

# Dasen's Fate Now in Jury's Hands

by Hal Herring

The Kalispell courtroom was crowded Thursday, tense in anticipation of the final day of the Dick Dasen trial. Connie Guzman, whose daughter, now dead in a car crash, was a "Dasen girl", sat in the back. She'd been subpoenaed as a witness and thus barred from the courtroom until now. An entire front row was reserved for the members of a high school class. The television news people who have been here everyday for the past three weeks stood in the corner that has become their home. There was fearsome energy, tamped by a long wait outside the locked doors of the courtroom, a wait where people mingled in a divided room, with Dick Dasen and his family and friends mostly taking the side by the elevators and everyone else revolving around but not entering that space.



*Prosecutor Lori Adams addresses the jury.*

The chairs were full, and people stood in groups, two dozen nervous conversations going full blast. The detectives who had worked so long on this case sat against the windows that look out over south Kalispell, above the fully leafed trees tossing in a cool late spring wind, rain alternating with sun on old neighborhoods of shaded green. Summer has come and gone and almost come again since that bleak February day in 2004 when they arrested Dick Dasen at the Blue and White Motel.

Deputy district attorney Lori Adams walked up and addressed the jury, standing in front of them, freed of the lectern that makes her appear even shorter than she is, as inscrutable and calmly aggressive as she has been at every moment of this trial. Once she started speaking she did not stop, pouring out her argument without hesitation, using the staccato, harshly declarative style that she has developed in questioning witnesses in this trial. She is a different kind of speaker, maybe a different person, than she was three weeks ago. The jury, five women and seven men, is an inscrutable entity, too, and they sit looking at her like passengers along the railing of a ship that has been long at sea, coming in to dock in a new country.

Ms. Adams began by flatly describing how Dick Dasen committed the crimes of promotion of prostitution. "He did so when he said to Leah Marshall, 'You do me a favor and I'll do you a favor...'

He met her at a hotel, he had sexual contact with her. He gave her money. He gave her \$42,650 in one year. He did so when he engaged in sex with Kim Niese and afterwards, he wrote her a check. He gave her \$34,875 in four months. He did so when he told V and K to come to his house and he took pictures of them and then he wrote them a check. He did so with M and T. He arrived at Kim Niese's house, dildo in pocket, he had sexual contact with them after they had contact with each other, and then he gave Kim Niese a check.

Adams went on to list more of the witnesses, each time ending, "had sex, gave her a check.?"

"Amanda Veyna, he asked 'Do you know the deal?' and she replied 'I believe that you'll perform oral sex on me and you'll pay me \$1000.' Misty Yeates. \$1000 for twenty minutes of her time.

"Ladies and gentlemen, the state believes that we have made the case of Sexual Intercourse Without Consent.... The state needs to prove that the defendant had sexual contact with M. If you believe that the defendant had sexual contact with M, then he is guilty of that crime. She did not want to have sexual contact with the defendant. Kim Niese told you that. Misty Yeates told you that. M tells you that. T tells you that. M has a birth certificate that says she was less than sixteen years old.

"And the defendant knew there was a high probability that these girls were under 18. He was on notice because he'd already learned that TB was under eighteen...he was on notice and he was going to be so careful after that. So careful that he had sexual relations with five more children....?"

Adams told the jury that the charge of sexual abuse of children simply means that the defendant photographed or filmed a child in a sexual situation. "I don't think anyone who saw the white

binder of photos will deny that the girls are involved in sexual contact. You saw them. Did K look like she could possibly be over 18? She told you that she had braces with bright pink rubber bands on them. He was on notice and he did not care....

“Does anybody believe that the money and the sex are not related? Even the defendant admits it. Why would they have had sexual contact with the defendant unless they thought they had to to get money?”

Adams methodically dealt with each realm of doubt that the defense has tried to create. She told the jury that of course the women had lied to police when first confronted about their involvement with Dasen. “If the police come knocking on your door, you are not going to confess to them that you have been a prostitute,” she said, “Even the defendant agrees that that is one of the most degrading terms in our society. If you are an underage girl, and you have been in photos like are in that binder, you don’t want your family to know that, you father to know that.

“But later, they came clean. They were forthright and they told the truth. Mr. Best will tell you that peripheral things, their drug abuse, makes it impossible for the witnesses to remember. But the motel registrations, the checks, all corroborate their stories. And if not for the drugs, they’d never have done this horrible thing—prostituted themselves. But Mr. Best tells you, ‘they are drug users, throw them away, throw them away.

“The defense would like you to believe that there is a conspiracy against Mr. Dasen. Imagine how big a conspiracy that would have to be. The County Attorney’s office would have to be in on it, and the Kalispell Police Department, Jimmy Weg at the state, All these women telling the same story....

“Mr. Best would have you believe that his client is a dupe. He’s a college

teacher, engineer, self-made millionaire businessman, but he couldn’t tell these women were ever on drugs. Then he’s a man who couldn’t say no. But he did say no, he said no to Kristen Anderson. She brought him a list, too, rent, car payments, he said no.? Ms. Anderson was one of the prosecution’s last rebuttal witnesses called on Tuesday morning. An overweight woman of middle—age, she testified that she went to Dasen’s office seeking help and he told her that her trouble was that “she wasn’t married,” and would not give her any money. The prosecution contends that Ms. Anderson got no money or help because she did not fit the “physical profile” of the women who received tens of thousands of dollars from Dasen.

“...And let’s talk about character witnesses. It seems like the defense has decided to create this dual system where some people are above the law because they do such good deeds. But the law is a level playing field... You may wonder about the sentencing. But that is up to Judge Stadler. The defendant will be treated fairly if he is convicted, and that is when the good deeds, and the other good things the defendant has done, should be considered. But that should not be considered by you, now...

“It is not just a moral wrong that has been committed here, ladies and gentlemen. It is a criminal wrong. Remember those pictures, ladies and gentlemen. There are victims in this case—Mr. Dasen’s wife, his family, his business partners, the women. The Flathead Valley.

“Hold him accountable. Find him guilty of all thirteen charges.”

The court recessed for lunch.

Mr. Best is a large man with a confident air. He comes from the tiny eastern Montana farming town of Dutton, and he is apparently free of arrogance. Although he has been at times unable or unwilling to hide his dislike of some of the prosecution’s witnesses in this

case, he addresses the jury with respect and without any hint of condescension. Today his job calls for unaffected presence, and Mr. Best musters it. He solemnly tells the jury that his client is faced with 13 charges, “but you knew that before we started.” He pauses, stands waiting for the right words.

“The only way to prove something is to determine the truth,” he says quietly. And he begins, not in attacking the prosecution’s case or its witnesses, but with the video that the prosecution introduced as evidence, the video of Dick Dasen being interviewed by the detectives of the Kalispell Police Department after his arrest on February 7th, 2004. That video, Best tells the jury, shows something very unusual, something that a jury almost never gets to see. “You got to see him before he knew George Best existed. How he answered questions without the courtroom, how he reacted within minutes of being arrested.”

And every juror, everybody who was there, does remember that video, where Dasen talks with the officers, telling them in a relaxed and conversational manner that he has nothing to hide, that if he has committed a crime he’ll pay the penalty, but that he is certain that he has not, that he’ll help them in any way he can. The man in that video is almost certainly sincere. He obviously has no inkling that what is happening right now is any part of his future whatsoever.

Once again, Best says, the search for the truth.

“You’ve heard the prosecution use the word ‘conspiracy,’ Best told the jury, but you did not hear that from me. What happened here was that the drug world collided with the culture of kindness. And in every instance of that, the people in the drug world take advantage. The police officers were trying to find the truth, but they were dealing with that same drug culture, that same culture of lies....our police

officers are confronted with the drug culture, people who want to get over on somebody, to get something. To get out of jail.?

Best has maintained for three weeks that the state's witnesses, most of them in trouble with the law for other offenses, have been offered special treatment, or the hope of it, to testify against his client. And he has been constant in his claim that if they will lie to police when they are first arrested, then they will lie at any time, that there is no way to tell when they will stop lying, or if they ever tell the truth at all.

"Kim Niese lied right up until the point that she decided to say something that would do her some good,? Best told the jury. "Look at your instructions from Judge Stadler where he says, 'the testimony of one legally accountable should be viewed with caution....' 'We have to make some decisions when dealing with our witnesses,' the prosecutors said. Now, Leah Marshall was never charged with prostitution even after she admitted bringing girls to Dick Dasen, and committing acts of prostitution herself....? He then reads off a long list of women's names that have been part of the case, "all of them admitted to not telling the truth. They all told lies...?"

Best said that the mindset shown by Dasen in the police interview, combined with the fact that he left such a glaring paper trail of checks, is evidence that his client is innocent of at least the intent to commit a crime of any kind. "Now, they say Dick is promoting prostitution, having sex with prostitutes and abusing children. And he writes a check for every instance? And he tells the police his bank account numbers and gives them full access. What is Dick's mindset?"

"The first charge, sexual intercourse without consent. Did he have sexual intercourse with M? He says no. she says yes. What shows that they are being truthful? Well, T has sued him

for \$5.65 million. M has sued him, too. They say he had sex with them and Dick says no he did not. There's been some talk about a marital aid, a dildo, but he never went there knowing he was going to see T and M. He was going to see Kim Niese, a woman he had sex with before. And while we are on the subject of Kim Niese, Dick committed adultery with her, lots of times. But he didn't commit prostitution. He didn't promote it, didn't incite it, didn't encourage it.?"

"Second charge, aggravated promotion of prostitution. The state must prove that he promoted prostitution in a child under the age of 18 and did so knowingly.... You saw the disgusting pictures. But did he promote them to become prostitutes? I submit that he did not..."

"As to number five, did Dick ever have the mental state to abuse a child? I submit that he did not.

"It comes down to believing them, or believing Dick, in each place. I won't go into the felonies that some of them have. How can you trust them? They took his generosity, and they shot it into their arms, or up their noses, and then when they got into trouble, arrested by one of these men...? Best gestures to the detectives sitting the front row, "they did what they had to do to get out... compare truths. Compare who it is coming from. Those drug addicts will do anything to get out of trouble or to get drugs...we have a saying around our house. Kindness is often confused with weakness. And when you are dealing with these women, kindness is a big weakness. They'll get you. Just like they got this old fool.?"

Perhaps Mr. Best said "those people? one time too many for the prosecutors, who have spent day after day in the company of the witnesses, hearing stories of their lives, their childhoods, their hopes for the future. Maybe prosecutor Dan Guzynski was already irritated and ready for the end. But he stood up, even paler than usual- he

looks like he has not seen the sun much this spring, or much rest either- like a man getting ready to fight, where the blood has rushed out of his face and into the arms and legs for battle. The state's rebuttal was fast and mean.

"We've heard a lot about 'those people,' Guzynski spat. "Those women who came in that door and told the truth about their lives. Drugs and bad checks. You can't trust those people. Trust Mr. Dasen. Even though there's twenty of them, trust Mr. Dasen. He had no criminal intent. Look at those photos. Look at those photos of K and V.

"Mr. Best seems to believe that the halls of justice are closed to those who use drugs. That we should believe this man who lied to his wife and family for years. Believe him, not 'those people.'"

"Well, they were good enough for Mr. Dasen to take the time to have sex with them and give them money. Give them \$40,000 and never even ask them what they did with it. Are they that different from you and I?"

They'd rather come in here with this media and these cameras and lie about being prostitutes. And all of them tell the same story. Because I offered them some kind of deal? What deal? All these hours and hours of talking about people getting deals or not being charged and NONE of these people have been given anything. No exchange.

"I submit to you that he knew these women were using drugs. That man was as close to these girls as you can be, as intimate as you can be. With the way they looked, the way they smelled, the way they acted, and he will tell you he didn't know they were using drugs? His money paid for thousands and thousands of dollars worth of meth. We have so much meth around here. It's like bankrobber goes to the bank to get the money. The meth dealers came here where dozens of women had thousands of dollars to pay for it.

"He wants to say he never paid for

sex...then he wants to say that all those thousands of dollars given to those women is like his other charitable works, Christian Financial and others, but it's not like that. Why would you give somebody a thousand dollars a week? They were all capable of working. He crippled them. They used it to buy meth. Her crippled them and then they put them on the stand and humiliated them, made them talk about their friends like they were narcs.

"M and T testified that they said three times that they didn't want contact. But then Mr. Dasen had sex with her. Overwhelmed her. You talk about this lawsuit. I don't know how much you think of that. But I can say that when T sat up here and talked about having bled after that encounter, if that is so then I'd say he owes that young girl \$5 million.

"We've all gone to Woodland Park and held those bread crumbs in our hands, and then thrown them up into the air. And we have knowledge of what is going to happen. We know those ducks are coming, that frenzy is coming for those bread crumbs. And Mr. Dasen knew that when he put those thousands out there they would come running and they did, from California and all over. He knew they would. He had knowledge of that....

"V, K, M, T, and another underage girl, D. He couldn't sleep for two days after finding out about TB. He doesn't care. Braces, rubber bands, he's out of control, they are getting younger and younger until he got to M who was fifteen years old. If he goes free, he'll go back to doing what he's been doing for the past five years."

Guzynski whirled away and went and sat down. It was 4:30, too late for the jury to start deliberations. The crowd poured out, and the attorneys and the detectives began the task of collecting the boxes and stacks of files, the years' worth of effort and investigation on both sides of this battle. They were still hauling them out thirty minutes later.