

Could Harvey Weinstein Face Jail Time for His Alleged Crimes?

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Harvey Weinstein has faced severe social and [professional](#) consequences amid reports of his decades-long campaign of harassment, assault and rape of [nearly two dozen women](#) — but will he ever face any legal consequences?

It depends on the women and their defenders.

The clearest way for Weinstein to make it into a courtroom would be if Lucia Evans, who told the [New Yorker](#) that Weinstein raped her in 2004, pressed charges against the movie mogul.

There is no statute of limitations on rape in New York State, and Evans, a former aspiring actress, told the magazine that Weinstein physically forced her perform oral sex on him at the Miramax office in Tribeca. Weinstein could be charged with third-degree rape and if he was found guilty, he could get [up to four years of prison](#).

New York attorney Lawrence Pearson told [Vulture](#) the overwhelming number of people speaking to Weinstein's history as a sexual predator and abuser could help Evans's case because it establishes a pattern of behavior.

"That information can be used as evidence in the case of women whose attacks happened more recently," Pearson said. "There is a lot of value to someone coming out and saying what happened to them. It can help the prosecution."

But rape cases are notoriously difficult to prosecute, and victims often prefer to go the route of a civil suit, especially if the alleged crime involves a professional colleague. These women, though, will likely have no better luck bringing civil charges against Weinstein: The statute of limitations for civil suits involving sexual assault is typically "one or two years," according to Pearson.

Weinstein's accusers could sidestep these statutes by filing suits against the Weinstein Company itself, which Los Angeles lawyer Karl Gerber told [Vulture](#) is liable for whatever harassment and assault happened there.

That would mean the company's board, which no longer includes Weinstein, could find itself answering to a jury, which could decide whether the company must pay punitive damages to any of Weinstein's victims involved in the suit.

And if the Weinstein Company discovered that the former executive was using company funds — beyond those from the [eight settlements](#) with women Weinstein allegedly abused — Weinstein could face charges of embezzlement.

In California, the embezzlement of property, money or services worth more than \$950 is considered grand theft, and carries a state prison sentence between [16 months and three years](#).

Weinstein came close to a criminal trial in 2015, when the NYPD investigated accusations that the Hollywood executive groped model Ambra Battilana Gutierrez.

The *New Yorker's* Tuesday exposé included audio from the department's subsequent sting operation, which reveals Weinstein coercing Gutierrez to join him in his room at the Tribeca Grand Hotel. On the tape, Weinstein admits to grabbing Gutierrez's breasts in an earlier encounter.

That confession could have led to a charge of sexual abuse — which in New York state includes any kind of sexual contact without the person's consent. If Manhattan DA Cyrus Vance had successfully pursued the case to a conviction, Weinstein could have been out of the movie business in an upstate cell for [three months to a year](#).

But the damning tape and Gutierrez's testimony didn't convince Vance to take the case, and he remains under fire by critics for going soft on the mogul.

With the right prosecutor, the case could be reopened, Pearson said.

"If there is a large amount of corroborating evidence that shows he had a pattern of conduct, then a prosecutor who is more willing to be aggressive could very well bring a case," he told [Vulture](#). "Or if new DNA evidence is discovered, that may be more willing to prosecute."

And there's one more way Weinstein could end up in court: His second wife, Georgina Chapman, will [reportedly](#) divorce him — and celebrity split-ups are rarely civil matters conducted quietly by lawyers, as [Angelina Jolie and Brad Pitt well know](#).

Another one of Weinstein's accusers, former actress Asia Argento, said the former Hollywood studio executive raped her in a French hotel in 1997, which makes pressing charges against Weinstein out of the question. The French statute of limitations for rape is [10 years](#); Argento has missed the cut off to report the alleged crime by a decade.

Weinstein has made it difficult for any United States authorities to hold him accountable for his alleged crimes, should that be an option: Under the cover of night, Weinstein [boarded a private plane to Europe](#), where he'll seek counseling for supposed "sex addiction," TMZ reported.

Europe, of course, is where another famous moviemaker, [Roman Polanski](#), [fled](#) to avoid his own sex assault charges.