

Harvey Weinstein's New York felony sex crimes conviction is overturned

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By [Clarissa-Jan Lim](#)

New York's top court has overturned [Harvey Weinstein's](#) 2020 conviction for felony sex crimes on the grounds that he did not get a fair trial.

In a 4-3 decision issued Thursday, the New York Court of Appeals determined that the judge who presided over the landmark #MeToo trial had erred in allowing prosecutors to call to the stand women whose accusations were not included in the charges against Weinstein, and to question Weinstein, if he'd decided to testify, about the decadeslong history of allegations against him.

The court has ordered a new trial for 72-year-old Weinstein. The Manhattan District Attorney's Office issued a statement in response, saying, "We will do everything in our power to retry this case, and remain steadfast in our commitment to survivors of sexual assault." A retrial may necessitate Weinstein's accusers to take the stand to testify against him once again.

Weinstein had been serving a 23-year sentence in a prison in upstate New York. In 2022, he was convicted of sex crimes in California and was sentenced to 16 years behind bars. The decision by the New York court does not affect that conviction.

A spokesperson for Weinstein told NBC News, “We are thrilled with the court’s decision, we obviously have a long road ahead of us in California.”

At least 100 women have publicly accused Weinstein of sexual abuse. The case in New York centered on two women’s accusations against him, but six women in total were called to testify.

Weinstein's lawyers had repeatedly sought to appeal his conviction over the years (read The New York Times' explanation for why the case was “fragile” from the get-go). A lower court upheld Weinstein’s conviction in 2022, but the Court of Appeals agreed to hear his case in February.

The decision is a setback for the #MeToo reckoning, which exploded into the public consciousness after the allegations of sexual abuse against Weinstein were made public in 2017. Scott Berkowitz, president of anti-sexual violence organization RAINN, called the ruling “a horrible decision that does not protect due process” and “upends justice for the survivors of [Weinstein’s] crimes.”

Ashley Judd, the first actress to publicly accuse Weinstein, told the Times that the court's decision is “unfair to survivors.”

“We still live in our truth,” she said, “and we know what happened.”

Douglas H. Wigdor, an attorney who represented eight of Weinstein's accusers, told NBC News that it is "a major step back in holding those accountable for acts of sexual violence."



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