

STATE OF SOUTH CAROLINA)	SIXTEENTH JUDICIAL CIRCUIT
)	
COUNTY OF YORK)	COURT OF GENERAL SESSIONS
)	
STATE OF SOUTH CAROLINA,)	2009-GS-46-2695
)	2009-GS-46-2696
Prosecution,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.)	AFFIDAVIT OF TAYLOR DURDEN
)	

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1 1. My name is Taylor Durden. I am 21 years old, and will turn 22 on May 22,
2 2010. I live at the Epsilon Sigma Epsilon house at Daniel Morgan University during the
3 school year. For the last two years I have subleased apartment space during the
4 summer so I can stay in town to take summer classes. I am a senior at Daniel Morgan
5 University. I have a 3.985 GPA with a triple major in political science, psychology and
6 social work. Following undergrad, I plan to go back for a masters in social work and
7 then work with homeless youth.

8
9 2. I have been a member of the ESE honors society since 2007. I was the first
10 pledge initiated to the chapter that year and I loved it. I have been to every social, mixer,
11 pledge event, and public service opportunity that we have had since I started. I love the
12 fact that we can have great parties and we can all get together to help others in the
13 community through events like Habitat for Humanity, The Daniel Morgan University
14 Blood Drive, Toys for Tots, and the local food bank.

15
16 3. For the last two years I assisted the other pledge masters, including Alex
17 Richards. This year I was asked to be the pledge master. I have taken my role seriously
18 because I think that everyone who joins ESE should take the honor and responsibility
19 seriously as well. My job was to make sure that the students were not only of the
20 highest caliber at the University, but that they were knowledgeable about the University,
21 the ESE chapter, and the community that we served. I was responsible for all the
22 paperwork that the pledges completed and signed off on as they were working towards

23 joining ESE. This included requesting their transcripts so we could get their GPAs, a
24 medical history chart outlining any health problems that we needed to be aware of, and a
25 general liability release that the University insisted that we get prior to letting them
26 participate in any events. Everyone joining this semester were sophomores. According
27 to my records, all of them completed and submitted their required paperwork.

28

29 4. This year's pledge class was a mix of guys and girls like in most years. Our
30 more rigorous GPA requirements meant that we invited fewer to join. Everyone was
31 having a good time all week with the activities. It is not hazing or anything like what
32 I have been accused of doing. Everyone was notified in writing at the beginning of the
33 week that participation in the activities was optional. I even said it on the first day at the
34 welcome. Everyone got a copy of all the activities for the week, as well as a copy of the
35 rules that the pledges had to go by for that week. The rules said that the activities were
36 optional. The rules were not any big deal really, just saying they all had to wear the
37 same color shirts and shorts every day of the week, they could not have cell phones,
38 and they were not allowed anywhere in the ESE house except for the basement. Sure
39 I may have teased some of them when they talked about not wanting to do things or that
40 the activities were taking too much of their time, but I never told anyone they could not
41 quit an activity. It was all part of the fun of bringing in new people and making new
42 friends.

43

44 5. The activities were all funny and sometimes foolish; all of which were
45 designed for everyone to get to know one another better, and test their knowledge of the
46 University and the ESE chapter. There were wiffle ball games in the back yard with
47 members versus pledges. There was a water balloon game where everyone stood at
48 attention on the front lawn and the members stood on the roof and threw water balloons
49 at pledges who did not answer the chapter questions correctly. There were shaving
50 cream fights on the back lawn for the pledges to "get even" with the members who had
51 been egging them on all week long. Then there was the final activity of the week. This is
52 where things went horribly, horribly wrong, but it was not my fault. That was the annual
53 Water Jeopardy game.

54

55 6. We all knew then and we all know now that forcing people to drink beer,
56 especially if they are underage is a huge way to get in a world of trouble. That is why we

57 liked Water Jeopardy so much. We all sat in on the University required sessions about
58 hazing and how not to do hazing, and on and on. That session was such a bore. We all
59 knew that you could not force people to drink alcohol or do humiliating things. That is
60 why we had the water balloon activity, the shaving cream fight, and Water Jeopardy.
61 After an argument with Alex, I even called the University Office on Student Affairs
62 several times to be sure that Water Jeopardy was not in fact hazing. I left voicemails
63 with a description of what ESE was doing. I never got a call back from any of my
64 messages, so it must have been okay. We have been doing Water Jeopardy for years
65 and never had a problem before August 29, 2009.

66
67 7. In Water Jeopardy, we had the traditional looking Jeopardy™ screen
68 projected on the wall and the pledges had turns answering questions just like on the real
69 show. The catch was that instead of getting points for correct answers and losing points
70 for incorrect answers, the pledges had to drink from water coolers along the wall if they
71 got answers wrong. If someone forgot to put the answer in the form of a question, then
72 they had to drink even more water as a penalty. The pledges had to drink for as long as
73 I was counting out loud. You know, 1 Mississippi, 2 Mississippi, and so on. If it was a
74 wrong question they had to drink until I counted to 5. If they did not phrase the answer
75 in the form of a question, then I made them drink for a 10 count. No big deal, it was just
76 water. Besides, it is not like I was going to top the things that happened when Alex was
77 pledge master. Every year there is an unspoken, and unwritten challenge for the pledge
78 master to add something to the ESE pledge activities, or push the limits of what activities
79 we were doing. As the pledge master, you just had to push the pledges a little harder
80 than the person before you had pushed.

81
82 8. Jessica was lousy at the game. I think she was intentionally being a clown.
83 She kept getting answers wrong and then laughing off her trip to the water coolers to
84 drink. Sometimes she would even forget to put the answer in the form of a question so
85 there were even more penalties. Tammy Canes, one of the other pledges who was a
86 nursing student, said she thought it was not a good idea to play the game, but did not
87 say why. I even asked her why she said it was not a good idea, and all she could say
88 was she remembered her nursing professor saying it was bad. What does that even
89 mean? Like you have to use the bathroom too much from drinking a lot of water? Or
90 what? She ultimately quit Water Jeopardy, and sat at the back of the room after that.

91 I do not remember Tammy saying anything about Jessica looking ill.

92

93 9. I think we had been playing for about an hour and a half when Jessica made
94 that fatal turn back from the coolers. She just kind of fell forward and down on the
95 carpet. At first, I thought she was just being a clown and I told her to get up. When she
96 did not move I got concerned. I went over to her, and rolled her over. She was
97 breathing, but appeared to have passed out. I thought that was an odd time to pass out.
98 It is not like we were outside in the heat, she was dehydrated, or had been doing
99 anything strenuous. I tried to wake her up a couple of times by shaking her a little bit
100 and calling her name. We even got some water from the water coolers and splashed it
101 on her face, but it made no difference. That is when we all got scared and needed to
102 call for an ambulance. It was only a couple minutes before I yelled for someone to call
103 911. There was no phone in the room where we were playing the game. I do not carry
104 a cell phone when I am conducting activities, so that the pledges can see that I am also
105 following the rules. Tammy Canes ran upstairs in search of a phone. A little while later
106 Alex came downstairs on the phone and said that the EMS was on the way. After that,
107 the EMTs came, loaded her on the stretcher, and took her away. I answered some
108 questions from the cop that arrived, who said it did not look like we did anything wrong.
109 I even told them to search the whole house when they asked if her condition could be
110 due to alcohol hazing. They searched and of course there was no alcohol. We are not
111 that kind of organization.

112

113 10. Four days later the cop came back and arrested me. I did not haze anyone.
114 And, I darn sure did not kill anyone. Jessica Bateson could have stopped drinking water
115 at any time. She even signed a waiver saying that she knew what she was voluntarily
116 doing for the entire week of pledging.

117

118 11. Look. I am friends with Colt Bateson. I have known Jessica Bateson for
119 years. She used to visit her brother on campus on the weekends, and even did some of
120 the service projects with us while she was still in high school. In fact, we kept her from
121 engaging in some of the more inappropriate social activities around campus. There is
122 no way that I would have let her continue, if I had known that she was in danger.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time.
The material facts are true and correct.

Signed,

Taylor Durden

Taylor Durden

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2010
South Carolina Mock Trial Competition.

C.M. McCormack

C.M. McCormack, Notary Public

State of South Carolina

My Commission Expires: 07/25/16