

# Testimony alleging past Weinstein sexual assaults bolstered difficult case

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(Reuters) - In order to secure the rape and sexual assault convictions that will send Harvey Weinstein to prison, prosecutors called a parade of witnesses who portrayed the former Hollywood producer as a man who abused his power to prey on younger women.

Film producer Harvey Weinstein arrives at New York Criminal Courtroom during his ongoing sexual assault trial in the Manhattan borough of New York City, New York, U.S., February 24, 2020. REUTERS/Eduardo Munoz

Called as “prior bad act” witnesses, these women with no connection to the attacks at the center of the case were nonetheless critical in persuading the jury to reject Weinstein’s argument his encounters were consensual, legal experts said.

“It was a brilliant move by the prosecutors to shore up a case with major problems,” said Paul Callan, a former New York prosecutor.

From the outset, prosecutors faced a major hurdle: the two women at the heart of the case, former production assistant Mimi Haley and Jessica Mann, a onetime aspiring actress, maintained relationships with Weinstein after the alleged attacks.

Weinstein’s lawyers suggested the women were engaging in consensual sex to advance their careers.

To counter the defense’s narrative, prosecutors fortified their case with the testimony of actress Lauren Young, model Tarale Wulff and costume designer Dawn Dunning.

The three of them described for the jury what prosecutors characterized as Weinstein’s signature pattern of behavior: luring women to hotel rooms or his apartment to discuss film roles, then attacking them.

Under the law, such “prior bad act” witnesses are allowed in sex crime cases to show a pattern of conduct and to counter a defendant who says the encounters were consensual, said Lisa Linsky, a former sex crimes prosecutor.

Young, for example, told the jury that the film producer trapped her in a hotel bathroom in 2013, groped her breasts, and told her: “This is what all the actresses do to make it.”

"It's so powerful to have these witnesses telling similar stories of being attacked," said criminal defense attorney Gerald Lefcourt, who was not involved in the case. "It leads to the conclusion that he's a bad person," he said.

Weinstein's lawyers said they would appeal but it was not immediately clear what approach they would take.

The conviction was a historic victory for the #MeToo movement that inspired women to go public with accusations of sexual misconduct against powerful men in business, entertainment, news media and politics.

Prosecutors accused Weinstein, 67, of sexually assaulting Haley and raping Mann. Haley testified that in 2006, Weinstein lunged at her, backed her into a bedroom and forcibly performed oral sex on her.

Mann said that soon after meeting Weinstein, she entered into an "extremely degrading" relationship with him that never included intercourse until, she testified, he raped her in 2013.

During withering cross-examination, Weinstein's lawyers homed in on the fact that neither Haley or Mann had gone to the police about the encounters.

They zeroed in on contact the women had with Weinstein after the incidents. Haley acknowledged accepting trips to Los Angeles and London from Weinstein, partly because she needed work, and signing messages to him "lots of love" and "peace and love."

Mann said her relationship with Weinstein continued for years after he raped her.

Apparently anticipating this testimony, prosecutors called an expert, forensic psychiatrist Barbara Ziv, to testify about "rape myths."

Ziv said that most victims of rape and sexual assault know their attackers and do not report the incidents, and that many maintain relationships with their attackers. The three women called to bolster the case brought the academic research to life, reinforcing for the jury beyond a reasonable doubt that these were nonconsensual incidents.

Since 2017, more than 80 women, including many famous actresses, have accused Weinstein of sexual misconduct. The producer of such award-winning films as "The English Patient" and "Shakespeare in Love" has denied the allegations and said any sexual encounters were consensual.