

ROBBINS CURTIN MILLEA & SHOWALTER, LLC
301 East Bethany Home Road, Suite B-100
Phoenix, Arizona 85012
Telephone: (602) 400-4400 ♦ Fax: (602) 265-0267

1 Jesse M. Showalter (026628)
2 **ROBBINS CURTIN MILLEA & SHOWALTER, LLC**
3 301 E. Bethany Home Rd., Ste. B-100
4 Phoenix, AZ 85012
5 Tel: (602) 400-4400
6 Fax: (602) 265-0267
7 jesse@rcmslaw.com
8 *Attorneys for Plaintiff Thelma Duran*

9 Lincoln Combs (025080)
10 **O’STEEN MACLEOD COMBS PLC**
11 300 W. Clarendon Ave., Ste. 400
12 Phoenix, AZ 85013
13 Tel: (602) 252-8888
14 Fax: (602) 274-1209
15 lcombs@omclawyers.com
16 *Attorneys for Plaintiff Olandie Small*

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF ARIZONA**

19 Thelma Duran, individually and on behalf of
20 the statutory beneficiaries of Darshaquise
21 Small Duran, and in her capacity as the
22 Personal Representative of the Estate of
23 Darshaquise Small Duran; and Olandie
24 Small,

25 Plaintiffs,

26 vs.

27 Sheriff Gerard Sheridan, in his individual
28 capacity and in his official capacity as the
elected Sheriff of Maricopa County; Vesna
Djurovic, an individual; and Arman Nikolic,
an individual,

Defendants.

No. _____

COMPLAINT

(Tort – Civil Rights)

(Jury Trial Demanded)

For their Complaint against Defendants, Plaintiffs allege as follows:

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PARTIES

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1. At the time of his death, Darshaquise Small Duran was a resident of Maricopa County, Arizona. He was 28 years old at the time of his death.

2. Plaintiff Thelma Duran is the surviving mother of Darshaquise Small Duran and is a statutory beneficiary pursuant to A.R.S. § 12-611, *et seq.* Ms. Duran resides in Pinal County.

3. Plaintiff Olandie Small is the surviving father of Darshaquise Small Duran and is a statutory beneficiary pursuant to A.R.S. § 12-611, *et seq.* Mr. Small resides in Maricopa County.

4. Thelma Duran brings this action on her own behalf, and on behalf of all statutory beneficiaries, and on behalf of the Estate of Darshaquise Small Duran, for which she is the Personal Representative.

5. Defendant Sheriff Gerard “Jerry” Sheridan is the elected Sheriff of Maricopa County, Arizona. Defendant Sheridan is a final policymaker for Defendant Maricopa County and is responsible for the training and supervision of Maricopa County personnel at the Maricopa County Jail, as well as for establishing policies governing said personnel. *See United States v. Cnty. of Maricopa, Arizona*, 889 F.3d 648, 650 (9th Cir. 2018). Sheriff Sheridan is named in both his official and individual capacities.

6. Defendant Vesna Djurovic is an individual and a citizen of Maricopa County, Arizona.

7. At all times alleged in the Complaint, Defendant Djurovic was a detention officer employed by the Maricopa County Sheriff’s Office acting within the course and scope of her employment, and under color of state law. She is a “state actor” as that term is used under the jurisprudence of 42 U.S.C. § 1983.

8. Defendant Arman Nikolic is an individual and a citizen of Maricopa County, Arizona.

9. At all times alleged in the Complaint, Defendant Nikolic was a detention officer employed by the Maricopa County Sheriff’s Office acting within the course and

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1 scope of his employment, and under color of state law. He is a “state actor” as that term is
2 used under the jurisprudence of 42 U.S.C. § 1983.

3 **JURISDICTION AND VENUE**

4 10. This Court has jurisdiction over Plaintiffs’ federal civil rights claims under 28
5 U.S.C. § 1331 and 28 U.S.C. § 1343.

6 11. The events giving rise to this action occurred in Maricopa County, Arizona.
7 On information and belief, Gerard “Jerry” Sheridan, the duly elected Sheriff of Maricopa
8 County, Defendant Djurovic, and Defendant Nikolic all reside within Maricopa County,
9 Arizona. Thus, venue is proper in the District of Arizona under 28 U.S.C. § 1391(b).

10 12. The events that form the basis of this Complaint occurred on or about
11 December 29, 2024, in Maricopa County.

12 **JURY DEMAND**

13 13. Plaintiffs demand a jury trial.

14 **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

15 14. On June 13, 2024, Darshaquise Small Duran was booked into the Maricopa
16 County Jail on one count of aggravated robbery.

17 15. Darshaquise, who was also known as “Prince,” was housed in maximum
18 security at the Fourth Avenue Jail.

19 16. On September 1, 2024, Muhammad Toure was arrested on one count of
20 probation violation, one count of aggravated assault on an officer, and one count of resisting
21 arrest. He was booked into the Maricopa County Jail and housed in maximum security.

22 17. Darshaquise Small Duran and Muhammad Toure were both pretrial detainees
23 in the care, custody, and control of the Maricopa County Sheriff’s Office at the Fourth
24 Avenue Jail.

25 18. Darshaquise was 5’5” and weighed 132 pounds; Toure was 5’11” and weighed
26 152 pounds.

27 19. As of December 29, 2024, Darshaquise and Toure were cellmates in cell 20.
28

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1 20. On the day in question, MCSO Detention Officer Vesna Djurovic was a
2 “rover” responsible for the care, custody, and control of inmates on 3B and 3E.

3 21. Defendant Sheriff and his employees are aware that in maximum security, the
4 greatest threat to individual inmates comes from their cellmates.

5 22. Prior to, or during Officer Djurovic’s final walk, Detention Officer Arman
6 Nikolic was notified by the inmates in cell 20 that they were not getting along and needed
7 assistance.

8 23. Before Detention Officer Djurovic reached cell 20, Detention Officer Nikolic
9 warned her that the inmates in cell 20 were not getting along and needed assistance.

10 24. Despite knowing that there was a situation in cell 20, Officer Djurovic walked
11 past cell 20 and ignored repeated calls from within cell 20 attempting to get her attention.

12 25. In violation of Maricopa County Sheriff’s Office policy, Officer Djurovic
13 failed to look into cell 20 during her final walk to ensure that the inmates inside the cell were
14 present and were not in distress.

15 26. Detention Officer Nikolic knew that Detention Officer Djurovic had walked
16 past cell 20 and ignored the risks to the inmates inside, but Detention Officer Nikolic did
17 nothing to protect the inmates in cell 20.

18 27. According to inmate witnesses, Toure was assaulting and killing Darshaquise
19 while Officer Djurovic was conducting her final walk.

20 28. According to various inmates who were interviewed, the assault lasted
21 between 20 and 60 minutes and could be heard by inmates on both the first and second
22 floors:

- 23 • Inmate Ramirez in cell 4 heard “help, help” coming from upstairs.
- 24 • Inmate Ezedinlo in cell 4 stated that people scream in the pod all the
25 time. However, he noted that this particular yelling sounded like it was
26 at the top of someone’s lungs, prompting him to pause his movie to
27 investigate. He mentioned seeing a detention officer conducting a walk
28 while the yelling for help continued, and believed the officer was a

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female. According to Ezedinlo, the screaming lasted for about 30 minutes.

- Inmate McDonald in cell 19 pushed the emergency button, but no one responded. 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.
- Inmate Felder in cell 19 heard an inmate in 20 pleading for help for 20-40 minutes. He heard one of the inmates “plead for his life” when a detention officer walked by conducting a walk.
- Inmate Howser in cell 21 heard Prince press the emergency button and request to be removed from the cell. Shortly after, he heard an altercation. Howser reportedly heard the initial commotion before the detention officer’s walk and another scuffle after the officer left the pod.
- Inmate Rutledge in cell 31 heard screams for help coming from various cells.
- Inmate Kimbrough in cell 33 heard screams for help lasting approximately one hour.
- Inmate Thornton-Hudson in cell 34 heard Prince screaming for help around chow time (18:00-19:00 hours).

29. During the course of the assault, Officer Nikolic ignored repeated alerts and requests for help from cell 20 and from other inmates who alerted him to the assault in cell 20.

30. After Darshaquise’s death, Officer Djurovic admitted knowing that there was a problem in Darshaquise’s cell during her final walk. Officer Djurovic told an investigator that, upon learning of the issue, she stopped at Darshaquise’s cell, spoke with the inmates, and determined that both were safe and not in need of any assistance. That statement was

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1 false, as the video shows that Officer Djurovic did not stop to check on cell 20 during her
2 final walk.

3 31. At approximately 1844 hours, while conducting a headcount at the Fourth
4 Avenue Jail in Housing Unit 3B, Detention Sergeant A. Guerrero observed Toure standing
5 over Darshaquise in cell 20, with Darshaquise’s head submerged in the toilet with what
6 appeared to be a torn-up sheet around his neck.

7 32. Once Toure was secured, Sgt. Guerrero lifted Darshaquise’s head out of the
8 toilet.

9 33. Darshaquise was not breathing and had no pulse. His face was covered in
10 blood. Staff performed CPR until Phoenix Fire personnel took over.

11 34. Darshaquise was transported to Banner University Medical Center, where he
12 died on January 2, 2025.

13 35. Prior to the assault, MCSO was aware of Muhammad Toure’s violent
14 tendencies both inside and out of the jail.

- 15 • On March 22, 2021, Toure was arrested and booked into the Maricopa
16 County Jail on one count of aggravated assault, one count of unlawful
17 imprisonment, and one count of assault. Toure was accused of
18 committing domestic violence aggravated assault against the mother of
19 his one-month-old child. He punched her in the face and chest with
20 closed fists multiple times; strangled her; threw the baby on the couch;
21 and ultimately struck her in the face with the handle of a hammer.
- 22 • On April 4, 2021, Toure submitted a grievance that said, “Tention
23 between me and the top bonk on bay 7 my bed is 9 bed 10 wants to be
24 ah bully n I close to loosing my shit [sic].” On April 5, 2021, Toure was
25 involved in a fist fight with two fellow inmates.
- 26 • On December 4, 2023, while in the MCSO jail, Toure committed
27 aggravated assault with a dangerous weapon by grabbing his cellmate
28 from behind, choking him unconscious, and then striking him on the

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1 head with a food tray. The inmate suffered severe injuries, including
2 multiple facial fractures and lacerations to his face and head.

- 3 • On September 1, 2024, while Toure was being booked into the MCSO
4 jail for a probation violation, he committed and was charged with
5 aggravated assault by kicking one of the arresting officers in the face
6 and leg and kneeling another officer in the head.

7 36. Based on this knowledge, Defendant Sheriff should have either housed Toure
8 alone or designated him as a high-risk inmate who posed a serious risk of harm to anyone
9 with whom he was celled. Defendant Sheriff maintains a jail classification and computer
10 system that would have allowed for either of these possibilities.

11 37. Defendant Sheriff has known for years that the greatest danger to inmates in
12 the Maricopa County Jail is the threat of violence at the hands of other inmates. Defendant
13 Sheriff knows, and has known, that placing violent inmates in cells with vulnerable inmates
14 creates a significant risk of harm to vulnerable inmates.

15 38. Despite this knowledge, Defendant Sheriff has failed to take reasonable steps
16 to reduce the risk of violence to cellmates.

17 39. Defendant Sheriff’s policies, customs, and practices for using classification
18 information and assigning cells are deliberately indifferent to serious and obvious risks, and
19 those policies, customs, and practices caused Darshaquise’s death.

20 40. Darshaquise’s death was not an isolated incident, and the same
21 unconstitutional polices, customs, and practices that caused Darshaquise’s death caused
22 other jail deaths:

- 23 • In 2010, Wietse ten Boden was murdered by his cellmate. Maricopa
24 County knew that ten Boden was a first-time non-violent offender who
25 was likely to be victimized in jail. Ten Boden was a naturalized
26 American citizen who was born in the Netherlands. He was given a cell
27 with a man named Lamont Rider. Defendants had information showing
28 that Rider had a history of mental illness, a history of violence, and a

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fear of Aryans. Rider was in jail for allegedly assaulting a Caucasian stranger for no reason. To anyone who possessed all of this information, it was obvious that placing these two men in a cell together created an obvious and serious risk of harm. The detention officer who assigned Rider and ten Boden to the same cell had none of that information. She followed policy and inadvertently caused ten Boden’s death.

- In January 2014, John Klatt was murdered by his cellmate in the Maricopa County Jail. Klatt was a fifty-year-old first-time offender. He had been arrested on charges of possessing child pornography. Defendants knew that this placed him at risk in general population, so he was not eligible for general population, and was placed in administrative segregation. A man named Nike Black was assigned to share a cell with John Klatt. Nike Black had six violent arrests in the prior year, had been in general population in the jail on multiple occasions, and had previously requested administrative segregation because he was “getting in too many fights in general population.” To anyone who possessed all of this information, it was obvious that placing these two men in a cell together created an obvious and serious risk of harm. The detention officer who assigned Klatt and Black to the same cell had none of that information. She followed policy and unwittingly caused Klatt’s death.

- In April 2014, Andrew Ward murdered his cellmate, Douglas Walker. Douglas Walker was in administrative segregation. Walker was 5’3” and known as “puppet” because of his small stature. Andrew Ward was in jail for the murder of his twelve-year-old brother. Ward told police that he killed his brother because “honestly, I just felt like killing.” Ward had a history of violence and mental illness. To anyone who possessed all of this information, it was obvious that placing these two

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men in a cell together created an obvious and serious risk of harm. The detention officer who assigned Walker and Ward to the same cell had none of that information. She followed policy and unwittingly caused Walker’s death.

- In July 2014, Zachary Daughtry was murdered by his cellmate, Ryan Bates. Daughtry had a history of mental illness that resulted in him behaving in bizarre and provocative ways. Defendants knew that this put him at risk of harm from other inmates. Daughtry was housed in disciplinary segregation. Ryan Bates had a history of violence and mental illness. Any officer who possessed the information in Defendants’ possession about these two inmates would have understood that placing them in a cell together created an obvious and serious risk of harm to Daughtry. By policy, however, the detention officer who made the cell assignment did not have that information. As a result, Daughtry was placed in harm’s way, sharing a maximum-security segregation cell with a violent inmate who had a history of mental illness.
- On March 30, 2022, Steven Lemus was murdered by his cellmate, Michael Schroeder. Schroeder had a history of violence and mental health issues and had warned the guards about his intentions to harm someone. Schroeder, who had been housed alone for a week due to erratic behavior, was placed in Lemus’ cell. Less than 24 hours later, Schroeder murdered Lemus.
- In September 2022, Richard Cano, who was booked into the Maricopa County Jail on non-dangerous drug charges, was murdered by Thomas Desharnais. Desharnais was facing first-degree murder charges for allegedly torturing, abusing, and murdering his wife’s 11-year-old grandson, as well as torturing and abusing the boy’s younger brother.

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COUNT I
Thelma Duran’s and Olandie Small’s claims for wrongful death
(As to Defendants Sheridan and Djurovic)

41. The foregoing paragraphs are incorporated as though fully set forth herein.

42. This claim for relief is asserted against Defendants Sheridan and Djurovic.

43. Pursuant to A.R.S. § 12-611, *et seq.*, liability for wrongful death exists if a person’s death is caused by “wrongful act, neglect or default.” In this matter, Defendants’ “wrongful act, neglect or default” includes gross negligence, violation of the United States Constitution, and violation of the Arizona Constitution.

44. Thelma Duran and Olandie Small, as the surviving parents of Darshaquise Small Duran, are entitled to maintain an action for wrongful death against Defendants Sheridan and Djurovic, and for such losses and injuries suffered by all statutory beneficiaries of Darshaquise Small Duran.

45. Defendants Sheridan and Djurovic owed duties to Darshaquise.

46. Defendants Sheridan and Djurovic breached their respective duties to Darshaquise and were negligent or grossly negligent.

47. The negligence or gross negligence of Defendants Sheridan and Djurovic wrongfully caused Darshaquise’s death and damaged Thelma Duran and Olandie Small through the loss of their son.

COUNT II – 42 U.S.C. § 1983
The Estate’s claim for violation of Fourteenth Amendment
right to protection from violence by other inmates.
(As to Defendants Djurovic and Nikolic)

48. The foregoing paragraphs are incorporated as though fully set forth herein.

49. The Due Process Clause of the Fourteenth Amendment to the United States Constitution forbids a state actor from being deliberately indifferent to the safety and security of a pretrial detainee.

50. Defendants Djurovic and Nikolic breached their duties under the Fourteenth Amendment when they, as described above, failed to take reasonable steps to protect Darshaquise Small Duran from Muhammed Toure.

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51. Defendants Djurovic and Nikolic’s acts and omissions were objectively unreasonable and demonstrated deliberate indifference to Darshaquise Small Duran’s safety.

52. As a result of the Defendants’ deliberate indifference, Darshaquise Small Duran was brutally assaulted and murdered by his cellmate.

53. As a result of the Defendants’ deliberate indifference, Darshaquise suffered emotional distress, terror, and extreme pain before his death, as well as the loss of his life.

COUNT III – 42 U.S.C. § 1983
Thelma Duran’s claim for violation of Fourteenth Amendment right to familial society and companionship (As to Defendants Djurovic and Nikolic)

54. The foregoing paragraphs are incorporated as if fully set forth herein.

55. The reckless, intentional, and deliberate acts and omissions of Defendants Djurovic and Nikolic were the direct legal cause of the deprivation of Thelma Duran’s constitutionally protected rights under the Fourteenth Amendment to the care, companionship, and familial society of Darshaquise Small Duran.

56. The acts and omissions of Defendants Djurovic and Nikolic shock the conscience. The circumstances were such that actual deliberation was practical, and Defendants Djurovic and Nikolic were deliberately indifferent.

57. In the alternative, Defendants Djurovic and Nikolic acted with a purpose to cause harm unrelated to any legitimate government objective.

58. Plaintiff Thelma Duran was damaged as a result of the loss of her constitutionally protected right to the care, companionship, and familial society of her son, Darshaquise Small Duran.

COUNT IV – 42 U.S.C. § 1983
Olandie Small’s claim for violation of Fourteenth Amendment right to familial society and companionship (As to Defendants Djurovic and Nikolic)

59. The foregoing paragraphs are incorporated as if fully set forth herein.

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70. As a result of Defendants’ breach of the Fourteenth Amendment as described herein, Darshaquise suffered emotional distress, terror, and extreme pain before his death, as well as the loss of his life. As a further result of Defendant Sheriff’s actions, Plaintiffs were deprived of their rights to familial association with Darshaquise.

WHEREFORE, Plaintiffs pray for judgment as follows:

A. For general damages, including but not limited to the loss of love, affection, companionship, and guidance resulting from the death of Darshaquise Small Duran, pain, grief, sorrow, anguish, stress, shock, and mental suffering already experienced and reasonably probable to be experienced in the future, and economic losses and loss of income, hedonic damages, and Darshaquise Small Duran’s pre-death pain and suffering and loss of life;

B. For special damages, including but not limited to the expenses of medical treatment, burial, and funeral;

C. For punitive damages against Vesna Djurovic and Arman Nikolic to the extent permitted by law;

D. For pre- and post-judgment interest to the extent permitted by law;

E. For attorneys’ fees and taxable costs under 42 U.S.C. § 1988 to the extent permitted by law; and

F. Such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED: December 22, 2025

ROBBINS CURTIN MILLEA & SHOWALTER, LLC

By: /s/ Jesse M. Showalter
Jesse M. Showalter
301 E. Bethany Home Rd., Ste. B-100
Phoenix, AZ 85012
Attorneys for Plaintiff Thelma Duran