

Harvey Weinstein Is Now a Convicted Rapist. What's Next?

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Harvey Weinstein arrives at a Manhattan courthouse on February 24, 2020. Photo: Seth Wenig/AP/Shutterstock

A Manhattan jury on Monday found [Harvey Weinstein](#) guilty of two counts — criminal sexual act in the first degree, and rape in the third degree — following a nearly seven-week trial. Weinstein's conviction was for two attacks: forcibly performing oral sex on former *Project Runway* production assistant [Mimi Haley](#) at his Soho apartment in 2006, and raping aspiring actress [Jessica Mann](#) at a Midtown East hotel in 2013.

Weinstein, who had been charged with a total of five counts, was found not guilty of three: one count of first-degree rape involving Mann, and two counts of predatory sexual assault. The predatory-sexual-assault counts included *Sopranos* actress [Annabella Sciorra](#)'s allegation that Weinstein raped her around late 1993. The verdict means that Weinstein was not convicted of a charge involving Sciorra.

Shortly after the verdict came down, Weinstein was handcuffed and led out of the courtroom. "He just kept repeating, 'But I'm innocent. I'm innocent. How can this happen in America?,'" said Weinstein lawyer Arthur Aidala. Weinstein's lawyers asked for him to get house arrest until sentencing, rather than being held in jail, but the judge ordered him detained. Weinstein was originally supposed to be transported to a Rikers Island infirmary after court, but he was taken to Bellevue Hospital with chest pains, palpitations, and high blood pressure. Lead Weinstein lawyer Donna Rotunno said early Tuesday that he remains at Bellevue.

Weinstein's conviction doesn't mean his legal drama has ended. Vulture spoke with attorneys about what's next for the fallen producer now that he's a convicted rapist.

Weinstein still has to be sentenced.

Justice James Burke, who presided over [Weinstein's case](#), scheduled his sentencing for March 11. The minimum sentence for criminal sexual act in the first degree is five years, and the maximum is 25. For third-degree rape, there is no minimum prison sentence, but the maximum is four years. While there is a minimum for the more serious charge, Burke has the power to determine whether to give a greater sentence. Prior to sentencing, both Weinstein's lawyers and the prosecutors will submit their arguments for what his sentence

should be. Veteran criminal-defense attorney Robert Gottlieb said Weinstein's team could submit "character letters" in support of him in their bid for a less serious sentence. Weinstein's victims can also submit statements in writing.

Probation officials will prepare a "pre-sentence report" for Burke to consider, Gottlieb said. This report will include background information on Weinstein, such as his professional and family life — as well as information regarding what he was convicted on and allegations against him. The report is "really just to assist the judge, along with all the other written submissions, in determining the most appropriate sentence," Gottlieb said.

Weinstein's victims in this case might also be able to speak at his sentencing.

Weinstein still has a criminal case in Los Angeles.

One day before jury selection in Weinstein's Manhattan trial started, the Los Angeles County District Attorney's Office announced charges of rape and sexual assault against him. The four counts involve two separate women over a two-day period seven years ago. Weinstein was charged with one count each of forcible rape, forcible oral copulation, and sexual penetration by use of force for allegedly pushing his way into a woman's hotel room on February 18, 2013, and raping her. Weinstein was charged with one count of sexual battery by restraint for allegedly trapping actress Lauren Young in the bathroom of his hotel suite and groping her breast on February 19 of that year. (Young actually testified at Weinstein's trial as one of the three witnesses attesting to prior, uncharged "bad acts.")

Los Angeles prosecutors said on January 6 that they were investigating eight allegations against Weinstein. Three of those accusations were outside the statute of limitations and can't be pursued, but prosecutors said at the time that they were continuing their investigation into the other three. Weinstein has not yet been arraigned in his California criminal case. A spokesman for the L.A. district attorney said in an email that "Mr. Weinstein would not be brought back to Los Angeles until after he was sentenced." After Weinstein's conviction was revealed Monday, Los Angeles prosecutor Paul Thompson said, "We are definitely proceeding."

Weinstein's conviction might impact his L.A. case — but not necessarily.

Defense lawyer Julie Rendelman pointed to the fact that one of the women who accused Weinstein of misconduct in New York is part of his Los Angeles case in explaining why there could be a potential impact. "This may give LA a bit more confidence in going forward with their case, particularly regarding that complainant," Rendelman told Vulture in an email. "Further, it would create the possibility, although highly unlikely, that Weinstein might plead in LA to hope for a lighter sentence, given his conviction in NY."

Rebecca Roiphe, a New York Law School professor and former assistant district attorney in Manhattan, said that “there’s no way in which his indictment should legally affect the outcome of the case in Los Angeles, because it’s a different set of facts, and different laws, so there’s no direct legal impact ... That said, it’s hard to imagine that the conviction, and the press surrounding the conviction, hasn’t affected the impression of the public, and therefore, the preconceptions of the future jurors in Los Angeles.”

Weinstein can appeal his conviction.

Weinstein’s lawyers said they plan to appeal his conviction. Before he is sentenced, his lawyers can also file “post-verdict motions” in an effort to set aside his conviction, and they can also request hearings on potential juror misconduct.

The defense team also said it’s appealing Weinstein’s being held prior to sentencing with a state appeals court called the Appellate Division, First Judicial Department. Murray Richman, who has practiced criminal defense for nearly six decades, said there is a “strong likelihood that bail pending appeal would be granted ... because of the nature of the charges, the fact of the man’s age, and the fact of the man’s health conditions, and the man’s likelihood of not running.”

Weinstein’s appeal is a complicated process.

After Weinstein is sentenced, his lawyers have 30 days to file a notice of appeal — basically, a formal heads-up that they are going to fight the outcome — with a state appeals court. Following that notice, they have 120 days to file an “appeal brief” — their fleshed-out argument for appeal — though the appeals court can give them an extension, Richman said.

Weinstein’s lawyers can ask for several things, said defense attorney Rhiya Trivedi. They could ask for the appeals panel to reduce his sentence. They can also ask for the appeals court to kick sentencing back to Burke if they found that his sentence didn’t jibe with sentencing law. Weinstein’s legal team could also ask the appeals court to throw out the conviction and order a new trial. (This basically puts everything back at square one, so it could mean a new trial, or possibly that Weinstein would decide to take a plea.) They could also ask for the indictment against Weinstein to be dismissed outright.

If the outcome isn’t in his favor, Weinstein can try taking his case to a higher state appeals court.

Weinstein still faces civil lawsuits.

While the controversial \$25 million settlement that would end many sexual-misconduct lawsuits against him isn't yet finalized, Weinstein's conviction wouldn't prevent this deal from going forward. Under this tentative settlement, \$6.2 million would be for 18 accusers who had filed cases in the United States, the United Kingdom, and Canada, and the rest of this money would be for class-action participants and accusers who have not come forward. Some Weinstein accusers rejected participating in this settlement and are going forward with their own lawsuits; his conviction won't stand in the way of that litigation. Roiphe also said that the criminal conviction will make it easier for women to sue.

"I don't think there's any effect, from the standpoint of proceeding," said Douglas Wigdor, who represents three women who have civil claims against Weinstein. "You have to go up to where they're being held in prison. We'll go wherever he is and take his deposition."

Weinstein's conviction and potential imprisonment shouldn't impact any money he might have to pay accusers, Wigdor added. "I don't know why prison would affect his money. I assume he has a great deal of money." Weinstein "actually saves more money" by being in custody and "not out spending it," Wigdor said.

If lawsuits against Weinstein went to trial, he could attend if he wanted to, but he would not be required to appear in court.