WATCH Post

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HOMICIDES OF WOMEN AND CHILDREN IN MINNESOTA

A closer look at the MCBW Femicide Report By Suzanne Elwell

Every year since 1989, the Minnesota Coalition for Battered Women (MCBW) has produced a Femicide Report detailing the violent deaths of women and children in Minnesota. primarily at the hands of current or former intimate partners or trusted caretakers. The MCBW gathers its data from members across the state who provide media reports of local homicides.² Along with the raw numbers, the report provides the brief but always heart-wrenching story of each life lost and each family shattered. And it serves to remind us that domestic and family violence homicides happen with alarming regularity in our state.

WATCH decided to investigate further those cases that took place in Hennepin County from 2000 to 2003 to find out if the perpetrators had prior contact with the criminal justice system, if they were on probation, and if there were opportunities for intervention prior to the homicide. This article summarizes information regarding the cases detailed in MCBW's Femicide Report and

analyzes, in particular, the Hennepin County cases.

Minnesota femicide statistics

The *Femicide Report* lists all homicides in Minnesota in which a woman or child is a victim, including death at the hands of an intimate partner, family member, caregiver, or stranger.³

Relationship

Consistent with national research, the *Femicide Report* shows that women are primarily killed by people they know, and most likely by a current or former intimate partner.⁴ In 87% of the Minnesota cases examined, the victim was related or knew the perpetrator.

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³ The *Femicide Report*, by definition and practice, does not include male victims of intimate partner violence. WATCH's monitoring experience is in line with the national research that shows that male victims of IPV homicides are relatively rare in comparison to female victims. In the past three years, WATCH can identify only three instances in which a woman killed her male intimate partner. In one of those cases, the victim was found to have acted in self-defense and was not charged; in the two others there was some indication that the defendant was a battered woman.

⁴Homicide trends in the U.S.: Intimate homicide and Homicides by relationship and weapon type.
Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics;

WATCH would like to acknowledge the incredible contribution former Executive Director **Suzanne Elwell** made to WATCH from May 2001 to December 2003. Her leadership, creativity, and expertise were great assets to the organization.

Suzanne is now working with the Minnesota Department of Public Safety's Office of Justice Programs as a crime victim investigator. We wish her continued success. The state of Minnesota has gained a dedicated advocate for issues of violence against women and children.

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¹The *Femicide Reports* from 1989 to 2003 are available on the MCBW website: www.mcbw.org.

² This method is admittedly not the most desirable strategy, and MCBW is quick to point out that its figures represent *a minimum* number of deaths of women and children

FROM THE EXECUTIVE DIRECTOR

Defending public access to the courts

By Marna Anderson

Last month, a private defense attorney asked two WATCH volunteers monitoring a plea to identify themselves and to leave the courtroom before the hearing began. He then approached the bench and requested that Judge Daniel Mabley "clear the courtroom of anybody not associated with the proceeding... The observers, whoever they are, should be asked to leave." Ironically, the argument for having the volunteers removed was that it could be embarrassing for his client, who was pleading guilty to three counts of gross misdemeanor indecent exposure!

Of course, Judge Mabley defended the public's right to be in the courts. The attorney made the same request again on the record, but Judge Mabley held firm to the legal presumption of an open courtroom for criminal proceedings in a democracy. The hearing was held with WATCH volunteers present, red clipboards in hand.

WATCH's presence in the courtroom affirms the public's right to be informed about how justice is being carried out in its communities. A judge recently commented to me that having WATCH volunteers in the courtroom is "like having someone hold up a mirror to those of us working in the system, and sometimes we don't like what we see." This dissatisfaction be it personal or systemic—can, however, lead to some slight or even "extreme" makeovers in how the courts are run. "Hats off" to the many who appreciate seeing their reflection, even if it is a "bad hair day," and "hold onto your hats" to the rest who wish WATCH would quietly pack up the clipboards and go away.

WATCH plays another role in Hennepin County's justice system. Our volunteers come in from the "outside" to monitor the courts so that we can advocate for change based on their concrete observations. At the same time, staff members participate on committees, such as the Hennepin County Family Violence Coordinating Council, to collaborate with judges, law enforcement, advocates, district court administration, and corrections to promote a coordinated response to family violence. Monitoring from without the system and collaborating from within creates a dynamic tension that often, as one judge put it, lets us hit "the nail on the head with regard to the need for change in the court system."

Our efforts are important not only because of our successes in making the justice system more effective and responsive in handling cases of violence, but also because they embody elements of the democratic process at its best—working from within, pushing from without, and voicing opinions without fear of reprisal. The public's presence in the courts strengthens our democratic way of life, and that's no small thing.

VOLUNTEER NOTES

The goal of our volunteer notes is to give you a glimpse of what is occurring in the courtroom from the perspective of a WATCH volunteer. Please keep in mind that WATCH volunteers represent the public in court and use terminology such as "court personnel" broadly. This term may refer to attorneys, deputies, clerks, probation officers, victim advocates or others who have a formal role in any court proceeding.

The judge told the petitioner [in an order for protection hearing], who also has a divorce pending, that divorce "would likely financially ruin both of you [the petitioner and the respondent]. Even the Rockefellers

cannot afford a divorce. You might have to join the circus and live in a tent."

The judge was really great in dealing with the defendant, who rambled on for a long time. She was patient, but direct, and clearly guided him in what was appropriate to address in his statement. Then, in sentencing him, she laid out very strongly why he is a danger to the community and why she was granting the state's request for an upward departure. She gave a passionate, direct statement.

- One of the deputies seemed to be taking a nap during the hearing. At least, he was resting his head and he had his eyes closed. He was sitting directly in front of the family of the victim.
- After the judge determined that an evidentiary hearing was to be held, he sent the parties out of the courtroom. No deputy went with them to see if they went to separate rooms as directed by the judge. Ten minutes elapsed before the deputy went into the corridor and he remained there with the two parties.

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HOMICIDES OF WOMEN AND CHILDREN, CONTINUED

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The majority of the violence in the *Femicide Report* is "intimate partner violence" (IPV). IPV is generally defined as violence committed against someone with whom one has, or has had, an intimate relationship, such as a former or current spouse, partner, or boy/girlfriend. Of all the cases in Minnesota from 2000 to 2003, 49% were IPV homicides. *See Chart 1*.

In addition to the clear IPV homicides. a number of other victims were friends, neighbors, or relatives of the perpetrator's current or former partner. For example, in a 2003 case, a man shot and killed his girlfriend's neighbor as he was attempting to kill his girlfriend and her children. In a 2001 case, a man shot at his estranged wife and her friend, killing the friend and injuring the wife. Although not technically IPV homicides, they can be classified as "secondary" IPV cases because the incident stemmed from the perpetrator's relationship and motivation toward his intimate partner. When added to the other IPV cases, the total percentage of Femicide Report cases related to intimate partner violence statewide is 55%.

Firearms are the weapon of choice

Women and children are most likely to be killed by a gunshot than by any other method (See gun sidebar on page 4). Forty-three percent of all incidents described in the Femicide Report involved a firearm. See Chart 2. Moreover, in looking at just the IPV homicides, that rate is even higher—51% of all IPV homicides involved a firearm.⁵

Murder-suicides

One of the most alarming aspects of IPV homicides is the high rate at which perpetrators kill themselves. In a third

of all IPV homicides in Minnesota, the perpetrator committed suicide and, in another 4%, the perpetrator attempted suicide.

Of all the Minnesota homicides described in the *Femicide Report*, 23% of the perpetrators committed suicide, with another 6% making an attempt. Moreover, in 71% of all the cases in which the perpetrator committed or attempted suicide, the method used to kill the victim was a firearm.⁶

Hennepin County femicide statistics

In the four-year period spanning 2000 to 2003, 53 women and children were killed in Hennepin County. The victim was an intimate partner of the perpetrator in 20 (41%) of these homicides; in another 6 (12%), the victim was in some way connected to the intimate partner. Sixty-one percent of the homicides occurred in Minneapolis, with the remaining homicides occurring in 16 other cities in Hennepin County.

Many of the perpetrators of homicides in Hennepin County were not strangers to the criminal justice system: 71% had criminal histories, with offenses ranging from minor traffic violations to criminal sexual

misconduct. Fifty-one percent of those perpetrators with criminal histories in Hennepin County had a charge involving violence against a person (sexual misconduct, domestic violence, assault, or child abuse). Of the 20 IPV homicide cases in Hennepin County, eight (40%) of the perpetrators had some type of domestic violence charge against them, and three of those perpetrators had cases still pending when they murdered their intimate partner.⁷

Conclusion

WATCH has often noted with irony that the impetus for the formation of WATCH was the rape and murder of a Minneapolis woman at the hands of a stranger, when in fact, women are much more likely to suffer harm at the hands of someone they know. As the results of this analysis make clear, intimate partner violence is the primary basis for the homicide of women, guns are the weapon of choice, and, in Hennepin County at least, there's a good chance the perpetrator has seen the inside of the courthouse before committing homicide.

While we can be grateful that overall the homicide trend in Minnesota has been downward in recent years, a single read of the annual *Femicide Report* is enough to spur us on to continue to work on violence prevention efforts, to look for opportunities for intervention in the criminal justice process, and to aspire to a justice system that truly is an instrument for homicide prevention.

⁵ The Minnesota Department of Health has similar findings: of the 31 people murdered by an intimate partner in 2000, 65% of those deaths involved a firearm. Minnesota Department of Health, Injury and Violence Prevention Unit, *Intimate Partner Violence: 1998 to 2001*, Violence Data Brief (November 2002, No. 1).

⁶ Three-fourths of all firearm deaths in Minnesota from 1998 to 2001 were due to suicide. The Minnesota Department of Health, Injury and Violence Prevention Unit, *Firearm-Related Injury: Minnesota* 1998-2001 (May 2004, No. 3).

⁷ It is important to keep in mind that the *Femicide Report* tracks only completed homicides. There are many other incidents of attempted homicides in which the victim survives.

HOMICIDE CHARTS

HOMICIDES: INTIMATE PARTNER VIOLENCE, CHILD MALTREATMENT, AND OTHER FAMILY VIOLENCE FOR ALL OF MINNESOTA

Examination of homicides of women and children in 2000-2003 broken down by Hennepin County and all other counties in Minnesota

Chart 1

	Category	y of homicide t	focusing on	primary victim
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Description/type	Other Counties	Hennepin	Total MN	%	% of total known
Intimate partner violence (IPV)	56	20	76	46%	49%
Secondary IPV*	4	6	10	6%	6%
Child maltreatment**	22	6	28	17%	18%
Other family violence***	12	1	13	8%	8%
Sexual violence	4	3	7	4%	5%
Acquaintance	7	4	11	7%	7%
Stranger to victim	3	6	9	5%	5%
Perpetrator unknow n	7	3	10	6%	
Total	115	49	164	100%	100%

Chart 2

Method	Other Counties	Hennepin	Total MN	%	% of known
Firearm	46	16	62	38%	43%
Knife/cutting instrument	18	15	33	20%	23%
Strangulation	9	1	10	6%	7%
Hands/feet	12	5	17	10%	12%
Object	3	4	7	4%	5%
Other	13	3	16	10%	11%
Unknow n	14	5	19	12%	
Total	115	49	164	100%	100%

Chart 3

Method used: IPV cases only*	Other counties	% of known	Hennepin County	% of know n	% of MN known
Firearm	29	56%	7	37%	51%
Knife/cutting instrument	8	15%	9	47%	24%
Strangulation	6	12%	0	0%	8%
Hands/feet	2	4%	0	0%	3%
Object	2	4%	2	11%	6%
Other	5	10%	1	5%	8%
Unknow n	4		1		
Total	56	100%	20	100%	100%

Victim is connected in some way to intimate partner of perpetrator

WHAT THE STATISTICS SAY:

It's about guns

It doesn't take a rocket scientist to realize that guns play a huge role in intimate partner violence (IPV). Of all the IPV homicide cases WATCH examined in Hennepin County from 2000 to 2003, 36% involved a firearm; statewide that figure is 53%. In addition, in all Minnesota cases

where the perpetrator committed suicide, 64% involved guns.

- Twenty percent of women murdered in the US are shot by an intimate partner.
- Firearms are used in 59% of all IPV homicides of women (and 51% of such homicides of men), and two-thirds of IPV

Get Out The Vote!

Did you know:

One of the least represented populations in voting is women from 25 to 44 years old.

Unmarried women comprise the largest group of unregistered and nonvoting citizens in the United States.

More than any other demographic group, unmarried women describe themselves as progressive and desire a government that addresses issues on jobs, healthcare, and education.

Please encourage the women in your lives to get out and vote!

For more information visit: http://wvwv.org/ www.shevotes.org/

murders of spouses or exspouses.

- An abuser's access to firearms is among the strongest predictors of intimate partner homicide.
- The presence of a gun in the home greatly increases the risk of intimate partner homicide. \Box

Note: Full citations are available upon request.

^{**}Death as a result of maltreatment by parent or caregiver

^{***}Includes parents killing adult children

LETHALITY AT SEPARATION

A 2002 domestic homicide case from Hennepin County

Kristina Zierman of Maple Grove was last seen alive January 24, 2002, the same day she told her mother and a friend that she planned to end an abusive relationship with her boyfriend, Christopher Seebold.

Seebold, 34, had agreed to take 21-year old Zierman to a traffic court hearing at Hennepin County's Ridgedale courthouse. He picked her and their three-year-old son up at Zierman's mother's house, but Zierman never made it to court and was never seen again. Two days later, Seebold dropped off the son at Zierman's parents, telling them that he did not know where Zierman was. The toddler told his grandmother that he found his mom sleeping on the floor and he couldn't wake her up.

Seebold was arrested on February 6, 2002. Police officers found a .40 caliber handgun at his home when they executed a search warrant.

Zierman's body wasn't discovered until June 5, 2002 when a fisherman spotted it near the Cedar Avenue Bridge in Bloomington. She had been strangled, weighted down with landscaping bricks, and thrown into the Minnesota River.

On April 15, 2003, Seebold was sentenced to 40 years in prison for second degree murder.

Like so many domestic violence homicides, the murder itself was not the first indication of abuse in the relationship. On September 22, 2001, Seebold reported Zierman missing when she didn't return home from work. Zierman arrived at the same time as the officer was dispatched to the home. She asked the officer to come inside with her because she knew that Seebold would be angry. A short time after the officer left, neighbors called police to report a woman screaming "bloody murder."

Police returned and found Zierman crying and screaming, "I'm afraid of you! Don't hurt

She told her mother, if something happens to me, "He did it."

me! Just leave me alone! I want to leave!" Zierman told police that Seebold accused her of seeing other men, put her in a sleeper chokehold, and pushed her into a coffee table.

Seebold was charged with fifth degree domestic assault, to which he pleaded guilty. He was sentenced to serve 90 days, 89 of which were stayed for two years. Zierman continued to live with Seebold and their son. In December 2001, Zierman separated from Seebold, and she and her child moved in with Zierman's mother. Zierman told her mother she was afraid of Seebold and if something happened to her, "He did it."

This murder was not the first incident of violence in Seebold's life. Thirteen years earlier, Seebold shot a man several times after he took off with a half ounce of Seebold's cocaine. Seebold fired several shots at him, one hitting his leg and another his chest. Seebold then stood over him and fired another shot into his chest. Seebold was charged with second degree attempted murder, sentenced to 118 months in prison, and prohibited from

possessing a firearm under state law. Following Seebold's conviction for domestic abuse in September 2002, he was prohibited by federal law from possessing a firearm as well.

WATCH volunteer of the year

At WATCH's Spring 2004 volunteer recognition event at the home of founder Susan Lenfestey, Mary Lay received our volunteer of the year award. Mary has volunteered with WATCH since 2000 and says, "Sometimes I think volunteering with WATCH is the most important thing I do. We're dealing with such critical matters. As monitors, we see things at the moment, comment at the moment, and make an immediate difference. And we don't just see problems, but also have the opportunity to give praise to judges and others when due."

When not volunteering for WATCH, Mary is teaching a variety of courses at the University of Minnesota where she is on the faculty of the Department of Rhetoric. Mary also is a Faculty Fellow at the University of Minnesota Law School

If you are interested in volunteering with WATCH, see our website www.watchmn.org/volunteer.html.

Or phone (612) 341-2747 and speak with Libby Wyrum, volunteer coordinator. Volunteer court monitor positions are available starting in September 2004.

A thumbs up to the **Minneapolis Police Department** for its sting operation to arrest johns instead of prostitutes and to continue its work with PRIDE, a local group that helps women get out of prostitution. These are big steps in the right direction. It's time we all recognize that buying and selling human beings for another person's sexual entertainment *is* a crime of violence. And it's time to put the responsibility for this crime where it's due: on those who solicit, promote, and induce prostitution.

Thumbs way up to the **Hennepin** County Attorney's Office for creating an on-line option for victims of crime to share how a crime has impacted their lives. The goal of the website is to offer an easy way for crime victims to communicate with judges. Victim impact statements put a human face to crime. Judges have been quoted as saying that a timely, well written impact statement can cause them to rethink a plea agreement or influence how they proceed with sentencing. By providing another tool for victims to communicate their stories, the Hennepin County Attorney's Office has increased the volume of voices speaking out against crime.

Thumbs down to the Minnesota State Legislature for its unproductive 2004 session. While Minnesota faces a whopping \$2.1 billion in budget cuts to important public and social services (e.g. services for battered women, victims of sexual assault, abused children, and other crime victims) the legislature chooses to focus on a discriminatory

gay-marriage ban. The appropriate Minnesotan expression for this state of affairs is a decided "*Uff-da*"!

A major thumbs down to the United States military for its inadequate response to the over 100 incidents of sexual assault and other forms of sexual misconduct reported in the past 18 months by U.S. female soldiers serving in Iraq and Afghanistan. The perpetrators? Their fellow U.S. soldiers. A task force appointed by Secretary of Defense Donald Rumsfeld recommended more investigations, meetings, and reports as a result of its own investigations, meetings, and reports. Less talk and more action is needed to end this unchecked abuse!

Thumbs up to the Sheila Wellstone Institute of Wellstone Action for hosting its first-ever Camp Sheila Wellstone in St. Paul this past May. The purpose of the two-day training was to help people already working to end violence against women learn new skills to effectively organize communities, promote public policy, and elect officials that will make sexual assault and domestic violence a local and national priority. About 80 people attended, representing 20 victim service organizations in Minnesota.

Thumbs up to Minnesota Attorney General Mike Hatch for calling attention to the practice of placing sex offenders in nursing homes without adequate supervision and with access to vulnerable adults. The lawsuit should encourage the Departments of Health, Corrections,

and Public Safety to work together to rapidly come up with a solution to the long-term placement and treatment of convicted sex offenders unable to care for themselves.

Thumbs up to recently appointed Chief Judge Lucy A. Wieland for her stated commitment to making security at the Hennepin County Government Center a top priority during her tenure. On a Minnesota Public Radio (MPR) interview, Wieland said, "Given the volatility of so many of the cases we see here, it is just past due for this courthouse to have weapons screening." She went on to point out that jurors, witnesses, and the general public need to feel as safe as possible in the courthouse. Her appointment is effective July 2004.

NOTES, CONTINUED

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The judge did an excellent job at sentencing. He told the defendent that his conduct was "horrendous" and that his wife had suffered enormously. He went on to say that he hoped she would never have to look at the defendent again. Then the judge explained that even after the defendent's release from prison he would not be able to have contact with the victim. The judge said, "You terrified this woman. You have hurt her badly. If I find out that you have contacted her, I will have you back in prison so fast . . ." It's really great to see a judge follow a sentence with strong statements regarding the pain the defendent caused the victim.

CASE SUMMARIES

Following is a sampling of cases WATCH has monitored over the last few months.

Sentencing: William Arthur Gay, the Bloomington janitor charged with fondling girls at an elementary school, was sentenced in March.

At the joint sentencing for the six second degree criminal sexual conduct charges, the prosecutor argued that Gay had sought out an environment with young children, and that his behavior warranted time in prison.

Sentencing guidelines called for a 51-month prison sentence, but Judge Beryl Nord sentenced him to 365 days in jail and stayed a prison sentence of 102 months for 15 years. That is, the defendant received an upward durational departure because he used a position of trust to perpetrate the assaults and a downward dispositional departure because of his amenability to treatment.

Mr. Gay was also ordered to undergo sex offender treatment, stay away from the Bloomington city limits and the victims, write a letter of apology to the victims, cease using all controlled substances, submit to random drug testing, and have no unsupervised contact with minors.

Two victims' mothers spoke of the effects on their children. One mother said that her daughter builds forts to protect herself because she is afraid that he will come back.

After the victim impact statements, Gay apologized for his actions.

Hennepin County's criminal case tracking database, SIP, lists Amy Sweasy as the prosecutor on this case and Robert Owens as the defense attorney.

Sentencing: Claude Virgil Hendricks was sentenced in April for raping his housecleaner at gunpoint in the presence of her 18-month-old child. Hendricks pleaded guilty to first degree criminal sexual conduct and kidnapping. Judge Allen Oleisky sentenced Hendricks to 144 months in prison. SIP lists Mark Chasteen as the prosecutor and Theresa Freeman as the defense attorney.

Court trial: Adriane Williams was charged with second degree murder in the death of her two-year old godson, Dyshawn. The complaint states that Williams and her then-boyfriend Deandre Willis beat the young child while caring for him over a period of three days. At one point, Williams admitted she hit the child so hard he fell backwards and banged his head on a piece of furniture, after which she iced her hand. Williams' attorney called for lowering the charges to child neglect in light of the child's possible contributing health problems, which Judge Katheriane Roe denied. After the court trial, Judge Roe found Williams guilty of second degree manslaughter instead of second degree murder. On June 11, Williams was sentenced to seven years in prison, three more than called for by state sentencing guidelines. SIP lists Amy Sweasy as the prosecutor and Albert Goins as the defense attorney.

Jury trial and sentencing: In May, a jury found **Charles Mems** guilty of murdering his ex-girlfriend, Cindy Peterson. According to the criminal

complaint, Mems shot Peterson as she was getting into her car to leave for work. It was three days before her marriage to another man. Mems had been violent and threatening to the victim after their break-up and before the murder. Jurors found Mems guilty of premeditated first degree murder, and Judge Janet Poston sentenced him to life in prison without parole. The prosecutors argued that Mems should not be eligible for parole because he had been convicted of rape in North Carolina in 1971, a heinous crime in Minnesota and therefore taken into consideration at sentencing. Three family members including Peterson's daughter and two of her brothers, gave victim impact statements. SIP lists Barbara Kehrberg and Bev Benson as the prosecutors and William Richardson and David Cohoes as the defense attorneys.

A fond "see you later" to three dedicated WATCH board members

We refuse to say "good-bye" to our departing board members Gary Joselyn, Sally Kenney, and Mia Sullivan. All three board members completed their terms in April 2004, but their dedication to WATCH's mission keeps them active with the organization. They are frequently volunteering in the office, chatting with friends at WATCH events, or offering advice to WATCH staff and board members. A big thank you to Gary, Sally, and Mia for donating their time and talents to WATCH!

WATCH

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CornerHouse receives Gold WATCH award

The 2004 Sheila Wellstone Gold WATCH award was given to CornerHouse Interagency Child Abuse Evaluation and Training Center. Now celebrating its fifteenth year, CornerHouse has played a critical role in the prosecution of child sexual abuse cases in Hennepin County. CornerHouse provides a

safe place for children and vulnerable adults to tell of their experiences of abuse. Not only does CornerHouse make a difference in Hennepin County's criminal justice system, the staff of CornerHouse makes a difference in the lives of the children and families they serve.

This year's Gold WATCH event was held at the Dakota Jazz Club and Restaurant. Many thanks to Julie Corty and Richard Erickson for donating the space, musical entertainment, wine, and food.

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