In a Houston Chronicle article on the Houston day care operator who fled to Nigeria, Professor Paust points out that the U.S. And Nigeria have an extradition treaty.

Woman charged in day care fire has fled to Nigeria

By LINDSAY WISE and TERRI LANGFORD

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A woman charged in connection with a fire that killed four children last week at a Houston day care has fled the country and is now in Nigeria, Houston Fire Department officials said Monday.

HFD has requested the assistance of the U.S. Marshals Service to locate the day care’s operator, Jessica Rene Tata, 22, and return her to the U.S., said Assistant Fire Chief Lisa Campbell.

A law enforcement official who did not want to be identified said Tata left the U.S. for Nigeria on a Delta flight from Atlanta on Saturday night, about 24 hours before she was charged with recklessly injuring a child.

"How in the hell did they let this happen?" asked a furious Tracy Storms, grandmother of 3-year-old Shomari Leon Dickerson, who died in the fire. "She killed four children. That was enough to keep her in custody. She was negligent for seven children and she killed four. This is ridiculous."

Seven children were in Tata’s care at the home-based day care she operated in west Houston when a fire broke out Thursday. Four of the children died. Two are being treated at Shriners Hospital for Children-Galveston in critical but stable condition.

Investigators believe the fire started on top of the electric stove in the kitchen, where a pot filled with oil had been left unattended, according to court documents. The documents allege that Tata had left the children without any adult supervision at the time.
The charge Tata faces is a second-degree felony punishable by a maximum of 20 years in prison. Bond was set at $500,000.

Campbell explained that arson investigators have full police power to make arrests within the department’s jurisdiction, but HFD did not receive a signed warrant until Monday afternoon, two days after Tata reportedly left Texas en route to Nigeria.

Arson investigators first brought what they thought was convincing evidence to the DA’s office on Friday morning: in-store video showing Tata at a nearby Target, shopping at the time of the Thursday fire. They also had two eyewitnesses say Tata drove up to the day care, when it was already on fire.

But the DA’s office told HFD to keep investigating, said Fire Marshal Richard Galvan, who oversees HFD’s arson investigation division.

Jumping through 'hoops'

Arson investigators returned Friday afternoon, Saturday and then on Sunday, when charges were finally filed by the DA’s office. By that time, Tata was gone.

"This is the first time I’ve experienced the hoops I had to go through with the DA," said Galvan.

Campbell said she’s sure the department will review policies and procedures in the wake of Tata’s escape.

"The biggest room is room for improvement, so we’re always re-examining our policies and procedures," she said. "We’re going to be having a discussion (Tuesday) and we’re probably going to be looking at the case closer and trying to get our arms around what’s happened and what’s going to be happening moving forward."

Donna Hawkins, spokeswoman for the DA’s office, said in a written statement that an arson investigator swore in affidavit required to seek a criminal charge on Sunday at 9:49 p.m.
"Subsequently, it was presented to a magistrate who found the affidavit insufficient," the statement said Monday. "Further information was requested from the Arson Division, and today a new affidavit was drafted and presented which was signed by a magistrate."

Later Monday, Hawkins said in an interview, "the state had to establish there were no other employees or adults on site at the time the defendant left the residence."

Alfredo Perez, a spokesman for the U.S. Marshals Service in Houston, said Tata’s case was turned over to the federal agency Monday afternoon by HFD investigators.

"We’re looking for her," Perez said. "We’re actively working this case as a fugitive investigation."

Jordan J. Paust, a University of Houston Law Center professor, said the U.S. and Nigeria have an extradition treaty. It was unclear Monday night how that treaty may apply in Tata’s case.

Pot of oil blamed

Charging documents released Monday quote an arson investigator, T. Wood, who said the fire started on top of the stove in the kitchen, where a pot containing oil had been left unattended on the burner.

Two witnesses reportedly saw Tata drive up to the residence in the 2800 block of Crest Park and "within seconds" they heard her screaming and saw smoke coming from inside the building, the documents say. The witnesses said Tata was the only adult or employee at the day care at the time.

In addition to Shomari, 3, of Houston, the children killed in the fire were Elizabeth Kajoh, 19 months, of Cypress; Kendyll Stradford, 20 months, of Katy; and Elias Castillo, 16 months, of Houston.

Chronicle reporters Brian Rogers, Susan Carroll and Jessica Faz contributed to this report.
lindsay.wise@chron.com

terri.langford@chron.com