

Affidavit of Hayden Duran

1 After being duly sworn, Hayden Duran states as follows: I am over 18 and competent to
2 make this affidavit. I reside at 25 Maple Street, Fairview, Midlands. I am the director of
3 information technology for a local hospital system. My son, Jesse Duran, is my only child. I have
4 never been married. I adopted an embryo from a fertility clinic and found a surrogate. Jesse was
5 born May 9, 2001. I was thrilled, though adapting to life as a single parent was tough.

6 I never intended to have another child, so I chose a neighborhood with young families so
7 Jesse would have plenty of children to play with. That is why we moved to Fairview when Jesse
8 was 18 months old. I'd like to say I don't spoil Jesse, but others would probably disagree. Guilt
9 about having to work so much is a pretty strong driving force for me; it's definitely what led me
10 to buy Jesse both a corgi named Amanda and multiple video-game systems.

11 The Parks moved to Fairview two years later. I knew Andy before that. Andy was
12 working at the hospital on the day Jesse was born. After that, Andy and I kept in touch. When the
13 house next to ours came up for sale, I told Andy because I knew the Parks wanted to move to
14 Fairview. The Parks purchased the home within weeks. I was thrilled to have Andy and Lee as
15 neighbors, and Jesse was beyond thrilled to have Sydney right next door.

16 From the time that Sydney and Jesse were five, they were constantly running back and
17 forth between the two houses. We actually put a door in the fence between our two backyards so
18 the kids could run back and forth safely without having to go out front. So, when I needed
19 someone to be "on call" to help with Jesse after school, the Parks were the natural first choice. At
20 that time, Andy worked the 7 a.m. to 3 p.m. shift at the hospital, so Andy was more than happy
21 to help out on those days when I couldn't get Jesse picked up on time.

22 When Jesse turned 10, I was more comfortable allowing him to get off the bus at home.
23 By that time, Andy had gone to working a different shift, so the Parks hired a babysitter, Danny

24 Brooks, to stay with Sydney after school. While I never had a formal babysitting arrangement
25 with Danny, Jesse would still pop over to Sydney's house after school most days during the
26 week, and I knew that if anything went wrong, Jesse could ask Danny for help. I'm sure Danny
27 resented watching two kids for the price of one and thought that Danny should be paid for
28 watching Jesse. In hindsight, I probably should have talked to Danny and paid Danny something.
29 But at the time, I just saw it as Sydney and Jesse hanging out and playing like they always had.

30 Danny's resentment was most evident in the way that Danny handled Jesse's fascination
31 with guns. Since Jesse was a young child, he has been fascinated with the military. I vividly
32 remember Jesse begging me for "army guys" for every birthday, Christmas, and special occasion
33 from the age of five on. As Jesse got older, the request changed to one for video games involving
34 army guys rather than the actual figurines. I'm a techie—that's what makes me good at my job—
35 so I bought Jesse all the newest gaming systems as they were released. Jesse was constantly
36 asking for more realistic war games. At first I was reluctant given the rating of most of those
37 types of games, but having played the games myself, I concluded that the games weren't realistic
38 at all. I told Jesse, "You can start playing the first-person shooter games when you turn 10." A
39 first-person shooter game is one in which the player sees armed combat through the eyes of the
40 shooter. For the first few times Jesse played these war-type video games, I played with him.

41 While we were playing together, I talked a lot about how the games are not real. I
42 specifically remember telling Jesse, "Everything you are seeing on the screen is pretend. War is
43 sad and guns are very dangerous. Do you understand?" Jesse nodded and kept playing. I drew the
44 line at purchasing any of the gun-type accessories that you could hook up to the games. I didn't
45 see any reason why Jesse needed to know how to handle a gun, even if it was fake.

46 Danny had a huge problem with the fact that I allowed Jesse to play these types of video
47 games. Danny confronted me on several occasions and tried to tell me that Jesse was obsessed
48 with guns and was always talking about them. I specifically remember that Danny started

49 making these statements after Jesse's 10th birthday when I first bought Jesse the video games. I
50 told Danny that Jesse was just infatuated with a new toy and that the interest would pass. Danny
51 tried to tell me that it went beyond video games and that Jesse liked to play pretend games
52 involving shooting like cops and robbers. I never observed that type of behavior when Jesse was
53 at home but, even if I had, I wouldn't have given it a second thought. I grew up playing the same
54 types of games. I also chalked Danny's statements up to resentment about having to watch two
55 kids but only being paid for one. I also told Danny to stop focusing on the behavior so much
56 because the more Danny focused on it, the more Jesse would do it.

57 The issues with Danny came to a head on August 7, 2012. Jesse had been spending less
58 time at the Parks' house when Danny was there because I was increasingly uncomfortable with
59 how Danny treated Jesse. Jesse's summer day camp was closed on August 7 and 8. While I was
60 okay with Jesse staying home for a few hours after school, I never let Jesse stay home for whole
61 days during the summer. I checked with Andy who said Jesse could come over and play with
62 Sydney for those two days. I never checked with Danny but I never had in the past either.

63 When I arrived to pick Jesse up on August 7, Danny was freaking out. I had just finished
64 a very long day and was in no mood for Danny's overreactions. Danny told me Jesse knew that
65 Andy and Lee kept a real gun in the house. At first, I was a little taken aback that Lee and Andy
66 had a gun in their home. Then I remembered that they told me they had purchased the gun when
67 their house was broken into during January of 2012. I assumed they kept the gun in a safe and
68 out of the reach of Sydney although I don't recall ever asking either Andy or Lee about it.
69 Anyway, Danny said, "Jesse knows there is a gun in this house and wants to play with it. I don't
70 think Jesse should be allowed over here anymore." I don't recall my exact reaction, but I told
71 Danny that wasn't a decision for Danny to make, and I would discuss the matter with Andy and
72 Lee. I never got a chance to do so before everything happened with Sydney on August 8.

73 I do recall discussing guns with Jesse at home during the evening of August 7. I told
74 Jesse that real guns are dangerous and that Jesse should never touch one. Jesse replied, “I just
75 want to see what it feels like to hold it.” I reiterated that real guns are not like the ones that Jesse
76 uses in the video games. Jesse said, “I know. The ones in video games are fake. That’s why I
77 want to see a real one.” I said, “Jesse, real guns can hurt real people, even kill them.” I’m
78 not sure that Jesse understood just how dangerous real guns could be, because Jesse shrugged
79 and walked away. I suppose that I could have threatened to punish Jesse if Jesse touched the gun,
80 but I did not. I considered that the end of the matter, especially since neither Lee nor Andy
81 objected to Jesse coming back to play with Sydney as planned the next day, August 8.

82 Jesse knew that Jesse was going to go play with Sydney on the 8th. Jesse came into my
83 room at 7:30 a.m. that day, much earlier than usual, asking me if it was time to go to Sydney’s
84 house. I told Jesse that I didn’t have to leave for work until 9, so Jesse needed to go back to bed.

85 Minutes later, I heard the video game system come on in the living room and the familiar
86 gunshot sounds and explosions from Jesse’s video games. As I was getting ready for work, at
87 about 8:55 a.m., Jesse came in and told me that he was going to Sydney’s house. I found Jesse’s
88 excitement a little odd, but I figured maybe Jesse and Sydney had something fun planned for the
89 day. I do remember Jesse saying something about maybe going to the splash pad at the park. I
90 figured that was the reason for the excitement, although Jesse didn’t grab any swim gear.

91 Jesse and I walked over to the Parks’ house. Andy was still home, but Danny wasn’t
92 there. I asked where Danny was. Andy informed me Danny would not be over that day but that
93 Keith Dunlap, who lived across the street, would be home all day and “on call” for Sydney and
94 Jesse if anything went wrong. This made me very nervous. I didn’t allow Jesse to stay home
95 alone at age 11, and I thought it was a bad idea for Jesse and Sydney to play without adult
96 supervision, especially with a gun in the house. But I had no choice. I had to work and had no
97 other option for Jesse. I called Jesse over and told Jesse that staying at Sydney’s house without

98 supervision was a big responsibility and that I expected Jesse's best behavior. As I was leaving a
99 few minutes before 9 a.m., I looked back at Jesse and reminded him of the discussion we had the
100 night before. I should have never let Jesse stay alone with Sydney.

101 At about 10:15 a.m., the Midlands State Police called me. They said there had been an
102 incident at the Parks' home and I needed to come home immediately. I arrived around 10:30 a.m.
103 to a street filled with emergency vehicles. I ran to the first uniform I could find and told the
104 person who I was. The person escorted me through the front door. As I walked through the living
105 room towards the dining room, I saw a white sheet covering a child-size body on the floor.

106 I was escorted into the Parks' dining room, where I found Jesse surrounded by police
107 officers, who told me I couldn't touch Jesse until the crime-scene unit had processed everything.
108 I told them I needed to make sure Jesse was okay. The officers told me I could sit next to Jesse
109 and talk. I asked if we could talk alone, but they said that policy prohibited a suspect from being
110 left alone. "A suspect in what?" I asked. Finally a detective explained to me that Sydney Park
111 was dead, killed by a gunshot, and they believed that Jesse had fired the gun.

112 Only then did I hear Andy wailing in the next room. Time seemed to move in slow
113 motion. I looked at Jesse, who sat expressionless in the chair. I finally caught Jesse's gaze. Jesse
114 looked straight at me and said, "Sydney opened the safe. Sydney said we should play with the
115 gun. It was all Sydney. I'm sorry." I immediately told Jesse not to say anything else, and I looked
116 at the officers and told them no one could talk to my child without me present. The detective
117 asked me for a statement. I declined. It was clear to me that they believed that Jesse had done
118 something wrong, and I knew not to say anything to anyone until I consulted with a lawyer.

119 As we were leaving the Parks' house that day I saw Andy. I walked toward Andy, but
120 Andy screamed at me to stop. Andy yelled, "This is all your fault. Jesse is a murderer." Jesse and
121 I were escorted back to the police station where my child was processed and booked on suspicion
122 of manslaughter. We saw a juvenile judge the next day and, in light of the uncertainty

123 surrounding Sydney's death, Jesse was released into my custody pending adjudication of the
124 charges, which still hasn't happened. The district attorney told me she is unlikely to press
125 charges, but if she does, Jesse could face prison. Apparently Lee and Andy are not satisfied with
126 that possibility for what is clearly an accident, and have decided to sue me as well.

127 I was not in the Parks' home at the time of the shooting and did not see what happened.
128 But if the Parks didn't keep a gun in their house, if they had locked it away better, or if they had
129 locked away the bullets, none of this would have happened. I've heard about the things Jesse's
130 fifth-grade teacher, Shannon Ellis, has been saying about Jesse's suspension. I only met Ellis
131 once at a parent-teacher conference in February 2012.

132 Of the available exhibits, I am familiar with only the following: Exhibit 3 accurately
133 depicts the layout of the Parks' home as of the spring of 2012, including August 8, 2012. I had
134 been to the Parks' home many times before. When I arrived at the Park house on August 8, 2012,
135 Sydney Park's body was between the coffee table and the couch. In this affidavit, when I refer to
136 locations inside the Park house as being left or right of something else, I am assuming that the
137 person is standing just inside the front door looking back towards the dining room.

138 Exhibit 5 is an email I wrote and sent to my friend Casey French. I never received a
139 response from Casey. Everything in the email is true. Exhibit 6 is a Notification I received from
140 Jesse's school on January 6, 2012. I signed it on January 9, 2012. When I asked Jesse about the
141 incident, Jesse said it was all true except the biting. Jesse also said the Notification omitted the
142 fact that other kids had yelled the same thing to Jesse first. Nonetheless, I disciplined Jesse by
143 suspending Jesse's video game privileges during the five days he was suspended from school.

144 That is the only discipline I gave Jesse as a result of the incident described in the January
145 6 Notification, but I think it was enough. Also, as the Notification states, it was Jesse's third
146 aggressive incident of the year. With the first two incidents, Jesse did not deny hitting a
147 classmate. I did not discipline Jesse for those incidents because it was clear Jesse already felt

148 guilty enough. Exhibit 7 is a drawing that police found in my house. I recognize the drawing
149 style and handwriting as Jesse's. I do not recall the drawing prior to the police find it.

150 Exhibit 10 is a screenshot of a text message conversation I had with Jesse on August 8,
151 2012. Officer Williams took the screenshot from Jesse's phone in my presence on August 8,
152 2012. I have compared it to the texts on my phone. The screenshot accurately reflects our
153 conversation. I recall sending and receiving those texts. Exhibit 12 is a screenshot of the call
154 information for the call between Jesse and me on August 8, 2012. Officer Williams took the
155 screenshot from Jesse's phone in my presence on August 8, 2012. I have compared it to the call
156 information on my phone, and that screenshot is identical to the information displayed on my
157 phone (except my phone displayed Jesse's name and phone number). Jesse did in fact call me at
158 9:46 a.m. I answered after two or three rings, Jesse said, "You need to come home," and I
159 immediately hung up and drove to the Parks'. That was the entirety of our conversation. The
160 phone number on Exhibit 12 is my cell phone and the email address on Exhibit 12 is my personal
161 email address. Exhibits 9, 11, and 13 are screenshots from Jesse's phone that Officer Williams
162 took in my presence and that Officer Williams showed to me on the afternoon of August 8, 2012.

163 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving this
164 statement, I was told it should contain everything I know that may be relevant to my testimony,
165 and I followed those instructions. I know that I can and must update this affidavit if anything
166 new occurs to me until the moment before opening statements begin in this case.

167

168 Subscribed and sworn before me on this, the 1st day of June, 2016.

169 *Hayden Duran*

170 Hayden Duran

171 *Nick Zurawski*

172 Nick Zurawski, Notary Public

NOTIFICATION OF STUDENT DISCIPLINE

Student's Name: Jesse Duran
Parent on File: Hayden Duran
Date of Notice: Friday, January 6, 2012
Nature of Infraction: Striking other student

Jesse's fifth-grade class was playing dodgeball against another class. At one point, the teacher heard Jesse scream "Hey!" and saw Jesse run across the gymnasium to the other team's "side." Jesse grabbed another student's arm and yelled, "I hit you. You're dead. You need to fall down and die." The other student tried to pull away, at which point Jesse began violently kicking and punching the other student. The teacher also reports that she saw Jesse attempt to bite the other student before they were separated.

This school has a zero-tolerance policy for violence against students of any kind. Because this is the third incident this school year in which Jesse has struck another student—and because of the seriousness of this incident—Principal Newman has ordered that Jesse will be suspended from school for the next five school days. Jesse may return to school on Monday, January 16, 2012.

Acknowledgement

I have read the notification above and agree to implement discipline at home so that my child does not repeat this behavior at school.

Hayden Duran

Hayden Duran

January 9, 2012

Date

 3:44 PM 

[< Calls](#) **Call Info** [Edit](#)

Voldemort

Today		August 8, 2012
9:46 AM	Outgoing Call	7 minutes

mobile
(555) 372-0531  

other
hayden.duran@kmail.com

 **Recents**  **Contacts**  **Keypad**  **Voicemail**



3:45 PM



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 Yesterday – August 7, 2012

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