

# Witnesses Pile on the Evidence in Dasen Trial

by Hal Herring

Two more witnesses who were underage when they had a sexual encounter with Kalispell businessman Richard Dasen testified at his trial Monday. T and M were recruited to perform sexual acts for Dasen in late summer of 2003 by Kimberly Hope Niese, who is currently serving a prison term for aggravated promotion of prostitution as a result of the incident.

Niese also endured a long and arduous session on the witness stand Monday, describing a sexual relationship with Dasen that took her from a position of "living in my car with my boyfriend and my dog, and trying to maintain my (meth) habit," to renting a three bedroom townhouse on 5th Avenue East in Kalispell. Niese collected as much as \$15,000 in one month from Dasen, for a series of sexual "appointments" as she called them, and for setting up such appointments for Dasen with other women and girls, among them, T and M.



*Richard A. Dasen in the courtroom*

Defense attorney George Best started off the week with a clear plan: to establish that Dasen was fooled into believing that the women he was meeting

for sexual encounters were at or above the age of consent. Best also continued his efforts to convince the jury of the essentially unreliable nature of the prosecution witnesses, and prove that although his client eagerly entered into a tremendous variety of sexual encounters, and paid out large sums of money, there was never an explicit agreement that directly linked the money and the sex.

At one point in the cross examination Best asked Ms. Niese, "Was it ever said, 'I'll give you money if you give me sex?'" and Niese replied, "No."

"But it was implied?" Best asked, "How was it implied?"

"Leah had told me how it worked, then Dick asked me if I knew how it worked, and then he started taking his clothes off, that's how it was implied," said Niese.

During Best's cross examination, Niese admitted that she had "holes" in her memory due to her near-constant use of methamphetamine during 2003, and that she had lied to police in her initial interviews because she was afraid of receiving a long prison term for her part in recruiting the underage girls and other women.

T is a tall woman, now eighteen, with red hair that falls down her back, hiding the collar of the simple black suit coat she's wearing. She has a naturally

pale complexion, and she's very pale now, obviously scared. She grew up around the Valley-- Kalispell, Ferndale, Bigfork. She's been best friends with M for five years.

When prosecutor Dan Guzynski asked her about her family's financial condition, TF answered with a single word, "Poor."

She and M met Kim Niese at Niese's townhouse early in the summer. Niese told them about her arrangement with Dasen, and asked them if they wanted an introduction. M was fifteen that summer, and T was 16. They had been living a free-wandering life, she testified, going to concerts, traveling to Canada, where T had lived and still had lots of friends, and where M had never been before. According to both girls testimony, neither were deeply involved in the Flathead Valley drug scene, although T would say "I saw a lot of drugs around Kalispell that summer, more drugs than I'd ever seen."

One day, back in Kalispell, they were hanging around a convenience store, waiting for somebody of age to come by and purchase them a pack of cigarettes. That somebody turned out to be Kim Niese and her roommate Misty Yeates. Yeates, T testified, showed her "a handful of hundred dollar bills," which convinced her and M to set up an appointment with Dick Dasen.

When the appointment was arranged the girls went to the townhouse, where Niese and Yeates briefed them on what to do. "They told us to act like we enjoyed it even if we weren't enjoying it, not to tell him our ages, and if he asked, to make something up." The arrangement was for the girls to "kiss and touch" each other, but that they would have no physical contact with Dasen.

Under cross-examination from Best, T would clarify this instruction. Best: Do you remember them telling you that Dick Dasen wouldn't have anything to do with minors? T: Yes.

Dasen arrived at the townhouse and introduced himself. According to the testimony of both girls, Dasen never asked them their ages. M said that she was wearing “her skateboard clothing,” including a ring in her pierced lip. T said “I think M told him she was from Lakeside, and I think I told him I was from Canada. He asked us if we wanted to get started, and I told him we were lesbians so he wouldn’t touch us.”

Both girls described being completely unprepared for what happened next. As they begin touching each other, Dasen asked them to take off their clothes. They complied. He took off his shirt, and performed oral sex on both of them, going from one to the other, back and forth. M testified, “Then he took a dildo out of a paper bag and penetrated me, and then penetrated T. I was just watching the clock.”

Guzynski asked: “What was T doing?”

M: “I remember looking at her and she just looked scared.”

At this point, Dasen initiated what looked to both girls as an attempt to penetrate M anally with the dildo.

T stood up and said “I’m done. It’s over.”

Guzynski: “It stopped when you asked?”

“Yes.” MM said. “I said I was uncomfortable with that.”

Guzynski: “Did he hurt you at all?”

MM: “Not really. I was a little sore. It wasn’t excruciating pain.”

Both girls went on to describe how, after Dasen left, Niese told them there was a problem with their money, and how they would wait weeks trying to collect it from her. Finally, they visited the townhouse and found it empty, and decided to go see Dasen at his office. At first Dasen did not remember them, T said, and she was too nervous to talk

with him. But M convinced him to pay them, and he wrote a check to her for \$2000.

The morning saw the end of testimony from Ms. K, continued from Friday.

Among the highlights: Ms. K testified that she and her friend V had a plan that if Dasen asked about her history she would say that she was from the East and was planning on moving to the Flathead Valley soon to share an apartment with V, and look for a job.

“Wasn’t that story made up to make you appear to be a woman on your own?” Defense attorney George Best asked Ms. K. a continuation of the cross-examination that began last week. “No,” Ms. K answered, “I made it up because I wasn’t sure I would ever want to do this again, and I wanted to have a reason for that.”

Ms. K also worried that Dasen would ask her age, but, she said, V assured her he would not. “I said that he was going to know that I was under the age of eighteen, but V said he wouldn’t ask.” And according to Ms. K, Dasen never asked her how old she was.

Best also asked: Did he (Dasen) ever say he would not pay unless you performed sexual acts?

Ms. K answered “No.”

Ms. K also told a story of transferring from a high school in Ohio to live with her father in the Flathead Valley, and reuniting with old friends, young people she had known from years of coming to the Bigfork area to visit in the summers. One of those friends, known here as V, once shared a house north of Kalispell with Leah Marshall, and with a boy named Luke who was for a brief time Ms. K’s boyfriend, when she was 15. Those old connections would lead to trouble for Ms. K, including a prostitution charge, a charge of obstruction of justice for initially lying to police about her activities with

Dasen, and her appearance as a witness for the prosecution.