

# Supreme Court deals setback to county prosecutors in long-running false-arrest lawsuit

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The News Tribune  
October 29, 2014

Pierce County prosecutors suffered a setback Tuesday when the Washington State Supreme Court rejected arguments tied to a long-running lawsuit that accuses the county of false arrest and malicious prosecution.

In a 15-page ruling, Supreme Court Commissioner Narda Pierce declined to review a lower court's order that requires the county to disclose key records in the case.

The plaintiff in the lawsuit is Lynn Dalsing, 47, who was charged in 2010 with child molestation after sheriff's deputies [falsely identified](#) her in a child porn photo.

At the time, prosecutors also charged Dalsing's husband and a friend with multiple counts of child rape; the victims were Dalsing's daughter and two young friends.

Both men were convicted, but the charges against Lynn Dalsing were dismissed without prejudice in 2011 after prosecutors verified that the photo, which they described as "the basis of the current case," didn't depict Dalsing.

At the time of the dismissal, Dalsing had spent eight months in jail. She later sued the county, seeking discovery of internal emails between prosecutors and deputies.

In 2013, King County Superior Court Judge Beth Andrus ordered disclosure of the records, despite the county's objections. The county appealed. The state Court of Appeals twice declined to review the decision, most recently in March.

After that loss, the county appealed to the Supreme Court and filed child rape charges against Lynn Dalsing, accusing her of knowing about her husband's abuse of their daughter and failing to prevent it.

The criminal case is pending. Dalsing has pleaded not guilty.

The new criminal charges and the appeal to the Supreme Court delayed disclosure of the records in Dalsing's lawsuit. Tuesday's ruling from the high court marked the third consecutive loss for the county on the same point, and seemingly opens the door to the long-delayed disclosure.

The county can file another appeal to a panel of Supreme Court justices within the next 30 days. Deputy Prosecutor Dan Hamilton, asked about the county's reaction to the high court's decision and a possible appeal, offered a statement via email.

"We are encouraged that we accomplished much of what we sought," he said. "For example, the Supreme Court Commissioner seems to agree the civil trial should be stayed pending the result of the criminal trial. We are, however, still reviewing the 16-page decision to determine whether any further appeal is appropriate."

Fred Diamondstone, the attorney representing Dalsing in the lawsuit, also offered a brief statement in response to Tuesday's decision.

"Three appellate rulings have all upheld Judge Andrus' order to Pierce County," he said. "We look forward to receiving the records that will shed further light on the merits of the case."

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