

Robbins Curtin Millea & Showalter, LLC
Law Offices of Joel B. Robbins, PLLC
301 E. Bethany Home Road, Suite B-100
Phoenix, AZ 85012
(602) 400-4400 phone
(602) 265-0267 fax

June 25, 2025

Sheriff Gerard "Jerry" Sheridan
Maricopa County Sheriff's Office
550 W. Jackson
Phoenix, AZ 85003

Ms. Juanita Garza
Maricopa County Clerk of the Board
301 W. Jefferson, 10th Fl.
Phoenix, AZ 85003

Detention Officer Vesna Djurovic
Maricopa County Sheriff's Office
550 W. Jackson
Phoenix, AZ 85003

Re: Darshaquise Small Duran; DOB 8/29/1996; DOD 1/2/2025

**NOTICE OF CLAIM
Pursuant to A.R.S. § 12-821.01**

Greetings:

This notice of claim is being submitted on behalf of Thelma Duran and Olandie Small ("Claimants"), the parents of Darshaquise Small Duran, who died on January 2, 2025, while in the custody of the Maricopa County Sheriff's Office. Darshaquise was 28 years old at the time of his death. Although his passing occurred outside of the facility, the events that caused his death occurred within the jail, and he was still in custody at the time of his death.

Darshaquise's death is the result of the negligence, gross negligence, and fault of MCSO employees. The Sheriff has a nondelegable duty for the care, custody, and control of inmates within the Maricopa County jail system, including protecting inmates from violent assault by other inmates. The Sheriff is responsible for the acts and omissions of MCSO employees acting within the scope and course of their employment and is responsible for the actions of non-public employees acting on his behalf. The County is included in this notice of claim to the extent that individual employees may be employees of the County or a division or department of the County.

The purpose of this notice of claim is to provide the County and the Sheriff with "facts sufficient to permit [them] to understand the basis on which liability is claimed" and "a specific amount for which the claim can be settled and the facts supporting that amount." See A.R.S. § 12-821.01.

This notice of claim is being presented based upon the information currently available to the Claimants. Substantially, all of the facts surrounding Darshaquise's death are within the control of the Sheriff, the County, and its investigators. In the event that any portion of this notice is read to a jury, fairness dictates that the entire notice be read to the jury.

I. Factual Background

On December 29, 2024, at approximately 1844 hours, while conducting a headcount at the Fourth Avenue Jail in Housing Unit 3B, Detention Officer Guerrero observed Muhammad Toure standing over Darshaquise Small Duran in cell 20, with Darshaquise's head submerged in the toilet with what appeared to be a torn-up sheet around his neck. Once Toure was secured, Officer Guerrero lifted Darshaquise's head out of the toilet. Darshaquise was not breathing and had no pulse. His face was covered in blood. Staff performed CPR until Phoenix Fire personnel took over. Darshaquise was transported to Banner University Medical Center, where he died on January 2, 2025. Darshaquise was 5'5" and weighed 132 pounds; Toure was 5'11" and weighed 152 pounds.

The MCSO was well aware of Muhammad Toure's violent tendencies. For instance, on December 4, 2023, while in the MCSO jail, Toure committed aggravated assault with a dangerous weapon by grabbing his cellmate from behind, choking him unconscious, and then striking him on the head with a food tray. The inmate suffered severe injuries, including multiple facial fractures and lacerations to his face and head.

Additionally, on September 1, 2024, Toure was booked into the MCSO jail on charges of probation violation. While he was being booked in, he committed and was charged with aggravated assault on a police officer and resisting arrest.

On the day in question, MCSO Detention Officer Vesna Djurovic was a "rover" between housing 3B and 3E. According to Inmate McDonald, who was housed next door in cell 19, he heard someone from cell 20 call out, "DO, DO"— the abbreviation for "detention officer" during Djurovic's security walk. Inmate McDonald said he was able to see into cell 20 from the reflection of the glass from the opposing pod windows, and believed he saw Toure grab Darshaquise from behind, take him down, and proceed to stomp on him. At that time, Inmate McDonald began pressing the emergency button on the back of his cell, but no one responded to the emergency call.

Inmate Felder, also housed in cell 19, said that he heard one of the inmates in 20 "plead for his life" and tried to get the attention of the female detention officer.

Inmate Howser, located in cell 21, stated he heard Darshaquise press the call button at approximately 1730 hours, and request to be removed from the cell. As Officer Djurovic was passing cell 20, Howser overheard Darshaquise call out to her. Howser stated that Officer Djurovic told Darshaquise that she was doing her last walk and needed to keep moving. Howser stated he heard the initial commotion before she arrived and another scuffle after she left the pod. He estimated the fight lasted 30-40 minutes.

After Darshaquise's death, DO Djurovic admitted being advised that there was a problem in Darshaquise's cell during her final walk. DO Djurovic told an investigator that in response to learning of the issue, she stopped at Darshaquise's cell and spoke with the inmates and determined that both inmates in the cell were safe and not in need of any assistance. That statement was false, as the video shows that DO Djurovic did not stop to check on Darshaquise during her final walk.

Sheriff Sheridan has a nondelegable duty of care, custody, and control of inmates within the Maricopa County jail. The jail's nondelegable duty includes protecting inmates from inmate-on-inmate violence. *See, e.g., Wiggs v. City of Phoenix*, 198 Ariz. 367, 370, 10 P.3d 625, 628 (2000). The claims in this notice are based upon negligence and gross negligence in breaching these fundamental duties.

II. Damages

This claim is brought pursuant to A.R.S. § 12-611, which provides:

When death of a person is caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, then, and in every such case, the person who or the corporation which would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death was caused under such circumstances as amount in law to murder in the first or second degree or manslaughter.

A.R.S. § 12-611.

The measure of damages is found in A.R.S. § 12-613:

In an action for wrongful death, the jury shall give such damages as it deems fair and just with reference to the injury resulting from the death to the surviving parties who may be entitled to recover, and also having regard to the mitigating or aggravating circumstances attending the wrongful act, neglect or default. The amount recovered in such action shall not be subject to debts or liabilities of the deceased, unless the action is brought on behalf of the decedent's estate.

A.R.S. § 12-613.

Although each Claimant had a different relationship with Mr. Small Duran, each has sustained a compensable loss, and is entitled to the full amount of money that will reasonably and fairly compensate them for the loss of love, affection, companionship, care, protection, and guidance, and the pain, grief, sorrow, anguish, stress, shock, and mental suffering from the loss. There is no threshold test for the quantum of love and affection that must be met in order to recover for the wrongful death of a loved one.

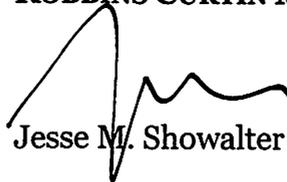
III. Sum Certain

Pursuant to A.R.S. § 12-821.01, Thelma Duran offers to settle her claims for the death of her son for the sum certain of Five Million Dollars (\$5,000,000.00). Olandie Small offers to settle his claims for the death of his son for the sum certain of Five Million Dollars (\$5,000,000.00).

As required by statute, this offer will remain open for 60 days, after which time it will be deemed rejected. If you have any questions about the foregoing, or if you require any additional information, please do not hesitate to contact me.

Very truly yours,

ROBBINS CURTIN MILLEA & SHOWALTER, LLC



Jesse M. Showalter

JMS:jwm

cc: Lincoln Combs, counsel for Olandie Small