

Harvey Weinstein's Sex Crimes Convictions Overturned

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Topline

New York state's highest court overturned Harvey Weinstein's 2020 conviction on criminal sexual assault and third-degree rape charges on Thursday, reversing one of the most prominent convictions of the #MeToo era.



Weinstein, a former Hollywood producer, was found guilty on two of five felony sex crime charges in ... [+]

AFP via Getty Images

Key Facts

A panel of judges on the New York Court of Appeals voted 4-3 to overturn Weinstein's conviction, finding the judge erred by allowing several other women who accused the Hollywood mogul of sexual assault to testify as witnesses—even though they were not directly involved with the case he was charged for.

Although Weinstein was charged with five felonies in New York, he was only convicted on two charges—sexual assault for forcing a production assistant to perform oral sex in 2006, and third-degree rape of an aspiring actress in 2013.

Manhattan District Attorney Alvin Bragg, who was not in office during Weinstein's prosecution, will now determine if his office will seek another trial for Weinstein, who was sentenced to 23 years in prison in New York.

Weinstein still faces a separate 16-year prison sentence imposed last year for rape and sexual assault in California.

Why Was The Conviction Overturned?

According to the Court of Appeals, prosecutors used the additional witnesses to prove Weinstein's "state of mind to use forcible compulsion against complainants and his understanding of their lack of consent." However, the high court found this to be "propensity

evidence.” In most criminal cases, prosecutors cannot use a person’s character or past actions to prove they had the propensity to commit another crime. The Appeals Court called this rule a “judicial bulwark against a guilty verdict based on supposition rather than proof.”

Crucial Quote

Arthur Aidala, Weinstein’s lawyer, told the New York Times the decision was “not just a victory for Mr. Weinstein, but for every criminal defendant in the state of New York, and we compliment the Court of Appeals for upholding the most basic principles that a criminal defendant should have in trial.” He also said Weinstein, who is in prison at the Mohawk Correctional Facility near Albany, has not been informed of the decision yet.

Contra

Judge Madeline Singas strongly dissented from the majority opinion, claiming the court has “a disturbing trend of overturning juries’ guilty verdicts in cases involving sexual violence” and accusing the majority of having an “utter lack of understanding of the dynamics of sexual assault.” Singas argued by ignoring the testimony of the other victims, prosecutors would not be able to prove an alleged abuser like Weinstein had a history of “manipulation and premeditation.” Instead, she said it turns the case into a “he said/she said narrative”—exactly what attorneys for Weinstein wanted. “Men who serially sexually exploit their power over women—especially the most vulnerable groups in society—will reap the benefit of today’s decision.”

Chief Critic

Douglas H. Wigdor, who represented two of the witnesses who testified at Weinstein’s New York criminal trial, called Thursday’s decision a “major step back” and criticized the court’s reasoning in disqualifying the testimony in a statement sent to Forbes. “Courts routinely admit evidence of other uncharged acts where they assist juries in understanding issues concerning the intent, modus operandi or scheme of the defendant. The jury was instructed on the relevance of this testimony and overturning the verdict is tragic in that it will require the victims to endure yet another trial.”

Key Background

Weinstein rose to prominence as a film producer in the 1990s, scoring major hits for his production company Miramax including “Pulp Fiction,” “Good Will Hunting” and “Shakespeare in Love.” During his nearly four decades in Hollywood, over 100 women, primarily working in the film and television industry, accused him of sexual assault, rape or sexual harassment. Several of their harrowing stories were first reported by Jodi Kantor and Meghan Twohey in the New York Times, as well as Ronan Farrow for the New Yorker. The flood of accusations jump-started the #MeToo movement, causing allegations to surface

about other celebrities and media figures. Weinstein was eventually charged with rape, sexual assault, and predatory sexual assault in New York. In 2021, Weinstein was indicted again in California on four counts of rape, four counts of forcible oral copulation, two charges of sexual battery and one charge of sexual penetration by use of force. He was found guilty of three counts of rape and forced oral copulation, but was acquitted on one charge of sexual battery. The jury was hung for for the other charge of sexual battery, one oral copulation charge and one rape charge.

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What To Watch For

The Manhattan District Attorney's Office has not commented on the decision, and it is unclear if District Attorney Bragg will seek another trial. Bragg is currently prosecuting former President Donald Trump for allegedly falsifying business records related to hush money payments to adult film star Stormy Daniels. Bragg's office has not returned a request for comment from Forbes.

Further Reading

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[Zachary Folk](#)

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