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Roseville : Charges against suspect's mom are dropped

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Prosecutors have dropped the sole charge that remained against a Roseville mother accused of helping her son sell the car he allegedly used to kill a man.

Diane Bakdash, 66, faced a misdemeanor charge of "obstructing legal process" in the case, but the Hennepin County attorney's office said "new information" left them unable to prove her guilt, so they dismissed the charge.

But Ryan Garry, the attorney who represented the woman, said his client should never have been charged; she was originally accused of being an accomplice after the fact by allegedly helping her son conceal evidence of murder.

"I think the police officers jumped the gun on charging," Garry said. "They should have done a more extensive interview with the witness that supposedly implicated my client. My investigation showed we were dealing with a witness that was not credible. Without that witness, there was no evidence against Diane."

The dismissal was the latest development in a case in which a key witness has recanted his statement and claimed police misquoted him, and in which cops and prosecutors have retracted parts of their original version of how and why they believe the crime unfolded.

Garry described his client's reaction to the dismissal as "relief" but said she still lost her job as a psychiatric clinical nurse over the case.

Her son Timothy Bakdash, 29, also of Roseville, is scheduled for trial Nov. 14 on a charge of murder in the April death of Benjamin Van Handel, 23,

a University of Minnesota student from Appleton,

Wis.

A car ran down Van Handel as he walked home from a bar.

Timothy Bakdash also faces two counts of attempted murder involving two others injured in the incident.

Diane Bakdash was the registered owner of the car, a 2004 Mitsubishi Galant. She was originally accused of being an accomplice because she signed the car's title so her son could sell it to a friend for \$1,500 hours after the incident.

Prosecutors claimed that by signing the title, she was helping her son get rid of evidence of a murder. Later, prosecutors added another felony, aiding an offender, as well as a misdemeanor charge of obstructing the legal process.

The latter count was added because, when police went to talk to her, she refused to speak with them and said she wanted an attorney.

The county attorney's office dropped the felony charges in August after Garry produced a statement from the car's buyer. The man claimed that when he finally read a copy of the statement he purportedly gave to police, it contained errors and included things he never said to police.

Garry followed with a motion to dismiss the remaining misdemeanor count. He argued that when police sought to question Diane Bakdash, she had no idea her son might have committed a crime.

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Telling the cops she wanted an attorney is "one of the most deeply rooted constitutional rights in the United States," he wrote in his letter asking Hennepin County District Judge Daniel Mabley to dismiss the case.

A case that had started to weaken with the witness' recantation soon unraveled all the way. Prosecutors concluded they could not prove Diane Bakdash knew there had been a possible crime when she signed the title to sell the car.

In addition, it became obvious she did not believe the sale of the car was a hurried attempt to get rid of possible evidence; Timothy Bakdash and his friend had been negotiating the sale for days.

In a notice of dismissal dated Sept. 23 but entered into the court record Thursday, Assistant Hennepin County Attorney Christina Warren told Mabley that the state's version of events had changed, again.

"At trial, Timothy Bakdash would testify that he informed Defendant that he was involved in an accident and that he caused the accident," Warren wrote. "However, Mr. Bakdash would testify that he told Defendant he struck a deer. Defendant would testify that Mr. Bakdash told her that he was in an accident involving a deer."

Garry said that although his client was relieved to have all charges against her dismissed, the woman who had no previous run-ins with the law still suffers from the sting of being falsely accused in a case that drew intense media attention.

"The Hennepin County attorney's office came on every camera in Minnesota and said she was guilty," he said. "It's a sweet and sour case. We're thankful it's done. But it's also sour that she lost a lot by being charged with a crime she didn't commit. That's a sad thing."

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