

Harvey Weinstein's sex crimes trial begins Monday in New York: What you need to know

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More than two years after his precipitous fall from Hollywood power amid a cascade of sexual misconduct allegations, ex-mogul Harvey Weinstein's criminal trial on five sex-crime charges is scheduled to begin Monday in Manhattan.

Weinstein is the first target of the #MeToo movement. He is accused by more than 80 women, including A-list stars, of being a serial sexual harasser and predator for decades, and his trial can fairly be considered historic.

As such, it will be closely followed around the world as the first #MeToo case to be put before a criminal court jury.

"This case is important because it is the first, and at this time the only criminal prosecution of Harvey Weinstein," says lawyer Gloria Allred, who represents Weinstein accusers, including one who will testify against him. "It is important not because of a hashtag on the internet, but because many women who allege that they were victimized by Harvey Weinstein would like him to be accountable in a court of law."

Weinstein, 67, remains under investigation in Los Angeles and in London, but thus far he is the only man accused since the #MeToo movement surged in October 2017 to reach this point in the criminal process.

The Nantucket, Massachusetts, groping case against Oscar winner Kevin Spacey collapsed at the pretrial stage last year after the accuser refused to testify. Bill Cosby was convicted of three sex crimes in Pennsylvania in 2018, but his downfall began years before the #MeToo movement.

Weinstein's trial could end up resembling Cosby's in one respect: There will be more accusers (four) testifying about uncharged crimes than accusers (two) testifying about charged crimes. The trial will feature testimony from accusers whose allegations are not officially charged but are intended to help prosecutors establish an alleged pattern of predatory sexual misconduct by Weinstein.

This strategy proved to be crucial to Cosby's conviction, and it is fair to expect it could be powerful help to the prosecution of Weinstein, says Allred, who also represented Cosby accusers.

Weinstein, who was charged in May 2018, has pleaded not guilty to all the charges and has been free on \$1 million bail (recently raised to \$5 million). He has denied all allegations of non-consensual sex.

"This is not trivial, and not as simple as 'activists' versus Weinstein, and the only issues that should be relevant beginning Monday are those involved with the criminal charges if due process still matters to (the media) and to the public at large," says Juda Engelmayer, a spokesman for Weinstein's legal team. "Mr. Weinstein has always maintained that he has never been in a non-consensual physical relationship with anyone."

Here's what to expect at his trial:

What are the charges against Weinstein?

He is accused of five sex crimes, including rape and sexual assault, against two women, as yet unnamed, in two encounters dating to 2013 and 2006. Prosecutors have added a "predatory" label to the encounters, which under New York law allows for a longer prison sentence if convicted.

If he is convicted, Weinstein could get a life sentence.

How long is the trial expected to last?

Up to two months, before Judge James Burke. The trial will not be televised.

Who are the lawyers?

For the Manhattan District Attorney's office, the lead prosecutor is Assistant District Attorney Joan Illuzzi. Her office had no comment on the opening of the trial.

For Weinstein, the defense team is led by Chicago lawyers Donna Rotunno and Damon Cheronis and New York lawyer Arthur Aidala.

What will happen first?

Jury selection will begin and could take some time. "It could last anywhere from two to three weeks and yes, it will be crucial," Allred says.

Weinstein's lawyers have already complained in court documents that the jury pool is tainted by pretrial publicity, even though a judge denied their effort to get the case moved out of Manhattan.

"If it spills over into the next week, it is going very slowly and a lot of prospective jurors will have indicated they already made up their minds," says Alan Tuerkheimer, a jury selection expert in Chicago who has been watching the case.

Who is expected to testify?

The two women whose accusations form the basis of the five charges are expected to take the stand. One woman says Weinstein raped her in a Manhattan hotel room in 2013.

The other woman says Weinstein performed a forcible sex act on her in his Manhattan apartment in 2006. She is Mimi Haleyi, who went public with her allegation in October 2017 at a news conference in New York with her lawyer, Allred.

Also expected to testify is former "The Sopranos" star Annabella Sciorra, 59, who alleges Weinstein raped her in her Manhattan apartment in the winter of 1993-94.

Weinstein is not charged in connection with Sciorra's accusation. Instead, her testimony is intended to help prosecutors meet their burden of proving "predatory" sexual assault – meaning that at least two women were allegedly assaulted by the defendant.

Additionally, there will be three witnesses, who will be called to testify about alleged "prior bad acts." These witnesses are intended to strengthen the prosecution's case.

In August, Judge Burke held a closed-door pretrial hearing barring the media at the behest of both prosecutors and the defense to keep the identities of the accusers and the details of their stories from tainting the potential jury pool.

Eventually, Burke agreed to allow three such accusers to testify. According to a court document, Jane Doe 1 says she was assaulted in the spring of 2004 at a hotel near Park Avenue in New York. Jane Doe 2 says she was assaulted between May and July 2005 at an address where Weinstein lived in New York. And Jane Doe 3 says her encounter occurred on Feb. 19, 2013, at a hotel in Beverly Hills, according to the document.

The Jane Doe 2 witness is represented by attorney Douglas Wigdor, who says his client came forward to the district attorney's office to detail her 2005 encounter with Weinstein because "it's the right thing to do."

"She has no other motivations than to hold Weinstein accountable for what he did to her and other women," Wigdor told USA TODAY.

Will any A-list stars who have accused Weinstein of sexual misconduct testify?

Do not expect to see on the stand the likes of Gwyneth Paltrow, Angelina Jolie, Salma Hayek, Ashley Judd, Rose McGowan, Lupita Nyong'o, Mira Sorvino or any of the other stars who have described what they perceived as disturbing encounters with Weinstein over decades.

Their claims against Weinstein have not been charged (most of them are too old or did not occur in New York), and they were not submitted as witnesses by prosecutors.

What do #MeToo activists have to say about the trial?

A group of about two dozen accusers, including McGowan and actress Rosanna Arquette, who call themselves "the silence breakers" issued a statement to USA TODAY saying the trial is another "critical" step in the "public and professional reckoning" Weinstein faces.

"On Monday, the world will be watching as Harvey Weinstein walks into court to stand trial for a fraction of the egregious crimes he has committed," the statement said. "This trial is critical to show that predators everywhere will be held accountable and that speaking up can bring about real change."

The trial is not just about Weinstein, it's about changing the power imbalances that allowed sexual misconduct to flourish for so long, says Tina Tchen, president and CEO of the #MeToo-inspired Time's Up Foundation.

"We hope that (sexual misconduct) survivors experience some small measure of justice as this trial begins, which is an important step forward in a complex process of holding perpetrators accountable," Tchen said in a statement to USA TODAY. "Sadly, most cases never even make it this far."