

A 'Dasen Girl' Takes the Witness Stand

by Hal Herring

The prosecution team of Dan Guzynski and Lori Adams look very young standing across from defense attorney George Best and his client Dick Dasen in the Kalispell courtroom. In a sense the case here—the one decides whether Dasen will do years in prison for the 14 charges against him, or will somehow be judged the victim of the women and girls he allegedly exploited—pitches the vulnerabilities of youth against the privileges and powers of age.

Deputy County Attorney Lori Adams on Wednesday made the opening statements of the trial. Adams is a short young woman who dresses plainly and wears no make up. She seems like a woman



Leah Marshall testifies

who might be an enemy of the frivolous, one who has relied mostly on her keen wit to make an impression throughout her life. She began her statement with simple declarative sentences, not yet at ease as an orator, but getting better as she went along.

“Ladies and gentleman of the jury, the money and the sex is related....Ladies and gentlemen, as you heard Judge Stadler tell you, the defendant is charged with 14 crimes in his case...these crimes can be broken down into two categories, those being crimes against our children—when we say children we mean people and girls who are under the age of eighteen...” Adams instructed the jury on the nature of the charges, and what she and Dan Guzynski, who looks like he’s been putting in an awful lot of hours, would have to prove to them over the course of the next few weeks.

“The evidence will show you in this case that there was high probability that the Defendant was aware that Kristin and Valerie were under the age of eighteen when he photographed them in a sexually explicit manner, that there was high degree of probability that the Defendant was aware that Kristin was under age of 16 when he had sexual intercourse with her, and that there was a high possibility when he promoted the prostitution of these five girls that they were all under the age of eighteen....”

“Another child with which the Defendant had sex was Tiffany Brooks. Tiffany Brooks, who was age 16, found out about the Defendant through her sister...” Making her short statements as if lightly wielding a hammer, she continued a detailed litany of outrage.

When it came to her descriptions of

the adult women who met with Dasen for acts of alleged prostitution, Adams made it clear that, even if they were lured in, they had no excuses, really, and the State made no excuses for them, no matter what hard-luck stories. Adams presented a chart with the dollar figures, letting the sight of them fall on a jury that seems mostly composed of men and women of average means.

“Leah Marshall received \$51,650 from the defendant in over a one-year period,” she said. Kim Niese was given \$34,875 in a six month time, at some times receiving over \$7000 in a five-day span, and on one particular day she brought girls, she received \$4,125.” Adams recounts and shows the names of ten more women and the money they received, \$32,550, \$24, 750....

“You may not like these women and you may not like what they did, but remember, ladies and gentlemen, it is the Defendant who induced and encouraged them to become prostitutes. Without the Defendant they were not prostitutes, they were just meth addicts, desperately single, poor women, and minors...”

Search and Seizure

“The prosecution would have you believe that this man preyed on people, that he used his position of wealth to hurt them, to create a sense of owning or pressure, control. I’m going to present to you, and I submit to you that before it’s over you’ll wonder who had control, you’ll be able to see who had control.” George Best was deep into his statement, having already described Dasen’s 30 year career as businessman and philanthropist. He had already described his client as a serial adulterer (“He committed adultery, and he did it often, to his shame, to his everlasting shame, to the destruction of his family, his self-esteem and to the values that he held dearly.”) He had described Dasen as stupid.

Best is a big man, broad and even taller than Dick Dasen. He is in his fifties,

quick-witted, articulate and perhaps at the height of his powers as a defense attorney. But his plan for defending Dick Dasen was difficult to describe to the jury because it seems to rely on his proving that Dasen is far less intelligent than he must be to have accomplished what he has. It relies on the refutation or challenge of almost every piece of evidence that the prosecution will present, and establishing that the witnesses are extraordinarily unsympathetic – “I’m going to present to you that some of these people who will testify would say anything to anybody to get whatever they wanted, however they wanted, and whenever they wanted... When some people take the oath to tell the truth it means something, when others take the oath to tell the truth it merely is the passage of words...”

Best intends to prove that Dasen was “duped” not only by the women who had sex with him and with each other in presentations for him, and posed for pornographic photos, but also by the underage girls. “But there were schemes devised to create a knowledge in his mind that they were older than 18.” He concludes, asking the jury, “Use common sense to sort out where the truth lies, and make the prosecutors prove what they seem so ready to tell you today.”

It seems a thin gruel, indeed, but it is thickened by elements that are not in Mr. Best’s opening statement. Best has made it clear that he will challenge, well, everything. And that he intends to show the court just how unreliable and dangerous drug-using young women can be, how a fine man can be destroyed by them, left at their mercy by a serial lack of judgement that does not equal a crime.

Dick Dasen’s grown children sit behind him, and the mothers of some of those young women are in the spectator seats. Nobody will come through this unscathed.

The trial began with something of a bang following the opening statements

Wednesday. Detective Kevin McCarvel took the stand to describe how his investigations as an undercover officer with the Northwest Montana Drug Task Force had led him and other officers to target Dasen with what McCarvel described as a “controlled meeting” – George Best called it a “sting operation” – that led to Dasen’s arrest on prostitution charges.

The orange dildo is of a disconcerting size, resting with two more modest versions colored garish purple and pinkish red, respectively, in a sealed evidence bag. These were, according to two Kalispell Police officers who took the stand yesterday and today, found in Dasen’s desk drawers in his office at Peak Development. Another dildo, also fairly modest and purple, was found stashed in a brown paper Rosauers’ bag beside an armoire in the same office, and may be the one that appears in seized pornographic photos of two of the underage girls. The purple plastic box containing a variety of sexual aids was found in another drawer of the desk.

All of the toys, in their sterile bags, seem tragic somehow, perhaps because one can imagine that they were obtained in the hope of heat and ecstasy, and are now in this cold hall where such things seem impossible. For whatever reason, they seem tragic, and their garishness somehow makes one pity their users. They are accompanied by a bag bulging with computer disks, and a computer tower, both containing pornographic photos, that were found in a search by police following Dasen’s arrest at the Blue and White Motel.

Although the evidence will be admitted, George Best worked extremely hard to raise doubts about every aspect of it. Officer Tim Falkner, a member of the Major Crimes Unit, the team that conducted the searches, endured a long grilling that established the possibility that the computer, the sex toys and other items had indeed been out of his sight at times during the search, and that these items were not in plain view

when the officers first entered Dasen’s office. Detective Roger Nasset, a far more experienced hand, is at first self-assured and at ease with the questions, but even he is rattled when he describes a “technical difficulty” with the warrant that caused all the seized items to be returned, before being re-seized shortly thereafter with a new warrant. “Technical difficulty!” Best exploded, “this man is not qualified to assess that. It’s an illegal search warrant!” Judge Stewart Stadler overruled Best’s objection, but Nasset seemed chastened and less sure of himself after that.

“The State calls Kurt Tonjum,” said Lori Adams. Tonjum is the computer tech for City Services, which was once owned by Dasen, and for Peak Development. Tonjum has found himself in an extraordinarily unenviable position. His brother in law and good friend is KPD Detective Roger Nasset. His father is Dick Dasen’s business partner: they came to Kalispell together from Michigan in 1968, and Kurt grew up with the Dasens. “I have a good relationship with Dick, he’s always been fair—more than fair—with me,” Tonjum replied to a question posed by Best.

Tonjum testified that he called and asked Nasset to return the seized computer to him so that he could retrieve essential accounting data for Peak’s business operations. In that computer, Tonjum would find the spreadsheets that he needed, and a series of photographs, all of which he would copy for his work at Peak and another for his brother in law Detective Nasset. Tonjum would later leave them for Nasset on the seat of his car which was parked outside the church that both of them attended. Later, he also helped Dick Dasen reconnect the computer at Peak Development.

It is possible that someone at Peak later tried to delete files from it before it was re-seized, but if so, it was a vain attempt. Jimmy Weg, a computer geek who just happens to comprise the entire Computer Crime and Computer Forensics Unit for the Montana Department of Justice,

recovered 19 sexually explicit photos from it that had been deleted, but not yet “written over.” The photos, according to Weg, were “unaffected,” by the attempted deletions. Best asked Weg if he had been asked to investigate for computer crime in this case, and how he defined “computer crime.” Weg, a small, cerebral-looking man with hair far longer than any his fellow law enforcement officers, replied, “I would say that the allegations here, the photos on this computer are evidence of child pornography.” Best then asked if the photos could have been downloaded from a website. “No.” Weg answered simply. “Is it possible that the images created from your search were not pictures from a camera, that they had downloaded themselves?” Weg looked puzzled. “No,” he said.

Leah Marshall’s Sad Tale

In the spectator seats is a very old man named David Placer, who is wearing a cardigan, and looking rather weak, but very happy. Next week a friend will drive him in a motorhome to Yakima, Washington, to walk down the aisle with Leah Marshall at her wedding. He is on dialysis and worries about the long trip, but he’s going anyway. He and his wife Kay picked up Leah hitchhiking in 2002, on the highway down by Flathead Lake. When they found out she had no place to go, they took her in. Even though it didn’t work out—methamphetamine and wanderlust and bad judgement reclaimed her from them—it was still the right action to take, and they made a friend. Leah has no other family that she can find to walk with her at her wedding, so she’s invited David Placer to take the honor.

Leah Marshall is 23 years old now. Today she walks to the witness stand to testify in the State’s case against Dick Dasen. Leah is a tall woman, wearing a tight pink t-shirt that shows her tanned arms and shoulders, her brown hair is streaked with blond. She looks a little bit like the actress Lisa Kudrow, if Kudrow had been homeless since she

was eleven. Dan Guzynski questions her, a long digression into a history of a family shattered, a mother in prison for drugs, brothers and sisters tossed into foster homes or out on the streets of a half-dozen Oregon cities and towns. And drugs, descends into the haze of whatever drug was available, then, remarkably, shaking it off, and running sober for weeks or months, finishing high school, working, renting an apartment, or having a car, then descending again.

She’s been in foster homes or on her own since she was eleven years old. Her first encounters with meth date back to age twelve, and she put herself in treatment when she was 15, but it didn’t last. When her mother was out and living at home, they used prescription drugs and cocaine together, but that didn’t last long either, because her mother soon lost the house. When she was nineteen she left Bakersfield, Oregon and set off to find her father, and finally found him in Livingston, Montana. They moved together off the windy high plains to Marion, in the Flathead, where her father had a girlfriend, but soon they were both in Kalispell, run out of Marion by the deep snow and cold.

They lived for awhile in a little trailer behind the Second Hand Store and Marshall went back to Oregon to retrieve a sister and bring her there to live with them in the trailer. Her sister had a small income from Social Security benefits, after she came to the Flathead, the courts made Dick Dasen the payee for her because she was a minor. That is how Leah would meet Dasen, in asking about the benefits, which Dasen handled for her sister, impeccably, and for no recompense, as he did for many, many other people in the Valley. Somewhere in there, Leah’s father disappeared again. Her sister found her way deep into the mountains and was living in the tiny community of Essex, on the edge of Glacier Park.

Leah said that she first spoke with Dasen in May of 2002, when she was back in Kalispell after yet another hitchhiking

trip from Oregon. She was homeless again, and Dasen offered to put her up at the Outlaw Inn, just to help her out. Later, at a more desperate time in her life, he would tell her to collect all her bills and list her expenses, and he would write her a check for the shocking sum of \$2650, every penny of which she would blow on drugs and gambling. “Drug activity, maybe,” she responds to Guzynski’s very gentle question about what happened to the money, “I don’t remember except that I didn’t spend it on my bills.” She was living with a friend, Cari Halama, and working part-time at a hard, old-time bar called Stoner’s in the community of Coram near Hungry Horse Lake, an area inhabited by a lot of what the locals call “canyon critters” – people living on the edge, hiding out, unbalanced, or on drugs or both. In December she went back to see Dasen, she said, and he met with her in conference room, and outlined for her a life beyond her imaginings. “He asked me how I would like to have a car, and an apartment, and to go to college. At that time, I didn’t think that could be true for me. Then he added that I’d have a \$1000 a week. I was wondering what was the catch, and he said, he would do me a favor if I did him a favor.”

Leah Marshall said that, in their first sexual meeting, Dasen told her that if she was uncomfortable or didn’t want to do this, “just tell me.” He performed oral sex on her, penetrating her with his tongue—a revelation that brought a swift objection from George Best, who accused Guzynski of leading his witness. Judge Stadler sustained the objection. After the episode of oral sex, she said “We both got dressed, and he told me ‘thank you.’” Dasen, she said, also told her that if she had any friends who would like to do something similar with him, she should introduce them. He then gave her a check for \$3000.

“How do you feel about yourself after this?” Guzynski asked.

“Pretty shameful.”

“How many times did you meet with

him?”

“I have no idea.”

Leah would say, when asked again, that she met with Dasen “roughly ten times,” and that she brought other girls to meet him, including a friend named Kendra Holmes, who she met at a homeless shelter in the winter of 2003. She testified that she and Kendra Holmes posed for photographs while engaged in sexual acts at Dasen’s home that February, and that they were joined in those acts by Dasen, and that she took some of the photos that day. The photographs were admitted as evidence, over the objections of Best, who also repeatedly and successfully objected to much of the testimony about Kendra Holmes on the grounds that much of it was hearsay.

Leah testified that she fled Kalispell after she found out the police were looking for her for forgery charges, after receiving \$5000 from Dasen, who told her that he would require other sexual visits from her with no pay in the future. She wound up back in the Flathead County Jail, after being extradited from Oregon, after losing her car to a police impoundment. Dasen came down and bailed her out of jail after 58 days.

When she was free, she said, she no longer wanted to be, as she called it, “a quote-unquote prostitute.” But she received money for referring other women, lots of them. “If they were interested,” Leah said, they could call Dasen’s cell phone and “they were interested in the same deal, and that would let him know that I had referred them.”

One of her last meetings with Dasen included a young girl named Valerie, who turned out to be 17 years old. Although Leah had purchased cigarettes for her, she still believed, she said, that Valerie was over eighteen, and claimed to be so if asked. ““He performed oral sex on Valerie, and then on me,” Leah explained, “We got dressed and went over to his office, and he paid us, I believe it was \$2000.”

Leah stopped seeing Dasen, she explained, because she had a new boyfriend, and “it was getting to the point where it was compromising our morals, we were both saying it was okay for me to see Mr. Dasen.” Also, she said, Dasen had asked her if he could videotape her and her boyfriend having sex.

“I said I didn’t know how Ryan would feel about it.”

“Did you say no?” asked Guzynski.

“No, I was hesitant to ask Ryan, but I couldn’t live with his money.”

“What did Ryan say about the proposal?”

“He was very upset, hurt. It caused a lot of tension. Distrust.” Leah was suddenly fighting back tears, and she reached up to wipe her eye.

After that she said, she avoided Dasen and “he basically cut me off, until I saw him at a casino. He gave me an ultimatum, either see him or not. He was upset at some of the the girls too. There was drama going on.”

On Friday morning, Best will cross-examine Leah Marshall.