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## Case Dismissed Against Toland

By Cathy Tyson

Despite support groups, and community involvement, both pro and con, the case of the People vs. Jim Toland seemed to be over before it began. The 63-year old vocal instructor and choir teaching assistant at Campolindo, Miramonte and Acalanes has been the subject of much speculation within the parent community.

Although charges of molestation of three teenagers were at the heart of the matter, the Preliminary Hearing held last week was basically about the Motion to Suppress Evidence filed by defense attorney Maitreya Badami.

Judge John Sugiyama was clearly concerned about a number of facets of the Motion, and thoroughly questioned the prosecution and the defense about the search warrant, and if a reasonable inference could be made. "It requires facts to indicate a connection and

there are no facts alleged," said Sugiyama.

There was a gap between the testimony of the alleged victims and what a Sheriff's Department detective told the Magistrate in order to obtain a search warrant to search Toland's home, specifically his computer. Defense attorney Badami said, "At no time in any of the John Doe Number 1's testimony did anyone mention a computer."

"I grant the Motion to Suppress Evidence...the warrant was overbroad and statements do not support probable cause...there were material misstatements by the detective with a reckless disregard for the truth," concluded Sugiyama.

In the end, suppressing the entirety of the evidence left the prosecutor with no choice but to move to dismiss the complaint. Prosecutor Satish Jallepalli of the

Distict Attorney's Sexual Assault Division said at this time he can't speak to re-filing. He did state however that choosing to dismiss does not preclude the District Attorney from re-filing charges.

Captain Daniel Terry of the Contra Costa County Sheriff's Department commented on the actions of Detective involved in the case. "We disagree with the characterization of our actions as "reckless." This is still an on-going investigation and it is still being pursued. We will take the necessary steps to address any concerns. This is really sensitive information – it's very hard on the victims and their parents and loved ones."