

# New York appeals court overturns producer Harvey Weinstein's 2020 conviction, orders new trial

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On Thursday, the New York Court of Appeals overturned the rape conviction of former Hollywood producer Harvey Weinstein. The ruling determined that the judge in the 2020 trial made “egregious errors,” thus violating the defendant’s rights, by allowing testimony against him based on allegations that were not part of the case. In fact, as the WSWs insisted at the time, that trial was an anti-democratic travesty and rigged from the start for political reasons.

In a 4-3 decision, the state’s highest court overturned Weinstein’s conviction on felony sex crime charges because Justice James Burke permitted prosecutors to call as witnesses several women, who testified that the producer had assaulted them even though their claims had never been tested or proven, and he was never charged with a crime involving any of them.

As the majority opinion stated:

We conclude that the trial court erroneously admitted testimony of uncharged, alleged prior sexual acts against persons other than the complainants of the underlying crimes because that testimony served no material non-propensity purpose.

Citing the right to a fair trial protected by the Fourteenth Amendment, the decision went on:

Under our system of justice, the accused has a right to be held to account only for the crime charged and, thus, allegations of prior bad acts may not be admitted against them for the sole

purpose of establishing their propensity for criminality (see *People v Molineux*, 168 NY 264 [1901]).

The appeals court decision also pointed out that the decision by Judge Burke to permit other accusers to “erroneously” testify was further “compounded” by the lower court’s ruling that Weinstein, “who had no criminal history, could be cross examined about those allegations as well as numerous allegations of misconduct that portrayed defendant in a highly prejudicial light.”

The fact that the allegations by individuals who were not part of the trial were admitted meant that Weinstein was judged “on irrelevant, prejudicial, and untested allegations of prior bad acts.”

The majority continued:

The only evidence against defendant was the complainants’ testimony, and the result of the court’s rulings, on the one hand, was to bolster their credibility and diminish defendant’s character before the jury. On the other hand, the threat of a cross-examination highlighting these untested allegations undermined defendant’s right to testify. The remedy for these egregious errors is a new trial.

The WSWs pointed out at the time that

Weinstein’s [23-year] 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.

Even though his New York conviction has been overturned and he is being granted a new trial, Weinstein will remain in prison for his conviction in a separate case in California, where he is serving a 16-year sentence.

The charges and 2020 prosecution of rape were based on the complaints of two women, a former production assistant and a former actress, who gave lurid details of their sexual encounters with Weinstein to the jury from 2006 and 2013, respectively.

The former film producer, now 72, was found guilty of rape in the third degree and a criminal sexual act in the first degree on February 20, 2020, and he was sentenced to more than two decades in prison by Judge Burke on March 11, 2020. Weinstein has been serving his sentence at Wende Correctional Facility, located approximately 20 miles east of Buffalo, New York.

The New York Court of Appeals' decision to overturn the conviction represents a devastating blow to the anti-democratic and reactionary #MeToo campaign and accompanying media hysteria. The court's references to fundamental rights, such as the right to a fair trial, expose the right-wing and authoritarian thrust of #MeToo.

According to the premise of #MeToo, elementary constitutional rights, guaranteeing due process of law and maintaining the standard "innocent until proven guilty," mean nothing. An accusation is sufficient grounds to force the accused to lose their job, be blacklisted from their professional field, to disappear from public life and/or be sent to prison.

Burke's decision to permit the testimony of three principal witnesses, Annabella Sciorra, Mimi Haley and Jessica Mann, exposed inconsistencies and revealed the frenzied atmosphere encouraged by #MeToo. Each of the three women had long-term friendships with Weinstein that lasted years after the attacks they alleged. They each asked him to help them professionally and never once in any communications claimed they were victims of rape or abuse.

There were two dissenting opinions on the court. In one, Judge Madeline Singas accused the majority of "whitewashing the facts to conform to a he-said/she-said narrative" and argued that the ruling "has continued a disturbing trend of overturning juries' guilty verdicts in cases involving sexual violence." In another, Judge Anthony Cannataro said the decision was an "unfortunate step backwards."

The corporate media has been quick to seek out Weinstein's accusers and representatives of #MeToo who all say they are "shocked" and "dismayed" by the decision. At a press conference on Thursday, Tarana Burke, one of the founders of #MeToo, said, "Moments like this underscore why movements are necessary. And we have a movement."

Juda Engelmayer, Weinstein's spokesperson, acknowledged to NBC News being "thrilled with the court's decision," adding, "We obviously have a long road ahead of us in California."

Weinstein's attorneys have said the New York ruling will have a major impact on the appeal of the former film producer's Los Angeles rape conviction where arguments are due May 20. A Weinstein attorney, Jennifer Bonjean, said the California prosecution also relied on evidence of uncharged conduct alleged against him.

"A jury was told in California that he was convicted in another state for rape," Bonjean said. "Turns out he shouldn't have been convicted and it wasn't a fair conviction. ... It interfered with his presumption of innocence in a significant way in California." Weinstein lawyer Arthur Aidala called the ruling "a tremendous victory for every criminal defendant in the state of New York."



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