

Hollywood producer Harvey Weinstein sentenced to 23 years in prison: “Obscene” culmination to a travesty of a trial

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The sentence of 23 years in prison imposed on film producer Harvey Weinstein by Justice James A. Burke of the New York State Supreme Court is a savage conclusion to a travesty of a legal process. In a case in which a “mountain of doubt,” in the words of one journalist, was raised by Weinstein’s defense team, Burke handed out nearly the maximum possible sentence. Weinstein was found guilty February 24 of a criminal sexual act in the first degree and rape in the third degree.

After experiencing chest pains Wednesday, Weinstein was taken from Rikers Island prison to Bellevue Hospital in Manhattan.

Weinstein’s sentence is longer than that given to numerous former Nazi officials convicted of horrifying war crimes at the Nuremberg trials. US government leaders, responsible for illegal, aggressive wars in the Middle East and Central Asia, resulting in more than 1 million deaths and tens of millions of refugees, have never been charged with any crime. Executives of corporations that murder workers or civilians, out of profit concerns, such as Boeing and General Motors, likewise escape without punishment.

Burke’s brutal action was an obviously and overtly political one. The judge had no intention of coming under fire like Judge Aaron Persky, who sat on the Superior Court of California, County of Santa Clara. Persky handed down a relatively humane decision in the Brock Turner sexual assault case in 2016 and was turned out of office in a recall vote.

At an impromptu press conference following the sentencing hearing, defense attorney Donna Rotunno correctly pointed to the “obscene” character of the sentence, to the “total unfairness” of the trial and noted that many convicted murderers would leave prison sooner than her client.

A partial guilty verdict was achieved through subjecting the jury pool to a torrent of media filth and creating an intensely hostile climate in the courtroom, aided and abetted

by a trial judge who manipulated the proceedings in such a manner as to prejudice the jury and ensure Weinstein’s conviction.

The testimony of the three principal witnesses, Annabella Sciorra, Mimi Haley and Jessica Mann, was full of inconsistencies, gaps and implausibilities. Each of these women maintained long-term and friendly relations with Weinstein for years following the alleged attacks, asking him for jobs and favors, not indicating in a single email or text they were his victims.

At the sentencing hearing Wednesday, Weinstein’s accusers had the opportunity to denounce him and demand the harshest possible sentence.

Mann first attacked the defense attorneys, claiming that she had been “grilled” on the stand by lawyers who “twist the truth.” In fact, Weinstein’s lawyers, as was their obligation, merely pointed to the fact that Mann had sworn her love and friendship for Weinstein in the years following his alleged attack on her.

Bizarrely, Mann described Weinstein as “a senior citizen who is literally crumbling” before our eyes. “Behind bars, Harvey can have the chance to rehabilitate while being held accountable for his crimes,” Mann said, while asking for the judge to throw the book at her former lover.

Manhattan Assistant District Attorney Joan Illuzzi delivered the prosecution’s sentencing statement. Illuzzi asserted that Weinstein “got drunk on the power. He saw no authority over him, no limit to what he could take. He could take what he wanted knowing that there was very little anybody could do about it. He held all the cards and played them well.”

Arthur Aidala, a member of Weinstein’s defense team, indicated he did not intend to rush. “This is a man’s life here,” he said. Aidala argued for the minimum sentence of five years, observing that eight and a half years is the average sentence in New York for these offenses. Aidala went on, “He has no criminal history, he’s almost 70, he’s a

broken-down man.” He said a longer sentence would be “a death penalty.”

Donna Rotunno asked that Weinstein’s career as a movie producer and creative person should be considered, along with the impact of a sentence on his family, including his grown and young children. “No matter what happens here today, judge, no one really wins,” Rotunno told the court. Even if the producer received the minimum sentence, considering his health issues, “there’s a good chance that Mr. Weinstein won’t live to see the end of that sentence, which is very sad.”

In his own speech to the court, Weinstein explained that he thought the relationships with the various women were consensual and suggested, in the words of the *New York Times*, that “he was the victim of a rush to judgment.”

He argued, according to the *Times*, “that the #MeToo campaign was similar to the Red Scare of the 1950s and compared himself to the screenwriter Dalton Trumbo, who was jailed and blacklisted after joining the Communist Party. ‘I think that is what is happening now all over this country,’ Mr. Weinstein said.”

Addressing his accusers, Weinstein remarked that he had re-read his correspondence with them and still saw their relationships as “a serious friendship, and that’s what I thought I had with you.” He continued, “I’m not going to say these aren’t great people. I had a wonderful time with these people. I’m confused, and I think men are confused,” he continued, turning once again to the #MeToo campaign. “I think about the thousands of men and women who are losing due process, and I’m worried about this country.”

Judge Burke ignored the appeals of the defense and Weinstein’s own comments. “Although this is a first conviction, it is not a first offense,” he said. “There is evidence before me of other incidents of sexual assault involving a number of women, all of which are legitimate considerations for sentence.”

Weinstein, in fact, has never previously been charged, let alone convicted, of any crime. By the “evidence before me,” the judge presumably is referring to the so-called Molineux witnesses, i.e., witnesses permitted to testify about prior uncharged crimes by the defendant, a legally and constitutionally dubious practice. Burke allowed the testimony of several women whose alleged attacks fell outside the statute of limitations. In essence, by this logic, Weinstein received the lengthy sentence because of testimony relating to crimes that could not be proven or disproven.

Burke gave Weinstein 20 years for the alleged attack on Haley and an additional three years for the alleged rape of Mann.

Outside the courtroom, an obvious irate Rotunno

addressed the media. “That sentence that was just handed down by this court was obscene,” she said. “That number [of years in prison] was obnoxious, there are murderers who will get out of [prison] faster than Harvey Weinstein will. That number spoke to the pressure of movements and the public. ... That number did not speak to evidence, nor did it speak to justice. I am overcome with anger at that number, I think that number is a cowardly number to give. I think the judge caved, just as I believe the jury caved.”

The sentence, the lawyer continued, showed “total unfairness, and a complete lack of acknowledgement of what the facts and evidence of this case actually showed. I think the judge took things into consideration that never should have been taken into consideration, especially when we know in a prior case recently, the judge gave someone in a much worse circumstance, seven and a half years.”

Turning to the journalists, Rotunno pointed out that “most of you that I’ve spoken to privately have been very candid with me about the fact that you were surprised by this verdict.”

Referring to the “victims’ statements,” Weinstein’s lead attorney suggested it was “very easy to say all these horrible things about him, but I think if you look at the circumstances, in real time, you say, wait a minute, what was really going on? ... We don’t know what happened in those rooms, but what we do know is all of the circumstances that surrounded it, and I will never be able to reconcile that all of those circumstances are what normal, regular rape victims do.”

Fellow Damon Cheronis spoke bluntly, insisting that Weinstein “wasn’t treated fairly at all, let’s just call it what it is, not by the court, not by the jury, not by a lot of you, that’s what happened. The evidence in this case, we firmly believe, did not establish his guilt beyond a reasonable doubt, and that’s what we’re talking about. We’re not talking about anything else [other] than whether there was reasonable doubt in this case. And to say that there wasn’t, based on the defense we put forward, is outrageous. The pressure came from everywhere, from you, from the public ... Every single step of this case was engineered for this moment right here. And for people not to accept that, I find pretty disingenuous.”

Weinstein faces extradition to California to face four charges there. Rotunno indicated that the defense would file its appeal in July.



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