position, and vice versa. They argued, they cried, they pouted.

Nothing worked. The cultural gap was too great.

"How could they understand what was going on in this case?" one of the black women jurors said of her white colleagues. "Some of these people didn't even know what a security door was. How do you explain your whole life to someone like that? It was impossible."

The evidence has to stick

What happened in Garcia's case is happening everywhere in the United States, Katz said. Sometimes black jurors refuse to convict simply because they don't agree with the law, especially in nonviolent, low-level drug cases.

Other times, as in the Garcia case, it's because black jurors either don't believe the evidence or disagree with its interpretation.

The most widely known example of this, perhaps, is the O.J. Simpson criminal case in which the jury, and many black people across the country, believed and still believe that the football legend had been set up by police.

Patton, the Cleveland attorney, cites the famous photo taken during the Elian Gonzalez custody dispute. The picture shows a heavily armed federal agent seizing the boy from the Miami home of his relatives.

"The majority of people interviewed on the nightly news were outraged," Patton said. "But I was in a Cleveland restaurant the next day, and the black folks there were saying (scenes like that) happened around there every day. Things like this come into play in a jury room."

Nationally, hung jury rates fluctuate wildly by region. In parts of California, up to 25 percent of criminal trials end in hung juries. In Cuyahoga County, over the past 18 months, only 4 percent do.

Until recently, no one has ever studied the reasons behind the rates, or what causes juries to hang.

Paula Hannaford, a research analyst at the National Center for State Courts, said preliminary results from a continuing study point to several factors, including how strong the case evidence is and how the life experiences of the jurors differ.

Serious culture clashes

By last Sunday morning, jurors had spent four days in fruitless argument. One was so frustrated that he began working on a crossword puzzle. Another juror played a portable video game.

Jurors had sent notes to Judge Bridget McCafferty telling her they were hopelessly deadlocked, but she urged them to keep at it. They sent her another note, asking that they be allowed to stop deliberating long enough to go to church.

The judge agreed. Deputies escorted six jurors to the Old Stone Church, a block from the Justice Center. "What A Friend We Have in Jesus" was echoing as they filed into a pew.

Among the group were the three black women convinced of Garcia's innocence and a Hispanic man convinced of her guilt. The sermon

was about the afflictions of Job, and the preacher spoke of determination and decision-making.

The quiet woman cried throughout.

Shortly after the group returned to deliberations, the judge declared a mistrial.

Garcia is expected to stand trial again early next year. Prosecutors have said they are no longer seeking the death penalty.

The quiet woman said her prayer now is the same she said at the Old Stone Church that day.

"I prayed to God for help," she said. "Please just let fairness and truth prevail."

## **ARSON CASE ENDS IN MISTRIAL**

JAMES EWINGER PLAIN DEALER REPORTER

Publication Date: September 11, 2000

An angry, disagreeable Cuyahoga County jury could not reach decisions on most of the charges against Angela Garcia last night, resulting in a mistrial after five days of grueling deliberations.

However, jurors said later that they were 11-1 in favor of acquitting Garcia on the aggravated murder and murder charges that could have resulted in a death sentence for the 24-year-old Cleveland woman.

Prosecutors contend that Garcia killed daughters Nijah Evans, 2, and Nyeemah Garcia, 3, by burning down her Harvard Ave. house to obtain insurance money.

Assistant County Prosecutor Robert Glickman said the state plans to retry Garcia.

The jury could reach agreement only on a count of insurance fraud, finding that she filed a claim for items that were not in the house during the Nov. 20 fire.

Jurors sent word to Common Pleas Judge Bridget McCafferty Friday night that they had reached a decision on that count, but told her over the weekend that they were deadlocked on the other charges.

Twice, the judge read what is called the Howard charge, a formal statement urging the jurors to work together because the evidence they had was as good as it was going to get and another jury would be no more likely to reach a decision.

But their loud voices frequently could be heard in the southeastern corner of the Justice Center's 21st floor where they deliberated. Three times, a sheriff's deputy had to restore calm.

Thomas E. Shaughnessy, one of Garcia's attorneys, said the length and harsh tone of the deliberations were highly unusual, even among relatively rare capital murder trials.

By yesterday afternoon, Shaughnessy was asking the judge to declare a mistrial because of the stalemate. "This isn't justice anymore," he said. "It's turned into Survivor.' "

The jurors were in such passionate disagreement that at one point, they could not even agree on what kind of note to send out to McCafferty, so they sent her two - one signed by five jurors and the other by three.

The theme of both missives was that they could not agree on verdicts, one note declaring that jurors could not go on, the other suggesting they could go on if they got a break for the night.

An earlier note yesterday told the judge that "the jurors are emotionally and physically drained. Deliberations have deteriorated to include personal attacks." Another one complained that a specific juror was refusing to deliberate.

The jury of seven men and five women had been sequestered at a



Westlake hotel since final arguments Wednesday.

Altogether, they had to consider 12 charges - four aggravated murder counts, two claiming that Garcia killed two children under the age of 13, and two that she killed during commission of the arson. There also were two murder counts accusing her of causing the deaths as the proximate result of the arson.

The panel also could have chosen two counts of involuntary manslaughter alleging that Garcia unintentionally killed her children during an arson.

Then there were three arson charges, one for each child and one for the house.

Jurors - all of whom asked not to be named - said last night that they were almost evenly divided on the arson and manslaughter charges.

One said the consensus was that "she didn't start the fire to kill her children."

Another juror said, "The issue all boiled down to: Did Angela start the fire?" Many jurors said they wanted more information on how the fire started. Prosecutors' only definitive statement was that it was intentionally set, but they could not specify how.

Shaughnessy and defense attorney Mark Rudy said Garcia did not set the fire at all, and said she passed two polygraph tests supporting that claim.

McCafferty did not allow the polygraph results into the trial, and jurors said they had no memory of news reports about them.

Glickman and Assistant County Prosecutors Michael Sullivan and Mary McGrath did not say whether they would continue to seek a death sentence for Garcia.

The odds are against Garcia getting a death sentence: Of 316 people executed here since 1897, only three were women, the last two dying in 1954.

# DEFENSE RESTS IN MOTHER'S TRIAL IN FIRE DEATHS

JAMES EWINGER PLAIN DEALER REPORTER

Publication Date: September 6, 2000

Angela Garcia's defense rested yesterday without presenting a single witness on behalf of the woman accused of killing her daughters in an arson for profit.

Ralph Dolence , a private fire investigator called as the prosecution's final witness, said the Nov. 20 fire was intentionally set. He said it was not caused by a candle, as the defendant claimed to investigators.

Prosecutors contend that Garcia killed Nijah Evans, 2, and Nyeemah Garcia, 3, by setting the family's Harvard Ave. house on fire to obtain insurance money. She filed a claim for \$40,000, but she did not collect.

Cuyahoga County Common Pleas Court jurors heard from two expert witnesses who called it an arson and a host of other witnesses who contradicted one another about Garcia's demeanor and appearance around the time of the fire.

Judge Bridget McCafferty set final arguments for this morning and advised jurors to bring extra clothes because they will be sequestered once deliberations begin.

If convicted on all counts, Garcia could become the first Ohio woman in decades to receive a death sentence. Only three women have been executed since 1897. Currently about 200 men await execution in Ohio, with only one carried out since 1981.

But to get to that, the jury must first consider whether the state has

proven Garcia guilty. Arrayed before the panel are charges of aggravated murder, murder and involuntary manslaughter, providing a descending scale of homicide offenses that could lead to a conviction without a death sentence.

In the event of a conviction on all counts, McCafferty would bring the same jurors back for a second hearing that is a mini-trial with the sole purpose of considering punishment.

And there, defense lawyers Thomas E. Shaughnessy and Mark Rudy say they may have a chance to tell about the two lie-detector tests Garcia passed, one administered by a Lakewood police sergeant.

Prosecutors Robert Glickman, Michael Sullivan and Mary McGrath have fought successfully to keep the results of the tests out of the main trial.

## **WITNESS: FATAL FIRE INTENTIONALLY SET**

JAMES EWINGER PLAIN DEALER REPORTER

Publication Date: September 2, 2000

Prosecutors yesterday presented potent witnesses who characterized Angela Garcia as deceptive and the Nov. 20 fire that killed her children as intentionally set.

Garcia, 24, is accused of torching her home on Harvard Ave. in Cleveland for insurance money and to rid herself of daughters Nijah Evans, 2, and Nyeemah Garcia, 3. She faces a death sentence if convicted on all counts.

Ralph Dolence, a former firefighter now working as a private fire investigator, testified yesterday in Cuyahoga County Common Pleas Court that the fire started in Garcia's living room and was intentional. He said that there was evidence of some large fuel source at the fire's point of origin and that this caused the fire to burn through the floor into the basement.

But Dolence said a candle could have caused the fire. Cleveland firefighters initially thought that was the cause, and Garcia has said she believes that to be the fire's source.

Dolence also said that Garcia could not have escaped from the upstairs bedroom window as she has claimed. He said she received no injury that would have been consistent with a leap through shards of glass, followed by a tumble down a roof and onto the ground.

Dolence's testimony supported the analysis of Cleveland fire Capt. Richard Patton, who testified throughout the morning.

Dolence's testimony was the last heard by jurors before they went off to a three-day weekend. Defense attorneys did not have a chance to cross-examine him.

Common Pleas Judge Bridget McCafferty turned down another request from defense lawyers yesterday to admit Garcia's polygraph tests, or at least some mention of them.

The defense says she passed two tests, one administered by a Lakewood police sergeant. And they have offered to have her take a third test.

The argument and testimony capped a generally lackluster week for the state in which witnesses appeared to contradict one another about Garcia's demeanor and concern for her children at the time of the fire.

Some described her as coolly indifferent to her children's horrible fate; others said she was convulsed in emotional agony. And they disagreed about whether she was sooty or relatively clean after claiming to have escaped the blaze.

Testimony resumes Tuesday.

# TESTIMONY DISMISSED IN MURDER-ARSON TRIAL

JAMES EWINGER PLAIN DEALER REPORTER

Publication Date: September 1, 2000

The capital murder trial of Angela Garcia was delayed yesterday after defense lawyers accused prosecutors of misconduct for springing new evidence on them in midtrial.

Defense lawyer Thomas E. Shaughnessy said that prosecutors had already presented 25 witnesses when the evidence was revealed late Wednesday. He called for a mistrial.

At issue were numerous statements that Garcia made to Cleveland Fire Capt. Richard L. Patton on Nov. 20, the night her two children perished in a Harvard Ave. house fire.

Garcia is accused of setting the fire to get rid of the children and collect insurance money. Killed were 2-year-old Nijah Evans and 3-year-old Nyeemah Garcia.

Shaughnessy told Cuyahoga County Common Pleas Judge Bridget M. McCafferty that the new evidence was "an ambush." He said it was highly suspicious that Patton should recall the statements eight months after he heard them, even though they were not noted in any document or report.

The judge refused to end the trial, but told prosecutors that they could not bring up the new statements in front of jurors.

Assistant County Prosecutor Robert Glickman said there was no intention to deceive Garcia's lawyers, and that he notified them as soon as he learned of the statements.

The new information included possible inconsistencies about whether the fire started with a candle, how Garcia knew that, and whether she

had a tablecloth near the fire's source.

The judge gave prosecutors one wish, however, when she said they did not have to tell the jury about Garcia and polygraph tests.

Shaughnessy and co-counsel Mark Rudy say that Garcia passed two such tests, one administered by a Lakewood police sergeant. Shaughnessy said he offered to have Garcia take a third test on Wednesday, but prosecutors were not interested.

Thus far, jurors have heard conflicting statements about Garcia's concern for her children, her demeanor during and after the fire, and her actions before and during the blaze.

Some testimony held that she was sooty, disheveled and hysterical at the loss of her children. Other witnesses said she did not appear to have been in the fire, and was cool and indifferent even as her children were dying.

Because no one claims to have seen Garcia set the fire, prosecutors have to rely on circumstantial evidence from which jurors might draw conclusions.

Prosecutors are seeking a death sentence for the 24-year-old Garcia.

## **PROSECUTION REBUTTED IN FATAL FIRE CASE**

JAMES EWINGER PLAIN DEALER REPORTER

Publication Date: August 30, 2000

The state called four witnesses against Angela Garcia yesterday but appeared to make little headway in her aggravated murder trial.

Garcia, 24, is accused of setting a Nov. 20 fire that killed her children, Nijah Evans, 2, and Nyeemah Garcia, 3, at her Harvard Ave. home.

Assistant County Prosecutor Michael Sullivan said in his opening statement Monday that Garcia's motive was greed because she swiftly filed an insurance claim after the fire and showed little remorse.

But Dr. Thomas Lukens, an emergency physician at MetroHealth Medical Center, testified yesterday that when he tried to revive Nijah Evans at the hospital he saw Garcia and "she appeared to be appropriately upset with what was going on" and she was crying.

Prosecutors also contend that Garcia took some of the more valuable items out of her house before the fire, suggesting that she intended to set the blaze and defraud her insurance company.

James Smith, one of Garcia's neighbors, testified that he saw people taking large things from the home, including a washer, dryer, furnace and hot-water heater. But he admitted that it was possible the items were merely being replaced and said he did not monitor all of the traffic at the house.

Prosecutors Sullivan, Robert Glickman and Mary McGrath also maintain that Garcia's home security alarm was tampered with just before the Nov. 20 fire, suggesting a plan to burn the house down.

Mark Oaklief, a regional service manager for the ADT alarm company, said his firm got a signal from Garcia's alarm that it had been tampered with.

He said Garcia had an intrusion alarm but it was not equipped as a fire alarm. He also said it was a simple system that could not distinguish intentional tampering from an accident.

Oaklief said fire damage would be sufficient to trigger the tamper signal. Defense lawyers contend that the alarm system shut down at a time consistent with Garcia's story to police and arson investigators.

Defense attorneys Mark Rudy and Thomas E. Shaughnessy say Garcia has passed two lie-detector tests, supporting her claims of innocence.

# **MOM HEARS OTHERS DESCRIBE FATAL FIRE**

JAMES EWINGER PLAIN DEALER REPORTER

Publication Date: August 29, 2000

Angela Garcia spent yesterday listening to strangers describe how her two little girls died in a November house fire.

A dozen other strangers on a Cuyahoga County Common Pleas jury will decide later if she should die for setting the fire in her Harvard Ave. home.

Defense lawyers said in their opening statement at her trial yesterday that Garcia was a good, caring mother who lost the children to a tragic accident.

Prosecutors said she was a cold, greedy schemer who wanted to be rid of the children one way or another.

Garcia, 24, has been held without bond since February, when she was indicted in the deaths of her children, 2-year-old Nijah Evans and 3-year-old Nyeemah Garcia.

Assistant County Prosecutor Robert Glickman said in his opening statement that she showed no grief or any other emotion after the fire, and that she began to socialize freely soon after. He said she even tried to cash in on the children's deaths within weeks by filing an insurance claim.

Glickman promised jurors that they would hear exactly how the fire started, and should conclude that Garcia set it because of inconsistencies in her statements about the fire, and the fact that she took out insurance policies on her home and her children's lives before the fire.



Glickman and prosecutors Mary McGrath and Michael Sullivan yesterday paraded numerous firefighters, emergency medical technicians and arson investigators before jurors.

One by one, the prosecution witnesses added pieces of the mosaic, which is largely circumstantial.

Firefighter Tim DeBarr, for example, described how he found one of the children on the floor of a smoke-blackened upstairs bedroom. Despite the smoke and flames, he pulled off his oxygen mask and gave the little child what he described as "a rescue breath" as he rushed downstairs to waiting EMS medics.

DeBarr said another firefighter found the second child tangled in the cords of a bedroom window blind.

Because yesterday was the beginning of the state's case, defense lawyers Mark Rudy and Thomas E. Shaughnessy spent their time challenging the witnesses.

The big thing they want jurors to hear may not come in until after the panel decides Garcia's guilt or innocence: The lawyers have said that she passed not one, but two, lie-detector tests.

Prosecutors have said the tests are not reliable.

The defense may be able to get the results before the jury, however, if the jury finds Garcia guilty and reconvenes to decide on a possible death sentence.

## **MOTHER ACCUSED OF MURDER DENIED BOND**

AMANDA GARRETT PLAIN DEALER REPORTER

Publication Date: June 9, 2000

Prosecutors say that a woman charged with killing her two young children had tried to give the kids to her sister before they died in a Cleveland house fire last fall.

The new allegation surfaced yesterday when Angela Garcia's lawyers asked a judge to set a low bond - \$25,000 - in their client's capital murder case. She is being held without bond in Cuyahoga County Jail.

Garcia's lawyers argued that prosecutors had offered no evidence of their client's guilt since her arrest in February. Further, they submitted the results of two lie detector tests that they contend show her innocence.

But Assistant County Prosecutor Carmen Marino argued that lie-detector tests are unreliable and that Garcia, 24, was now a flight risk since she had no children to hold her here.

He said that Garcia, who has always lived in Cleveland, once had tried to transfer custody of her children to her sister so she could run away with a boyfriend.

Prosecutors contend that Garcia later killed Nijah Evans, 2, and Nyeemah Garcia, 3, by setting the family's Harvard Ave. house on fire to obtain insurance money.

Now "she has no children ... she has no money," Marino said. "There is nothing to keep her here."

Judge Bridget M. McCafferty agreed, saying she feared Garcia would disappear before her August trial date.

"That's just a chance this court cannot take," she said. McCafferty then refused to set a bond.

After the hearing, Garcia's family expressed outrage and disappointment.

"Unbelievable," said Garcia's father, Ibrahim Ahmad.

Marino twisted the story about his daughter's plans to leave her children, he said. She briefly considered leaving her children with her sister so she could join the armed forces, Ahmad said, but she changed her mind after the rest of her family disapproved.

"She's passed two lie-detector tests, there are no eyewitnesses in the case, they have nothing," Ahmad said. "We thought we'd be taking her home today."

## **MOTHER INDICTED IN TOTS' FIERY DEATHS NEIGHBOR DESCRIBES NIGHT OF HORROR**

KARIN SCHOLZ and MICHAEL SANGIACOMO PLAIN DEALER  
REPORTERS

Publication Date: February 24, 2000

Penny Brandon said she was not surprised to learn that her neighbor Angela Garcia had been accused of setting the fire that killed Garcia's two toddlers.

"I knew something was not right that night," Brandon said yesterday after Garcia was indicted on aggravated murder and related charges.

Garcia, 23, was charged in the Nov. 20 fire that killed her two children, Nijah Evans, 2, and Nyeemah Garcia, 3. The children succumbed to smoke inhalation in a fire at their home in the 9600 block of Harvard Ave.

"She came running over here, telling us to call the Fire Department, that her babies were inside," Brandon said. "My sister (Shirley Brandon) and a man who stopped his car to help tried to get into the front door, but all the doors were locked. That woman was yelling and rolling around on the ground and crying, but I noticed two things: She did not try to get in the house and even though she was crying, there were no tears.

"I said to her, You killed your babies," Brandon said.

Sheriff's deputies arrested Garcia yesterday afternoon at her parents' home on Taft Ave. in Bedford, said Chief Deputy Daniel W. Pukach. In addition to aggravated murder, the 12-count indictment includes charges of involuntary manslaughter, aggravated arson and insurance fraud.

"This is the most twisted and depraved type of crime we prosecute: a mother who kills her own children," said Cuyahoga County Prosecutor William D. Mason. "She will be held responsible for her grisly act."

A spokesman for Mason said the office would seek the death penalty.

Garcia was working for a company her father owns, Sabur Builders, which renovates fire-damaged houses, said Assistant County Prosecutor Robert Glickman.

A woman who identified herself as Garcia's sister yesterday said the family had no comment.

Authorities said they believed Garcia made up the story that she smelled smoke while in the bathroom on the evening of Nov. 20 and leaped to safety from a second-story porch. She said she rushed to a neighbor's house to call 9-1-1, and then she and the neighbor returned to the home but could not get inside.

The fire spread so quickly that rescue workers, who arrived within moments of the 7:30 p.m. call, could not reach the children.

"It's a very helpless feeling because the outcome was determined before we got here," Assistant Fire Chief David McNeilly said that night. "I can't imagine what the family is going through."

The real story, authorities allege, is that Garcia started the fire on the first floor and then escaped. Glickman said he could not comment further about how the blaze began.

Brandon and her mother, Emma Lukerson, said they were also suspicious the night of the fire when Garcia said she jumped out of a window to escape the flames.

"I wondered how she could have left the building without her children," said Brandon. "Why didn't she just pick them up? And why were all the doors locked from the inside?"

Glickman said Garcia did not cooperate with arson investigators, although she did provide a statement to her insurance company when she filed a claim for \$40,000. That statement was the basis of the charge of insurance fraud, authorities said.

She had not collected on the claim.

After the fire, Garcia moved into an apartment in Bedford with her fiance, Glickman said.

Garcia is to be arraigned in Cuyahoga County Common Pleas Court on Friday.

## **TWO GIRLS DIE IN HOUSE FIRE ON EAST SIDE**

DAVE DAVIS PLAIN DEALER REPORTER

Publication Date: November 21, 1999

Two sisters, 2 and 3 years old, died last night after fire struck their home on Cleveland's East Side.

Nyeemah Garcia, 3, and Nijah Evans, 2, of the 9600 block of Harvard Ave., both suffered smoke inhalation and burns, a MetroHealth Medical Center spokeswoman said.

Assistant Fire Chief David McNeilly said that the call came in about

7:30 p.m. but that there was little firefighters could do when they arrived.

"The fire spread very quickly," he said.

"It's a very helpless feeling because the outcome was determined before we got here," he said. "I can't imagine what the family is going through."

He said the girls were in an upstairs bedroom and were found quickly.

The girls' mother, Angela Garcia, told him she was in an upstairs bathroom when she smelled smoke.

She escaped out a second-floor window onto a porch roof and slid down to the ground, he said.

She ran next door to call 9-1-1 and went back to the house to get the girls and put out the fire but could not get back inside.

When firefighters arrived she told them the girls were on the second floor. "She was pretty hysterical," McNeilly said.

He said no one else was in the house.

McNeilly would not comment on the cause of the fire or where it began, saying it was under investigation.

He said both the first and second floors of the house were damaged and that the fire had burst through the roof at the front of the house. He said the house was a total loss and valued it at \$50,000. He said the house next door sustained \$5,000 of exterior damage.