

Supreme Court deals Pierce prosecutors another setback

By Sean Robinson
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Pierce County prosecutors lost another argument with the Washington State Supreme Court on Wednesday.

The high court's decision was the latest development in an unbroken string of setbacks tied to a long-running sex-abuse case and a related lawsuit that accuses the county of false arrest and malicious prosecution.

The News Tribune first reported on the case in June 2014 in a story headlined, "The Case of Four Little Words."

A unanimous panel of five Supreme Court justices denied the county's request to modify [an earlier order](#) to disclose key records in the case. The county has resisted disclosure at every level; Wednesday's ruling from the high court marked the county's fourth consecutive defeat on the same point.

The plaintiff in the lawsuit is Lynn Dalsing, 48, 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, then 7, and two young friends.

The husband, Michael Dalsing, had a prior conviction for a sex offense (indecent liberties) dating to 1993, 10 years before he and Lynn Dalsing met and married.

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.

The picture, part of a known pornographic series, had been taken a decade earlier. It depicted another child in another state.

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 and memos written by prosecutors.

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

After that loss, the county appealed to the Supreme Court. At the same time, prosecutors 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 child victims, whose interviews are referenced in court records, identified Dalsing's husband and his friend as the abusers. None of the children accused Lynn Dalsing of participating. Dalsing's daughter reportedly told a forensic interviewer in 2010 that her mother knew what was happening and tried to stop it, but the behavior started again after that.

The criminal case is pending. Dalsing has pleaded not guilty, and denies she knew of her husband's actions. The trial date, delayed several times, is set for May.

The refiled criminal charges and the appeal to the Supreme Court delayed disclosure of the records in Dalsing's lawsuit, which has been in a holding pattern.

It was unclear Wednesday whether the high court's ruling would accelerate the lawsuit while the criminal case remains active.

Doug Vanscoy, the chief of Pierce County's Civil Division, said Wednesday that the criminal case is the immediate priority.

"Mrs. Dalsing is charged with sexual exploitation of a minor, rape of a child and child molestation as an accomplice," Vanscoy said via email. "Three young girls were repeatedly sexually abused, including her daughter.

"She knew her husband was a registered sex offender before she married him, and she facilitated his sexual abuse of the minors. We expect the civil suit will remain stayed so as not to interfere with holding Mrs. Dalsing accountable in the criminal case."

Fred Diamondstone, the attorney representing Dalsing in the malicious prosecution suit, has been seeking the underlying records from the county for almost two years.

"We are pleased that five Washington Supreme Court judges have unanimously agreed with two appellate court commissioners, three court of appeals judges and the trial court," Diamondstone said Wednesday.

"We look forward to obtaining the documents that (King County Superior Judge Beth Andrus) ordered produced nearly two years ago. We expect to ultimately establish that Pierce County's original case and its new case are equally unfounded, and that the county's deceptions will all be unveiled."

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