


“Leave the Witnesses Alone”: Day One of Harvey Weinstein’s Trial Previewed the Clashes to Come

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When **Harvey Weinstein** arrived at court on Monday—gliding with his new walker at the pace of a Zamboni—the scene in Lower Manhattan was clamorous. Outside the courthouse in Foley Square, activists including actors and Weinstein accusers **Rose McGowan** and **Rosanna Arquette** held a rally to mark the start of the former movie mogul’s rape trial. “Today Lady Justice is staring down a super-predator,” McGowan said into a cluster of microphones. Other protestors denounced Weinstein as he entered and exited the building flanked by his entourage, which included his publicist, personal security, and his six high-priced lawyers.

Inside the building, past the press scrum, Assistant District Attorneys **Joan Illuzzi-Orbon** and **Meghan Hast**, the two-woman team prosecuting Weinstein, awaited in a hushed courtroom. The day’s hearing proved a preview of the controversial trial to come. The day’s matters were largely procedural, as Judge **James Burke** ruled on final motions ahead of jury selection, which begins on Tuesday. He rejected the defense’s request to sequester the jury and denied its ability to question a New York police investigator, **Nicholas DiGaudio**, who was taken off the case. Illuzzi-Orbon, who has been with the New York D.A.’s office for some 30 years, will serve as Weinstein’s primary courtroom antagonist for the next two months as the disgraced movie mogul stands trial for rape and sexual assault. (Weinstein has pleaded not guilty to all charges and denied any allegations of nonconsensual sex.)

Discussing how to handle seven personal photos of Weinstein that the prosecution would like to use during the trial, Illuzzi-Orbon noted that she did not intend to “humiliate the defendant.” Later she accused lead Weinstein attorney **Donna Rotunno** of “degrading and humiliating” a witness against him, specifically in a televised discussion of information that Illuzzi-Orbon characterized as sealed evidence and a pointed description of a witness’s acting talent. The prosecutor described her actions as “abominable.”

“Ms. Rotunno, I assume she’s talking about you?” asked Judge Burke.

“I assume she was,” replied Rotunno, who three days ago discussed the career of **Annabella Sciorra**, an actor who has accused Weinstein of sexual assault. While the alleged crimes for which he is being tried involve two different women, prosecutors plan to use Sciorra’s testimony to establish a predatory pattern. The charges of predatory sexual assault could result in a life sentence.

“Leave the witnesses alone,” said Burke. “It’s going to be hard enough to get a fair and impartial jury.”

Illuzzi-Orbon also discussed a desire for the defense to tell the jury that witnesses had been contacted by Black Cube, the Israeli investigative firm that reportedly misled, tailed, and manipulated a number of Weinstein accusers and journalists—including reporter **Ronan Farrow**, who, in a 2017 *New Yorker* article, described Weinstein’s alleged use of private investigators to silence accusers and perceived antagonists. If the defense did not agree, Illuzzi-Orbon proposed calling as a witness Weinstein’s former lawyer **David Boies**, who hired the firm. (And was fired from working for the *New York Times*, whose reporters Black Cube tailed.) Naturally, this raised alarms for Weinstein’s current lawyers, who cited attorney-client privilege.

Also present at the proceedings were civil lawyers **Gloria Allred** and **Douglas Wigdor**, both of whom represent Weinstein accusers who are suing him and his now-bankrupt production company. Separately, Allred represents Sciorra as well as Mimi Haleyi, whose sexual assault accusation is one for which Weinstein is being tried. Wigdor represents another woman who will testify about Weinstein’s alleged predatory pattern at the trial. After the hearing finished, Allred and Wigdor followed Weinstein’s defense lawyers to an area outside the courthouse designated for Weinstein-related press conferences.

All of which should make the already-complex task of jury selection, for so serious a crime, all the more difficult. Judge Burke, going over the schedule and procedures for honing an estimated 110 or 120 potential jurors down to 12 (plus alternates), said some of the work would be “laborious.”

The presence of so many lawyers involved in separate but sometimes overlapping legal proceedings—and so many accusers with varying involvements in different cases—can be dizzying. But the sheer number of people involved in outing, documenting, and responding to Weinstein’s alleged abuses is also dizzying. Such has been the case with the #MeToo movement these last few years as the old whisper networks have given way to full-throated conversation, laying bare the breadth of abuse by some men in corridors of power. On cue on Monday afternoon, New York time, Los Angeles County district attorney Jackie Lacey announced separate rape and battery charges against Weinstein and an accompanying arrest warrant.

“Once the defendant’s case is completed in New York, we expect him to appear in a courtroom in Los Angeles County,” said Lacey.