



1 MS. ROTUNNO: For Harvey Weinstein, Donna Rotunno.

2 MR. AIDALA: Good morning, Arthur Aidala.

3 MS. SAMSON: Good morning, Diana Fabi Samson.

4 MR. KAMINS: Barry Kamins.

5 THE COURT: All right. Good morning everybody.

6 I assume there is nothing prior to the formal sentence, is  
7 that right?

8 MS. ROTUNNO: One issue. I'm asking that the  
9 handcuffs be removed from Mr. Weinstein while he's sitting.

10 THE COURT: That is a security matter, so I leave  
11 that up to the security detail. Okay, I see that is being  
12 done.

13 Once that is completed, all right, that having  
14 been done, lets arraign the defendant for sentence.

15 THE CLERK: Harvey Weinstein, you are before the  
16 Court for sentencing following your conviction after trial  
17 to the crimes of criminal sexual act in the first degree  
18 and rape in the third degree.

19 Before being sentenced, the Court will you allow  
20 you, your attorney, and the ADA a chance to address the  
21 Court with all matters relevant to sentence. For the  
22 People.

23 MS. ILLUZZI: Thank you. Good morning, your  
24 Honor. Your Honor, the People would first like to thank  
25 you, Judge Burke, for handling this entire proceeding from

1 indictment through verdict in a fair and judicious manner.

2 This was a complex and taxing trial. You didn't  
3 allow the volume of written litigation or the crowds of  
4 spectators to stop us from conducting this trial with the  
5 highest level standard afforded every case in this  
6 courthouse.

7 Your promptness was echoed by a very dedicated and  
8 attentive jury, and because of your promptness and the  
9 jury's promptness and dedication to this, actually the  
10 estimated length of this trial was a week longer than we  
11 anticipated.

12 Ms. Keller, we thank you as well for the  
13 seamlessly dealing with the legal issues that arose and  
14 making every litigant in this courtroom feel comfortable  
15 and heard.

16 The Court staff, your Honor, was at all times both  
17 professional and accommodating to the parties, they did an  
18 excellent job as did the court reporters.

19 We would also like to thank the press. In and out  
20 of the courtroom, we appreciate they paid such close  
21 attention to this extremely important matter.

22 Your Honor, the defendant was afforded a prepared  
23 and precise legal representation here.

24 This is a difficult job for all parties, but every  
25 reasonable argument that could have and should have been

1           made on his behalf was made and the system worked.

2                       We are grateful for the cooperation of the civil  
3           lawyers who provided an independent voice and navigation of  
4           this important case for their clients.

5                       After my remarks, two women, who because of the  
6           verdict here, gets to stand up, and in their own minds,  
7           hearts and words, finally get to directly speak to you and  
8           hopefully affect the decision of this Court on how best to  
9           deal with their pain and suffering inflicted by the  
10          defendant.

11                      Ms. Haley and Ms. Mann will address the Court and  
12          the defendant. Here also with our profound gratitude and  
13          in support of Ms. Haley and Ms. Mann, are Annabella  
14          Sciorra, Lauren Young, Dawn Dunning, and Tarale Wulff.

15                      Simply put, without these women and others who  
16          were willing to come forward, be one hundred percent  
17          transparent, sacrifice their privacy and at times their  
18          very well-being, this matter would have never been able to  
19          be taken, it would have never been successful, and the  
20          defendant would have never been stopped for hurting and  
21          destroying more lives.

22                      Each of these ladies represents the strength and  
23          fortitude of every moral person who stands up and says  
24          enough, this has to end, and I have to be the one, and then  
25          to do something about it.

1           In sentencing a criminal defendant, the Court  
2           customarily considers various aspects of that individual's  
3           background. How has this person lived their life. Does  
4           the crime he's committed of represents aberrational  
5           behavior, what are the chances this person will reoffend.

6           Who is the defendant and what has he made of his  
7           life? Before making a sentencing recommendation, we filed  
8           with the Court a list of vetted reliable accounts of  
9           suffering by individuals at the hands of this defendant,  
10          actions on the part of this defendant that speaks to his  
11          lack of human empathy, selfishness, and a life rooted with  
12          criminality, criminality that has gone unchecked for  
13          decades.

14          Harvey Weinstein is a person who appeared to have  
15          it all. He had obtained wealth, prestige, and power in an  
16          occupation that most people looking from the outside in  
17          appear to be one filled with fun and enjoyment.

18          People in this world loving going to the movies.  
19          Why is that, it is because life can be difficult and even  
20          at the best of times far from perfect.

21          People go to the movies to momentarily escape or  
22          just be entertained. We look at the enjoyment and  
23          adventures by the folks who get to create or perform in the  
24          movies and it becomes a dream for many people to be part of  
25          that world.

1                   The defendant had that dream come true. He made  
2 movies, he got to go to all the parties and often host  
3 them. He walked the red carpet and mingled with the  
4 stars. He enjoyed the wealth, he had the resources and he  
5 held the dreams of many people at his hand.

6                   How did he use that power? He got drunk on the  
7 power. He saw no authority over him. No limit to what he  
8 could take, no desire he could not grant himself.

9                   The young struggling dreamers were not even people  
10 to him. He could take what he wanted knowing there was  
11 very little anyone could do about it.

12                   He held all the cards and played them at will.

13                   In a statement he penned himself, he refers to  
14 himself as a sex addict, an anger addict, and goes on to  
15 say he wanted the best of everything. He was addicted to  
16 the conquest.

17                   What is sexual assault? It is an act of violent  
18 assault on someone else's body which by design demoralizes  
19 them, is violent and humiliating to each and every one of  
20 them. The defendant committed these acts with complete  
21 abandon and void of an ounce of human empathy.

22                   There is no single comparison of violence when it  
23 comes to criminal acts that one human being can impose upon  
24 another short of death.

25                   It cuts through your soul, yet, the defendant did

1           it without hesitation, without thought. He would destroy  
2           and move on to his next target.

3                       Certainly although it is not the same, the  
4           defendant also demoralized, harassed, and assaulted the men  
5           who worked for him or who had to deal with him  
6           professionally by the threat of violence and acts imposed  
7           to humiliate and diminish them.

8                       You saw here a few of the survivors of his wrath,  
9           but there were many more people, who to this day are afraid  
10          to be public regarding what he did to them.

11                      Not only did he abuse people, but he instilled  
12          fear, sabotaging people's livelihood and relationships.  
13          The world was there for his taking.

14                      Our written submission, your Honor, details a  
15          number of acts of sexual harassment and violence against  
16          women the defendant perpetrated; but there are more, and  
17          because some women could not come forward, we have to  
18          appreciate that and respect that was their decision.

19                      The defendant also executed NDA's with many people  
20          he assaulted. An example was an employee who was assaulted  
21          while working for the defendant. She suffered for many  
22          years in silence because of the NDA she signed, and  
23          believed it was so restricted she feared even opening up to  
24          her familiar and friends about what happened to her. She  
25          recently went public with that.

1                   During the course of our investigation, Judge, we  
2 interviewed many people. To give you some perspective of  
3 some people at some point who had worked with the  
4 defendant, some people were assaulted in some way by  
5 defendant, and what we have done is culled out a small few  
6 letter quotes of what people said in asking to describe, in  
7 responding for our request to describe the defendant.

8                   These are people who have known him for years,  
9 worked with him or was subject to him.

10                   Quote, he is a devil. Quote, liar. Quote, very  
11 bad temper. Quote, pattern of threatening to destroy  
12 employees's careers if he didn't get what he wanted.  
13 Quote, bragged that he could kill people. These are all  
14 different people, Judge. Quote, frightening power addict.  
15 Quote, demanding, agitated. Quote, unrelenting. Quote,  
16 never seen such a foul mood so consistently extremely  
17 temperamental. Quote, he gets off asserting power,  
18 predatory behavior; if he senses someone is hesitant, he  
19 pounces. Quote, overwhelmingly ruined my life and my  
20 career. Quote, he has zero compassion, empathy, civility.  
21 Quote, his temper was always very bad he would single out  
22 and scream at people. Temper got worse and worse as he  
23 became more famous. Quote, he was abusive mentally and  
24 temperamentally and demanding rude and threatening. Quote,  
25 brutal and vicious. Quote, working with him was a

1 nightmare. Quote, he hurt a lot of reputations. My story  
2 is as unpleasant as anyone else's. Quote, frightening  
3 being around him, afraid of his fury and wrath. Quote, he  
4 is a rapist. Quote, unpredictable behavior, never knew  
5 what would set him off, a screaming bully. Quote, being  
6 verbally assaulted was a regular occurrence. He told me he  
7 would kill me and my entire family. This is a young  
8 assistant by the way. Quote, anger was explosive, he threw  
9 staplers and other things. Quote, he was a manipulator.  
10 Quote, always behaved strangely erratic, always snapping at  
11 people, seemed sociopathic. Got a lot of joy by demeaning  
12 people, he is a monster.

13           It was not only the people he worked with and  
14 worked around, Judge, you can see from the instructions on  
15 -- his hotel instructions as a guest, his client profile  
16 which says that co-chairman of Harvey Weinstein Company,  
17 Max Poster is an alias for Harvey Weinstein. When vehicle  
18 approaches the front driver, do not go near the car of Mr.  
19 Weinstein at anytime. Do not speak at him, do not look at  
20 him, stay away. This is the life this man has led.

21           In sum, Judge, the defendant has been using and  
22 abusing people his entire life. He, through his lawyers,  
23 have issued a letter asking you to consider his other good  
24 deeds, and in taking into account some mitigating  
25 circumstances of asking for leniency on his sentence, but

1 even in that he lies. And can you imagine what he lies  
2 about, Judge? He claims that he had to leave college to  
3 support his familiar after his father died.

4 He left college in 1973, his father died in 1976.  
5 Who lies about something like that.

6 He says he donated a million dollars of his  
7 personal funds to the hole in one gang (phon), not true, he  
8 never donated a single personal cent of his own money to  
9 that corporation.

10 At this time, Judge, we are going to hear from Ms.  
11 Haley and Ms. Mann. But the People urge this Court for the  
12 reasons that we have stated and for all the reasons that  
13 you have heard during the trial and that we have informed  
14 you from the survivors of this crime, that you sentence  
15 this defendant to the maximum, or near the maximum on  
16 criminal sex act in the first degree, and that you give him  
17 consecutive time for the crime he's convicted of for Ms.  
18 Mann, which is one and a third to four, and also five years  
19 PRS. We will now hear from Miriam Haley.

20 MS. HALEY: Your Honor, I'm here to talk about how  
21 it has affected me to have been sexually assaulted by  
22 Harvey Weinstein, to have been raped by Harvey Weinstein.  
23 I say raped, because that is how I experienced it at the  
24 time. That is what I experienced was happening when he  
25 would physical force, violate my trust, my body, and my

1           basic right to reject his sexual advances.

2                         In the spring of 2006, I was at a very low and  
3           vulnerable point in my life. I felt drained and insecure  
4           having recently almost lost my great friend, mentor, and  
5           employer to severe illness.

6                         He was like family to me, and to almost lose him  
7           was devastating. His business collapsed and as a result, I  
8           lost my job and income, and with that I ended up losing my  
9           apartment. I also lost the foundation, support, and  
10          encouragement that I had to pursue projects and ideas under  
11          that company.

12                        Everything had come crashing down that year, and I  
13          knew I had to start from scratch; make new professional  
14          connections and create new opportunities.

15                        So, when Harvey Weinstein agreed to meet me that  
16          one afternoon at the Cannes Film Festival to talk about  
17          potential job opportunities, I felt elated and hopeful. I  
18          presumed he wanted to help me because he respected the  
19          person who had introduced us, who I had been working for.

20                        I presumed he wanted to help me because he  
21          empathized with my situation. Instead, I was met with  
22          suggestions that we give each other massages.

23                        I was met with comments about my appearance and  
24          attitude that made me feel he didn't for a second think I  
25          was of any professional value at all.

1                   I left that meeting in tears, feeling humiliated  
2                   and deflated. Nevertheless, Harvey Weinstein arranged for  
3                   a small work opportunity, not a real official job like I  
4                   had originally hoped, nothing major, but it was something.

5                   And at that particular point in my life it was  
6                   better than nothing, so I was grateful.

7                   Sometime later I expressed that gratitude to him  
8                   by e-mail, and what followed was a brief period where  
9                   Harvey Weinstein treated me with surprising respect and  
10                  normality, until July 10, 2006 when he asked me to stop by  
11                  his Soho apartment.

12                  I had no reason not to go there. Harvey Weinstein  
13                  was not a stranger,, he knew people I knew. I had no  
14                  reason to think that even if he made sexual advances  
15                  towards me and I rejected him, that he wouldn't respect my  
16                  rejection.

17                  I had no reason to believe he would force an act  
18                  of sexual violence on me, but that is exactly what he did.  
19                  I believe when he attacked me that evening with physical  
20                  force, with no regard for anything I said, no regard for my  
21                  profession, physical resistance, panic and fear, it scarred  
22                  me deeply, mentally, and emotionally, perhaps irreparably  
23                  perhaps forever.

24                  What he did not only stripped me of my dignity as  
25                  a human being and woman, but crushed by confidence and

1 faith in my professional future. It diminished any  
2 confidence and faith in people and myself. I was confused,  
3 in distress, and in disbelief. It was embarrassing and  
4 tragically very hurtful that this person -- incredibly  
5 hurtful I should say, that this person who I knew to some  
6 degree, but who had also known for a long time somebody I  
7 trusted and loved would do this to me.

8 Since I felt trapped and not being able to go to  
9 officials or out him publicly because of reasons I shared  
10 in my testimony, I eventually buried it, minimized it, put  
11 on a brave face and carried on as usual.

12 Because that was my coping mechanism, and to be  
13 honest, I didn't want to feel like a victim nor be  
14 perceived as one.

15 I preferred people thought this powerful guy the  
16 industry was fond over respected and liked me. However, in  
17 reality, these incidents with Harvey Weinstein altered the  
18 course of my life significantly. I no longer felt the same  
19 positive confidence in my professional work or the same  
20 optimism about a future in TV and film.

21 I tried for a while as the Court was shown to  
22 pursue some ideas, but he had crushed a part of my spirit  
23 and he had made me feel, well awkward and insecure.

24 At the time all this happened, I thought I was  
25 alone in this, I had no idea there were others. I didn't

1 realize the extent of Harvey Weinstein's manipulative and  
2 calculated predatory behavior.

3 I have since heard descriptions of encounters with  
4 Harvey Weinstein that are so strongly similar to mine, they  
5 blow my mind, the pattern is obvious. I have no doubt that  
6 if Harvey Weinstein had not been convicted for sexual  
7 assault and rape by this jury, it would have happened again  
8 and again and again.

9 So I'm relieved to know that he's not out there  
10 feeling even more empowered, entitled, and assured that he  
11 can do whatever he wants to do to whoever he wants to do it  
12 to.

13 I'm relieved he will now know he's not above the  
14 law. I'm relieved that there are women out there safer  
15 because he's not out there.

16 I dreamed to become a witness in this criminal  
17 prosecution of Harvey Weinstein because simply it was the  
18 right thing to do and my civic duty had further impact on  
19 me.

20 It affected some aspect of my life. On the one  
21 hand, it forced me to process what happened on a level I  
22 had not previously.

23 It forced me to resolve and settle within myself  
24 feelings of self blame and shame that I was still holding  
25 on to. I could not have walked into this courtroom for my

1 testimony and cross examination still carrying all of that,  
2 so I let it all go and I showed up not as a perfect victim,  
3 but as a human being.

4 So in that way it has been healing. Excuse me,  
5 sorry. But mostly, the past couple of years have been  
6 excruciatingly stressful. I have lived in fear and  
7 paranoia on a daily basis in fear of retaliation, paranoid  
8 my every move was being tracked and monitored having  
9 learned of the methods Harvey Weinstein has used to  
10 intimidate and silence people.

11 Having had a friend tell me his private  
12 investigator showed up at their door asking questions about  
13 me. I had panic attacks and nightmares, I feared for my  
14 life, and because of the public nature of all of this I put  
15 myself in such a vulnerable position to be criticized,  
16 scrutinized judged and targeted by misinformed strangers.

17 I have worried I might lose work because  
18 potentially employers might be put off by discovery of this  
19 information since it was readily available on the  
20 internet. I avoided dating, I don't want to drag anyone  
21 into it, embarrass them or be hurt if they distance  
22 themselves from me once they found out.

23 The list honestly could go on the ways in which my  
24 life has suffered, been disrupted, infiltrated and  
25 inconvenienced as a result of Harvey Weinstein's actions.

1                   I have never felt vengeful, and going into this  
2                   initially I didn't feel anger, I just felt sad, sad for  
3                   myself, sad for everyone he hurt, and I even felt sad for  
4                   him for having done this to himself.

5                   But I have observed an indifference, a lack of  
6                   remorse, lack of acknowledgment, a lack of awareness and  
7                   self awareness by the defendant throughout this process  
8                   that has made me feel anger, that has left me concerned  
9                   he's completely disconnected from the gravity of the crime  
10                  that he has committed against me and the impact that it had  
11                  had.

12                  I can only hope that whatever sentence the Court  
13                  sees fit is long enough for Harvey Weinstein to acknowledge  
14                  what he has done to me and others and to be truly sorry,  
15                  thank you.

16                  THE COURT: Thank you.

17                  MS. ILLUZZI: Now Ms. Jessica Mann.

18                  (Continued on next page by Lisa Webb)

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1 (From 10:00 - 10:45 am 03-11-2020)

2 MS. ILLUZZIO: We now present Ms. Jessica Mann.

3 MS. MANN: Your Honor, the day my uncontrollable  
4 screams were heard from the Witness Room was the day my  
5 full voice came back into my power. Those were the screams  
6 that wanted to come out while Harvey was rapping me. Those  
7 were the screams of a terrified young woman reliving  
8 experiences of horrific violence against her body.

9 Those were the screams that will forever haunt  
10 those who witnessed me. That, your Honor, is what the  
11 victim, the behavior of a rape victim looks like. When  
12 facing their powerfully rich and famous rapist in court as  
13 his lawyers twist the truth and even lie.

14 I swore to come here and tell the whole truth,  
15 only to be limited by yes and no questions, premises framed  
16 by the Defense that were grossly misrepresented. There is  
17 still so much left unsaid about his abuse and manipulation,  
18 as well as my own copying mechanisms, which is what I would  
19 call victim behavior.

20 I wasn't asked to testify about the aftermath of  
21 wreckage Harvey caused in my life. I was only questioned  
22 for having to continue to mitigate the damage that was  
23 already done.

24 I ask you to consider a few things that are  
25 backed by real science and the studies of trauma referenced

1 in the Harvard Journal of Psychiatry, that are very deeply  
2 rooted in my case when making a decision about the severity  
3 of the rape for which Harvey Weinstein is proven guilty of.

4 Tonic or collapsed mobility is one of six defense  
5 mechanism the body elicits under trauma and stress. Stress  
6 like rape. So many woman, myself included, have only been  
7 able to find words such as I gave up or I lost control.  
8 And like myself, I froze. The majority of the public has  
9 not understood that these responses were not something we  
10 consciously chose in duress. In fact, voices like myself  
11 have repetitively stressed the confusion this response  
12 caused. For not having a bodily response that fought back.  
13 By believing we should have resisted more, we are prone to  
14 greater PTS symptoms and depression. As well as guilt and  
15 shame.

16 Because the truth about physiological Defense  
17 mechanisms is something lawyers like the Defense don't want  
18 entered into evidence, so they can continue to capitalize  
19 on the broken, and predators like Harvey don't what the  
20 public to be educated on, so that he can exploit the  
21 victim's shame to escape condemnation.

22 This rape-induced paralysis is a natural response  
23 designed to activate under situations such as sexual abuse  
24 or rape. When the brain asses that flight or fight or not  
25 possible, the immobility response is activated.

1 Harvey at that time had every advantage over me,  
2 even the immense physical stature of Harvey's weight,  
3 height and ox-like strength. He used that physicality to  
4 trap me and prevent me from leaving. That, your Honor, was  
5 a powerful assessment that flight was not possible.

6 Fight was also not possible. His strength  
7 overpowered me trying to leave. His strength hurt my hands  
8 when he forced them on myself to start undressing. He had  
9 already physically hurt me in the past when I was unable to  
10 escape his grip at prior occasions.

11 Rape paralysis or immobility is very real in  
12 humans. A good visual of this is when animals play dead  
13 under stress. While they remain flexible and aware, they  
14 are trapped in a survival response until the threat is  
15 removed. In people this response can also be accompanied  
16 with fainting or black go out, such as what happened to me  
17 in a separate rape committed against me by  
18 Harvey Weinstein.

19 Just like our hearts beat without our conscious  
20 awareness, it is critical that victims and the Courts  
21 understand that the ability to fight during rape can be out  
22 of the victim's control when this defense response is  
23 triggered unconsciously.

24 I ask you to consider the horrors of being  
25 rendered immobile by my own biological response, while I

1 had to endure his penis rapping me on his time, as slow as  
2 he wanted, while he pleased himself inside my body. I  
3 wish I had been able to fight him when he raped me. I  
4 should have walked away with a sense of control over my  
5 body instead of deeper shame. So please understand, to  
6 show distress, especially while still in shock would have  
7 been dangerous.

8 I was not about to advertise that I was a weak  
9 and wounded prey and attract more potential violence. This  
10 is a response we see in nature and it should of no response  
11 that hiding weakness is something every human being on this  
12 planet exercises.

13 Perhaps now it is easier to understand why  
14 showing distress after rape is a fantasy in relationship to  
15 power dynamics. How after my body was completely dominated  
16 by him, my spirit and my emotions were the last thing I had  
17 left to control in my experience of existence as a human  
18 being under his influence.

19 I want to remind you, I told Harvey no. Forgive  
20 me for assuming that in private after being threatened not  
21 to embarrass him, I thought I would be able to force my no  
22 and assert my right to autonomy. However, Harvey did not  
23 see me as somebody who equal rights. Harvey knew through  
24 my verbal statements I did not want to invest being in that  
25 room much less did anything sexual in any nature with him,

1           which is why he used intimidation, commands and force in a  
2           way so manipulative it would be hard to convict.

3                         Harvey didn't need to use a physical weapon that  
4           makes me live in fear of an invisible gun to my head ready  
5           to be pulled if he felt in the mood.

6                         Invisible weapons are known as abuse of power.  
7           They are still life-threatening aspects a victim has to  
8           endure.

9                         Harvey abused his power over the powerless to  
10          exploit a system. My life was especially impacted by this  
11          kind of inviable weapon, when in 2015 I defectively  
12          distanced myself from him for quite a while.

13                        Freedom from Harvey became a truly hopeless  
14          endeavor as I watched Ambra Battilana be smeared, shamed,  
15          and attacked before the world. Amber's case solidified to  
16          me which I always had known as a possibility of how he  
17          could destroy my reputation before the whole world, and how  
18          that world would not care.

19                        I also assessed Harvey's position of power,  
20          authority, wealth, and fame in society. I repeatedly  
21          witnessed him threaten individuals in getting what he  
22          wanted. This included high profile people with threats of  
23          him black listing because he had done it before. And the  
24          hotel staff livelihood, if they did not open the kitchen  
25          for him after closing.

1                   And most disturbing to me, threatened my father  
2                   with an old-school mafia bat beat-down. My father who was  
3                   dying of cancer at that time. If you have any sympathy for  
4                   that man you see before you, consider Mr. Weinstein took  
5                   joy in beating to a pulp a dying man, a man poorer than  
6                   him, a man who is an extension of me. Whether that was a  
7                   fantasy of his he executed or not, he offered it with a  
8                   story to back up when he had done it once before.

9                   Escape from the dynamic from him would have come  
10                  at great personal injury. Even he was a man who was  
11                  increasingly escalating to violence, degradation, and  
12                  severity in rapping me. The unknown effects of giving him  
13                  the ultimate rejection through escape was terrifying.

14                  If A-Listers and hotel managers bowed to this  
15                  man's command without question, how does one find courage  
16                  under such force without no consequence.

17                  I ask you this, what is left after rape when a  
18                  person already increasingly violent rapes you multiple  
19                  times?

20                  It is documented publicly that Harry had several  
21                  M.B.A.s hiding his past sexual assaults. His only spanking  
22                  was to take a slap on the wrist and pay a fine each and  
23                  every time. My rape was preventable. This was a known  
24                  offender whose crimes were covered up and documented in a  
25                  paper trail.

1                   You see the commodity the Weinstein companies  
2                   produced was very valuable commodity to the world. Society  
3                   pays to be entertained and the value to escape life to be  
4                   lost in the magnitude of the incredible films this man  
5                   produced was too valuable a commodity to be stopped by the  
6                   woman he trapped, raped and assaulted.

7                   Many individuals may not understand why I hoped  
8                   that attempting human connection with a man who was  
9                   sexually abusing me, humiliating me, using me and pumping  
10                  me into his world where he always controlled the script,  
11                  was a long exhausting form of survival, called traumatic  
12                  bonding.

13                  The impact of rape is profound. I live in a body  
14                  that has become unsafe. It is impossible to translate the  
15                  magnitude of such an experience to those who have never  
16                  been violated internally.

17                  I am forced to carry that experience until I die.  
18                  It impacts me in activities, social interactions, intimacy  
19                  both sexual and emotional, and is a recurring nightmare  
20                  that I feel is just as real as when it happened. There are  
21                  good days and there are bad days and I hide it as best I  
22                  can.

23                  The Defense attempted to create their own  
24                  diagnoses of my mental health, which they are in no way  
25                  qualified to do. They took my medical records. I

1 disclosed when I had a breakdown after the headlines broke  
2 about the serial predatory behavior of Harvey Weinstein.  
3 What the Defense didn't want the jury to know, is as a  
4 recipient of Harvey Weinstein's violence, being admitted to  
5 the emergency is a powerful evidence of victim behavior  
6 because I realized Mr. Weinstein's crime is against  
7 humanity, not just crimes against me.

8 The effects of my health are invisible, but that  
9 doesn't not mean they are any less real. I can list for  
10 you all the effects, that would take far too long and I'm  
11 not going to give any more power over to the man who  
12 already stole my body.

13 Twelve people found Harvey unanimously guilty of  
14 rapping me. That is not an easy task. It is preposterous  
15 to say that 12 people were pressured by society to come to  
16 this conclusion. Anyone who believes that to be the case  
17 has never had to live with making a decision to completely  
18 alter another human being's life. In a way that may feel  
19 like a type of death sentence.

20 Twelve people took away Harvey's freedom in the  
21 end-years of his life, as a crumbling senior citizen, who  
22 literally is decomposing before their very eyes. No matter  
23 what someone has done, Harvey is still a human being and no  
24 doubt the jury felt that.

25 Harvey still denies his wrongdoing towards me,

1 Mimi, Annabella and the other woman who testified. As well  
2 as the plethora of other voices unable to be heard in the  
3 court of law.

4 A man who had so many previous MBA's hiding his  
5 past sexual assaults, he's baffled at finally being held  
6 accountable. A man who assumed, with his money and  
7 presidential alliances, it would make him untouchable.

8 The man I know Harvey to be is hell-bent on  
9 control and obsessed with his legacy. I imagine he is  
10 still coming to terms with losing control of the legacy he  
11 scripted.

12 However, I hope that the accountability of a  
13 maximum sentence, he finds the ability to leave behind a  
14 legacy to help create a better world for his family.

15 Behind bars, Harvey can be given a chance to  
16 rehabilitate while being held accountable to his crimes and  
17 perhaps even help write the playbook of how predators  
18 operate so that these dynamics are forever exposed.

19 Your Honor, I hope I have justly explained the  
20 horrors of immobility while being raped, which allows a  
21 predator to have an easier time rapping. I hope I have  
22 explained the horrors of being raped by someone who has  
23 power.

24 And hopefully you understand it takes a very  
25 special kind of evil to distort human connection and use it

1 to leverage each rape. If someone who knows you is willing  
2 do rape you, the impact on the psyche is profound.

3 I ask that you contemplate that rape is not just  
4 one moment of penetration; it is forever. Whether that  
5 rape exposes a victim to a life-long disease, a pregnancy,  
6 injury, mental disorders, the impact will last a lifetime.

7 It baffles me that a man can go to jail for a  
8 minimum of five to 20-years for drugs charges. Yet, in my  
9 case of rape, the maximum sentence is four-years.

10 How do we so devalue a human being's right to  
11 autonomy and the right to live in their body without  
12 violence. How am I not worth more than cocaine. The  
13 answer is, I am worth more.

14 Third degree and first degree rape, having  
15 experienced both at the hands of Harvey Weinstein, have  
16 forever equally altered my life.

17 I hope that today's sentencing I do not have to  
18 take any further detriment to the quality of my life for  
19 Harvey's behavior. I ask to be given the gift of knowing  
20 exactly where Harvey is at all times, so that I can truly  
21 live, and I ask that the public be given that gift as well.

22 Do not devalue my life so much as to ask me to  
23 share the time he deserves to serve for my body, and my  
24 life, at the same time as the victim Mimi.

25 Her and I are two separate individuals that he

1           exploited at separate times. This is a crime against  
2           individual human beings.

3                         Do not continue the course of history where  
4           women's lives matter less by grouping us into some cattle  
5           call the way same way Harvey herded his victims, as  
6           disposable.

7                         I promise you, if you value my life, I will spend  
8           everyday getting better. I will take back my life, I will  
9           take ahold of my future with more energy than you can  
10          imagine.

11                        I will reclaim my time. I will regenerate my  
12          health. I will absolutely make you proud to see me go from  
13          the girl on the stand who talked about her shame and  
14          feeling like a lost cause, to becoming a woman who has  
15          found happiness, who can live in joy, who is free, and who  
16          will go on to live a life so incredible no human being will  
17          ever fear that they are beyond redemption or harnessed to  
18          the shame of their past.

19                        I want to set an example of our true potential as  
20          humans when it comes to your capabilities and our innate  
21          worthiness.

22                        No matter what the gender is of someone who is  
23          assaulted or raped. It is time that people who rape other  
24          humans pay with their life for the life they took.

25                        Today I have no shame. I stand with gratitude

1 and wholeness in my being. And stand here ready and  
2 willing and want to help others have the same wholeness and  
3 freedom I now experience. I have found my voice, and  
4 together we can have a future vision where monsters no  
5 longer hide in our closets.

6 Your Honor, you have the ability to make that new  
7 world possibly by sending a resounding message, of new  
8 precedence and accountability by valuing our individual  
9 lives.

10 I ask that you choose the new future over  
11 leniency and partake in the world me and this incredible  
12 team we are here to build. Thank you.

13 THE COURT: Thank you.

14 Ms. Illuzzi, anything further?

15 MS. ILLUZZIO: No, your Honor.

16 THE COURT: Who is going to speak for the  
17 Defense?

18 MS. ROTUNNO: Judge, we're going to split it up a  
19 little bit. Mr. Cheronis is going to start.

20 THE COURT: No. Take a moment to decide who  
21 wants to do what.

22 MR. AIDALA: Your Honor, I believe that the local  
23 counsel who sponsored the Chicago lawyers pro hac vice has  
24 a right to speak on behalf of the client on a very narrow  
25 specific New York City issues of which the Chicago lawyers

1 are not knowledgeable and are not in a position to speak  
2 to.

3 THE COURT: That's not accurate, but if you want  
4 to take a moment.

5 MR. AIDALA: That should give the Appellate  
6 Division a good vision as to how this Court treated this  
7 Defense table throughout the course of the entire trial.

8 This is the most important part of the trial for  
9 Mr. Weinstein. We just spent 40-minutes hearing the  
10 prosecutors, and yet Mr. Weinstein's choice of counsel to  
11 speak to this Court about very narrow, precise, specific  
12 issues regarding sentencing, and the New York City aspects  
13 of sentencing. The fact that the Court is not letting  
14 somebody, who he knows for 30-years, and my partner he  
15 knows for just as long not address this Court. It is not  
16 appropriate, your Honor.

17 I don't understand. Why can't I not be heard on  
18 behalf of Mr. Weinstein when he asked me in prison, please,  
19 Arthur tell the Judge what your experiences are. Tell the  
20 Judge what Judge Kamins's experiences are in New York City  
21 regarding sentencing guidelines, and then have Donna and  
22 Damon speak about who I am as a person.

23 Why can we not do that? There is no jury here.  
24 There is no economic judicial economy that is being burnt  
25 up.

1 THE COURT: You just did.

2 MR. AIDALA: Are we in a rush, Judge? This is  
3 our life.

4 THE COURT: Take as long as you need, Mr. Aidala,  
5 if you're the one speaking for him. Go ahead.

6 MR. AIDALA: I would like -- Judge, I need at  
7 least five to ten minutes. We're not going to rush this  
8 through, your Honor.

9 THE COURT: Take your time.

10 Sorry, attorneys, I meant stay here.

11 By curiosity, what are the topics you wish to  
12 address?

13 MR. AIDALA: When the Chicago team asked, what  
14 were the topics you are going to address, New York State  
15 sentencing on this particular crime in the year 2018, what  
16 the standards are for other cases in this courtroom and in  
17 this courthouse. They wanted to know what should we ask  
18 for, what is appropriate.

19 THE COURT: All right. Go ahead Mr. Aidala.

20 MR. AIDALA: Thank you very much, your Honor.

21 So when Mr. Cheronis and Ms. Rotunno called Judge  
22 Kamins and said, what should we ask, what is appropriate,  
23 we don't want to just pull a number out of the sky. We did  
24 what Judge Dwyer, your colleague, both on and off the bench  
25 has done in prior occasions with these political cases

1 where I appeared before him.

2 Judge Kamins used his good auspices to get from  
3 the New York State Corrections and Community Supervision  
4 Division a report based on the 2018 statistics on this  
5 exact crime and what sentences were on this exact crime.

6 So as opposed to the N.Y. team just throwing a  
7 number out to the Chicago team, we did our research and we  
8 did our homework.

9 What we came up with was something that the Court  
10 not only knows but in other cases has agreed, where the top  
11 count is the same as the top count that Mr. Weinstein is  
12 facing today, the New York State average of jail. A jail  
13 sentence is eight and-a-half years. That is the average.  
14 I'm sorry that's the mean. I apologize.

15 What the New York State Department of Corrections  
16 does, they take away, I guess, the outliers on both ends  
17 and they just focus on the mean number.

18 So the mean number for everyone, whether  
19 convicted after trial or pled guilty, is eight and-a-half  
20 years.

21 Now, the Court knows that or should know that  
22 that statistic includes individuals that the Court  
23 sentences who are mandatory persist felons, discretionary  
24 felons. Persistent felons, those are people that have one  
25 felony conviction before the one they are being sentenced

1           on; two before the one they are being sentenced on;  
2           three or four.

3                        So people who have very significant and severe  
4           criminal records in New York State on this count, the means  
5           sentence is eight and-a-half years, and the statistics  
6           don't show -- and we asked and Judge Kamins tried to find  
7           out from the Department of Corrections -- they don't have  
8           those statistics. Are they only being sentenced on that  
9           top count or their other counts below it? They don't have  
10          this statistic.

11                      What we did find out, the statistics include  
12          crimes, the same crime that Mr. Weinstein pled to, that  
13          includes crimes that weapons were used, crimes where  
14          serious physical injury were posed to the victim, where  
15          physical injuries was posed to the victim, threats of  
16          physical injury was posed to the victims, strangers in dark  
17          alley type situations. None of those exist in this  
18          particular case. There are no issues anywhere about  
19          weapons or injury or serious physical injury.

20                      And just to show this Court that this Court  
21          actually agrees with that statistic of eight and-a-half  
22          years for people who have been on that end and, of course,  
23          your Honor it is lower for people who are first time  
24          offenders.

25                      This Court in August of 2019 -- excuse me.

1 August of 2018 while Mr. Weinstein's case was actually  
2 pending in Manhattan, the DA's office handled a case People  
3 v. Yokatshi (phonetic), where the Manhattan DA Cyrus Vance,  
4 who is in the courtroom today and has been in the courtroom  
5 every since this case stated.

6 This defendant abused workplace power dynamics to  
7 prey on junior colleagues in an appalling act of sexual  
8 assault. That's a case that your Honor handled, this  
9 District Attorney's office, where according to Molly Crane  
10 Newman of The Daily News who was here, the complainant and  
11 the victim cried, as we saw here in the Victim Impact  
12 Statement. And in a case where an executive with no  
13 criminal history lured his employee into his hotel room,  
14 asked her to bring orange juice, when she wasn't looking he  
15 put a strong sedative in the orange juice so she was  
16 knocked unconscious and he raped her.

17 In that case, this Court allowed the District  
18 Attorney's office to enter an agreement with the Defense to  
19 allow him to plead guilty to not one count but three  
20 counts, including rape in the first degree, a much more  
21 heinous crime than is alleged here and sex abuse, as well,  
22 and facilitating a sex offense with a controlled substance.

23 A B-felony and a D-felony. Here, your Honor has  
24 a B-felony and an E-felony, so they're less serious  
25 charges.

1                   In this case, no one has ever said Mr. Weinstein  
2                   has used drugs or alcohol or anything else to -- the way  
3                   Mr. Yokatashi did to prey on the victims.

4                   So you have a case that your Honor handled 18,  
5                   19-months ago, where you agreed to sentence the defendant  
6                   to 7-1/2 years, and that was a man whose 20 years younger,  
7                   does not have a laundry list of medical issues, did not  
8                   have a nine year-old and a six-year child, who he is very  
9                   close with, has not done the innumerably verifying acts of  
10                  raising hundreds of millions of dollars for needy people  
11                  from 9/11 to Hurricane Sandy to the Robbin Hood Foundation.

12                  It does not include the guy who has the most  
13                  academy awards and is thanked from everyone from Meryl  
14                  Streep to Martin Scorsese and everyone else for enhancing  
15                  their careers.

16                  And you Honor found it acceptable to sentence  
17                  Mr. Yokatashi to less. To less than the state average.

18                  And in this courthouse, within the last two  
19                  years, sentenced by one of your colleagues, both when you  
20                  were off the bench and on the bench. People v Smith, a  
21                  case where a young man meets a stranger, gets him  
22                  inebriated on tequila to a point where that young man is  
23                  passed out, a stranger, and that stranger wakes up and  
24                  finds the Defendant Smith performing oral sex on him. He  
25                  punches him in the face, jumps up and calls 911. The

1 police come. That young man, Mr. Smith, goes to trial he's  
2 found guilty of performing a very similar act here, your  
3 Honor. And that Judge, your colleague, again, with a  
4 defendant who doesn't have the history of doing great  
5 things for many, many people, sentenced him to the minimum.

6 He said you lived a law-abiding life, you deserve  
7 the minimum. Because five-years Upstate New York is a  
8 miserable, horrible, existence for that particular young  
9 man who had never been in trouble before. And I'm sure  
10 when your Honor sentenced Mr. Yokatashi, he felt the same  
11 way.

12 So the only thing that I told the team from  
13 Chicago is that they would not lose any credibility,  
14 Mr. Cheronis and Ms. Rotunno I have the highest respect  
15 for. And their credibility means a lot to me as it does to  
16 them that they would lose no credibility with this Court if  
17 they asked for a five-year sentence because if someone with  
18 Mr. Weinstein's background with no criminal history and  
19 70-years old, who is a broken down man, who the federal  
20 courts have said before a court, they are sentencing  
21 someone which is basically a life prison term. The Court  
22 better think that through thoroughly because that is the  
23 most severe punishment. It is basically the death penalty.

24 I told Damon and I told Donna, you will lose no  
25 credibility with this Court if you say Mr. Weinstein

1           deserves the minimum, because based on the statistics,  
2           based on the data, and based on Judge Burke's prior  
3           sentence in a very similar case where the actions were  
4           worse, where the crimes were higher, he accepted a plea  
5           that this DA's office recommend and he accepted to less  
6           than the mean of eight and-a-half years to 7-1/2 years.

7                        So with that being said, thank you very much your  
8           Honor Burke for allowing me to be heard.

9                        With that, I would like to defer to my colleague.

10                      MS. ROTUNNO: Judge, are you going to let  
11           Mr. Cheronis speak or do I have to do his part, as well?

12                      THE COURT: You're going to speak?

13                      MS. ROTUNNO: I was going to start and he was  
14           going to finish.

15                      THE COURT: Knock yourselves out.

16                      MR. CHERONIS: Your Honor, I won't be long. I  
17           wanted to speak regarding the State's letter and their  
18           request to include information regarding essentially other  
19           bad acts and other uncharged crimes. The State detailed in  
20           their letter, which to a large extent was a replaying for  
21           you of their Sandoval testimony and some of their requests  
22           and Molineux evidence that was not included at trial based  
23           on your Honor's ruling.

24                      As you know these allegations made in the state's  
25           letter go back to 1978. We did agree with the state that

1           they were not vetted by us or the Court. What we have  
2           received from the state was a letter in paragraph form  
3           detailing certain allegations. A number of the allegations  
4           that are made aren't criminal. They seem to be bringing up  
5           temper tantrums, anger issues. Certainly Mr. Weinstein is  
6           being sentenced for the counts of convictions that the jury  
7           returned a verdict on. We think that it would be an error,  
8           a procedural error, Defense and Mr. Weinstein, to take  
9           those issues into account for several reasons.

10                   The State did cite various cases in their brief  
11           and letter. There are other cases law that cite the impact  
12           that the Court has in its discretion in considering other  
13           issues but must make a determination that they are reliable  
14           and they are accurate. We do not think the State has come  
15           forward with sufficient evidence in their letter to support  
16           that finding, your Honor.

17                   So we are asking the Court while you can  
18           certainly listen to the victim impact statements, while you  
19           can certainly listen on the testimony you heard at trial,  
20           we think that getting into all those other charged acts  
21           would be a violation Mr. Weinstein's procedural process.

22                   Regarding the Molineux witnesses, your Honor,  
23           that you heard from, there is no telling that the jury  
24           believed these individuals beyond a reasonable doubt. I am  
25           not here to retry the case.

1                   You saw the cross-examinations, each of the  
2 Molineux witnesses were subjected to vigorous  
3 cross-examination, which we are allowed to do under the  
4 law. That is not something we consider to be victim  
5 shaming.

6                   We had a job to do we were attempting to get to  
7 the truth. The witnesses were impeached both on  
8 cross-examination and sometimes by live witness.

9                   So, your Honor, it is our position in formulating  
10 a sentence regarding Mr. Weinstein, the Court can certainly  
11 take in consideration what occurred at the trial.

12                   We, however, do believe that it would be a  
13 problem to base the sentencing on essentially what is the  
14 States letter without the supporting corroborative  
15 information that would make that reliable.

16                   Mr. Weinstein is presumed innocent also of  
17 uncharged conduct. So in making your determination as to  
18 what is a sufficient sentence but not greater than  
19 necessary, we ask that you take into account what you  
20 should take into account and not a laundry list of past  
21 allegations, many of which have not been vetted, at least  
22 by us, or by the Court for that matter so respectfully.  
23 Your Honor, before I turn it over to Ms. Rotunno, we are  
24 asking that that letter not be included for purposes of  
25 aggravation at the sentence and the facts therein.

1 Thank you.

2 THE COURT: Thank you. Ms. Rotunno.

3 MS. ROTUNNO: Thank you, Judge.

4 MR. CHERONIS: Your Honor. I've been reminded to  
5 ask as to whether or not you are taking those into account?

6 THE COURT: Well, I read it closely, and over and  
7 over again, and I have to say that the great majority of it  
8 I saw through the same prizm that you just expressed.

9 MR. CHERONIS: Thank you.

10 THE COURT: And just one technical matter. Both  
11 sides have the Pre-Sentence Investigation Report from the  
12 Department of Probation?

13 People?

14 MS. ILLUZZIO: Yes, your Honor.

15 THE COURT: Defense?

16 MS. ROTUNNO: Yes, Judge we do have that.

17 And before I get into the sum of my argument, I  
18 will argue just a few things about the pre-sentence  
19 investigation.

20 Judge, we are not in agreement, nor do we accept  
21 the version given by the government in the Pre-Sentence  
22 Investigation Report. We are asking to strike the entire  
23 narrative, as it does not match the testimony at trial.

24 We have the specific issue that we are  
25 disagreeing with highlighted, and I would like to go

1 through some of those.

2 One, there was never any testimony that Ms. Haley  
3 and Ms. Mann were just acquaintances of the defendant.  
4 There was no testimony at trial that Ms. Haley was ever  
5 estranged from her entire family.

6 There was no information that when Ms. Haley went  
7 to Los Angeles she arranged to stay at a friend's home to  
8 avoid any additional encounters with Mr. Weinstein.

9 When Ms. Haley tells her friend, allegedly  
10 roommate at the time, that something happened to her the  
11 statement here in this letter to the Court says that the  
12 roommate suggested that the victim call the police. That  
13 is not correct. She testified that she told her to call a  
14 lawyer.

15 The letter from the government talks about the  
16 fact that Ms. Mann was sexually abused occurring in her  
17 childhood, we believe that was when she was a teenager,  
18 given the testimony at trial. She stated that she was on  
19 her own by age 16, which was also not the testimony at  
20 trial.

21 This letter states that Ms. Mann was a starving  
22 actress Ms. Mann was not working as an actress, she was  
23 working as a hairstylist. There is a portion here where  
24 they talk about the massage, where Mr. Weinstein asked her  
25 for a massage, but she declined that is not true.

1 Mr. Weinstein asked her if he could give her a massage.  
2 She declined and then gave one to him.

3 It goes on and on, Judge, with the  
4 inconsistencies.

5 We all listened to the testimony going into the  
6 date in question, March 18, 2013. The thought of him  
7 getting a room seemed suspicious to her because he was a  
8 resident of the city. She stated she had no idea where he  
9 lived at the time. In that act itself she said she refused  
10 the demand and became loud and aggressive he then became  
11 aggressive. He then undressed the victim. Even in her  
12 statement today, she said she undressed herself. The  
13 defendant ordered her on the bed and then went in the  
14 bathroom.

15 And, Judge, the statement goes on to include  
16 something from Detective DeMatio(phonetic), given the fact  
17 that the detective was not allowed to testify at trial, we  
18 don't believe that any of his statements should be included  
19 in a Pre-Sentence Investigation Report especially given the  
20 fact that we couldn't -- we didn't have any ability to  
21 question or cross-examine him during the course of this  
22 trial.

23 So for purposes of the Pre-Sentence Report, we  
24 are not in agreement with that report and want those  
25 portions be stricken for the record.

1 THE COURT: Do you have a copy of that  
2 specifically highlighted?

3 MS. ROTUNNO: I do.

4 THE COURT: Why don't we trade copies.

5 People, any problem striking those portions or do  
6 you want to take a look at them?

7 MS. ILLUZZIO: We didn't approve ahead of time  
8 what the probation officer wrote regarding the facts. What  
9 we did was give her portions of the opening statement in  
10 order to give her background on what the basic facts were  
11 and these video nuances obviously were testified to  
12 somewhat differently. So we would ask the Court only to  
13 consider obviously what was actually testified to. And, I  
14 think that the part there saying he was arrested and saying  
15 that he was subjecting the investigation, I don't think  
16 that was substantive at all.

17 THE COURT: Why don't I take that back. Because  
18 what you gave me was a highlighted copy. It is just a copy  
19 of your own. I looked at it.

20 The great majority of what you said is fine, is  
21 going to be knocked out. There are some parts that --  
22 there is an Evaluative Summary where you highlight  
23 something and that can stay in.

24 MS. ROTUNNO: Judge, just with regard to this.

25 THE COURT: This remains under seal, so the part

1           that you highlighted, it looks like you highlighted because  
2           it contained personal information.

3                         So, in general, I don't have a problem with what  
4           you are requesting.

5                         MS. ROTUNNO: Thank you, Judge.

6                         Just so the record is clear, the main issue of  
7           this fact is that Mr. Weinstein for issues of parole, the  
8           fact that we're taking the summary of events from the  
9           opening statement rather than trial transcripts, I think is  
10          problematic, given the fact that the government knows that  
11          this statement is also used for Mr. Weinstein as time goes  
12          on, and this is a very disingenuous way to put forth facts  
13          here.

14                        And I think this indicates how a lot of this case  
15          unraveled for Mr. Weinstein. I made my position known.

16                        I think the trial transcript should be the  
17          official, and I think the Court will only take in  
18          consideration what was heard at trial, but because this  
19          will follow him, I think it is important that it is  
20          corrected the right way.

21                        THE COURT: This is my copy. I will give you  
22          your original back.

23                        MS. ROTUNNO: Judge, in regard to my overall, I  
24          would also like to start by thanking this Court for trying  
25          the case on behalf of Mr. Weinstein. Although we loved

1           being in N.Y., we are very happy to go back home and try  
2           cases where we come from. But it has been a pleasure to be  
3           here.

4                         Judge, however, Mr. Weinstein entered this  
5           courtroom and was ready and prepared for the fight of his  
6           life, and that's exactly what this was. This has not been  
7           an easy circumstance for anyone involved.

8                         Mr. Weinstein came in as a person that the  
9           government painted as someone that has it all. And I think  
10          when we think about what it means to have it all, we have  
11          this idea that fame, and fortune, and money, and being able  
12          to have the world at your fingertips is positive. But I  
13          think in many ways, Judge, we have to think about the fact  
14          that in the pursuit of that life, and in having that life,  
15          and having every single thing you do, and every move you  
16          make will be scrutinized, and written about, and dominated  
17          by media; as we can hear by the clicking of the typewriters  
18          behind us or the keyboards behind us.

19                        It shows that there is a pressure that goes along  
20          with that lifestyle that is probably not something that we  
21          would think is something everybody would want or attain.

22                        When you walk into a criminal courtroom and as a  
23          criminal defendant you walk in as somebody who is expecting  
24          to have a fair forum, a fair trial, and let the evidence  
25          speak for itself, and let a case be evaluated on the

1 evidence and the evidence alone. That was never a  
2 possibility for Mr. Weinstein. So when we look at what we  
3 may want as a life, what we would want as a life is being  
4 able to come in and have the ability to be in a room, let  
5 the evidence speak for itself, and not have every force  
6 outside of what happens in this room have an impact. And  
7 that is what happened.

8 And whether people want to admit it or talk about  
9 it or say that it is true, how can we deny the fact that  
10 what happened before we walked in here had an impact on  
11 this, whether it's positive or negative, is for someone  
12 else to decide.

13 But Mr. Weinstein came in with the forces of the  
14 media. The forces of the world pushing against the chance  
15 for him to ever have a real impartial jury in this case.  
16 Not one person who walked in the door said, I didn't know  
17 about Mr. Weinstein. I hadn't heard about Mr. Weinstein.  
18 That is quite unusual. And any case that we have in any  
19 Criminal Justice System throughout this country, it is  
20 unusual to be put in a circumstance where people make a  
21 pre-judgment based on what they read and based on what they  
22 hear.

23 And, ironically, one of the most common questions  
24 the Defense team gets asked is whether or not he was faking  
25 his illness or his injuries. And, you know, although that

1           seems very trivial in this forum that we're in now given  
2           the gravity of what he's facing, what that shows us is what  
3           the general public, potential jurors, people who make  
4           decisions or thoughts on Mr. Weinstein, their focusing on  
5           things that don't really have a real place in what happens  
6           here, and they make judgments about him without knowing the  
7           real facts.

8                         We have supported and sent to this Court a letter  
9           highlighting Mr. Weinstein's medical issues, his illnesses,  
10          the things that he's facing. Even the new things that has  
11          arisen since he's been in custody. Judge, Mr. Weinstein,  
12          is a sick man. Mr. Weinstein has a multitude of medical  
13          issues. There are a list of things that are physically  
14          wrong with him and things that are serious. One of the  
15          latest diagnoses, as the Court sees in a letter, is  
16          something that has to be monitored and something that can  
17          be deadly.

18                        Mr. Weinstein has a history of heart disease in  
19          his family. He will be 68-years old later this month and  
20          this is a situation where the loss of freedom that he will  
21          suffer, not only will it affect his general overall health  
22          but it will affect his ability to get the type of medical  
23          care that he's going to need for the list of issues that he  
24          is dealing with.

25                        We have also made requests to the Court about

1 specific facilities that we're asking the Court to consider  
2 making a recommendation to. I understand that the Court  
3 doesn't have the ability to order the Department of  
4 Corrections to send Mr. Weinstein anywhere specifically but  
5 we are aware of the fact that a recommendation from the  
6 Court would very potentially play a role, and we're asking  
7 that the Court at least consider making that recommendation  
8 and what Department of Corrections does with it is up to  
9 them.

10 In terms of Mr. Weinstein, he was a 68-year old  
11 man who grew up in N.Y. He grew up with parents who lived  
12 modest lifestyles, and he did what he could as a young  
13 person to help the family, and he worked from a very young  
14 age.

15 Judge, he was always somebody that wanted to work  
16 and create, he started with helping create the company that  
17 we all now know as Live Nation. From there he went on to  
18 work with music groups and bands, and then went on to the  
19 film industry.

20 Mr. Weinstein never took lightly the role that  
21 was given to him as time moved on and he became more  
22 well-known in the movie industry. His parents taught him  
23 that you should give back, that you should pass it on, and  
24 that's what he did.

25 When we look at the allegation in this courtroom,

1 we see one very small side of who Mr. Weinstein really is.  
2 And we hear about the horrible comments that the People  
3 want to make and the comments that Ms. Illuzzio uses from  
4 others. But what we don't see is the other side of  
5 everybody from the things that he's done. And you can go  
6 on line and you can You Tube every celebrity that you can  
7 think of thanking Mr. Weinstein at every award show.

8 I think statistically, he's tied with God in the  
9 number of times people thanked him when people received  
10 awards, because he built careers. And because he built  
11 careers and was known as someone who did that, everyone  
12 wanted a piece of. Him that is not an easy position for  
13 someone to be in.

14 And Mr. Weinstein himself will tell you that in  
15 that pursuit of power and in that need, the People had to  
16 know him and be a part of his circle and it became a very  
17 stressful existence.

18 Mr. Weinstein tried to never be anything at least  
19 to his team, other than kind and respectful, and continues  
20 to be that way and has been that way with us the entire  
21 time. He has been grateful for our work. He has been  
22 grateful for the opportunity to be able to have this case  
23 heard.

24 In terms of his family life, Mr. Weinstein has  
25 three grown daughters with his first wife. This

1           circumstance has greatly affected his ability to have a  
2           relationship with them. At this time it has fractured that  
3           relationship, and that has been one of the most difficult  
4           parts of this whole experience for him.

5                        He has two younger children 6 and 9, with  
6           Georgina Chapman. He has a wonderful relationship with  
7           them and until his incarceration has spent time with them  
8           on a daily basis as he has been preparing for trial.

9                        The loss of his daily presence in their lives is  
10          going to have a major impact. They are used to having  
11          their dad around. They're used to seeing him. And even  
12          upon the divorce from their mother, they lived extremely  
13          close and they were able to see him at anytime.

14                      Judge, this incarceration not only has an impact  
15          on Mr. Weinstein's well-being, but it has an impact on all  
16          of those who love and care about him.

17                      I think what speaks most to the coverage that  
18          this case has received is the number of people who have  
19          wanted to reach out on Mr. Weinstein's behalf but are  
20          afraid to do so because of the scrutiny they'd receive by  
21          coming forward.

22                      Even the witnesses that we had to have come to  
23          trial by subpoena to tell their truth and their version of  
24          the story as they saw it, they had to be subpoenaed to come  
25          here and one of those girls reached out to me the other day

1 to say, since testifying here, she has lost her roles as a  
2 voice-over actress and has not had any roles since she  
3 testified here when she used to work on a regular basis.  
4 Her agent, although did not drop her, he removed her photo  
5 from their website.

6 And, Judge, for people to suffer those  
7 ramifications because of the media scrutiny that this case  
8 has taken on is flatout wrong. It is wrong for people who  
9 want speak on a behalf of Mr. Weinstein but don't feel that  
10 they can do so because their pictures are in the paper,  
11 they lose jobs, and they can't go on in their lives.

12 It is wrong that the people whose careers he  
13 helped make feel like they can't come forward when they  
14 want to. And I think that we have to question not only as  
15 the Court but as a society, if that's the way these things  
16 should happen.

17 People should have a right to come in and  
18 express their experiences in regards to what they know to  
19 be true about Mr. Weinstein. The directors, the actors,  
20 the writers who have had careers and continue to have  
21 careers because of Mr. Weinstein is endless.

22 He has over 80-plus Oscars that he is responsible  
23 for. That is not a small feat. And I know that success  
24 and business is one small aspect of our lives and I think  
25 that he will be the first to tell you that in order to be

1           successful there was much that he gave up.

2                       I think that if he had a chance to do some of  
3           those things over again, he would have spent more time with  
4           his children especially the older ones. I think he learned  
5           a lot as he got older, that the important things in life  
6           are really the things that start at home.

7                       No matter what happens here today, Judge, no one  
8           wins. I know that puts the Court in an uncomfortable  
9           position, but that's the fact, no one wins.

10                      And Mr. Weinstein in looking at his health and  
11           his illnesses. And his age, I think, no matter what this  
12           Court does, we're really looking at a de facto life  
13           sentence. And, Judge, frankly even if the Court gives the  
14           minimum five-years that we think is a more than adequate  
15           sentence, given the totality of the circumstances here, it  
16           is very possible that Mr. Weinstein, given his health,  
17           doesn't live to see the end of that sentence. That's a  
18           very sad set of circumstances, but it is a potential fact.

19                      It is not a dramatic statement, it is truth when  
20           you look at not only what you see in front of you but  
21           looking at Mr. Weinstein in the course of not only the last  
22           two-years but even just since August. I think it is clear  
23           that there has been a drastic change in how he appears, a  
24           drastic change in how he can physically get around and now,  
25           Judge, because he can't have the walker, he is confined to

1 a wheelchair, which will just speed up how quickly his body  
2 will degenerate if he can't walk.

3 Judge, we're asking this Court to consider the  
4 totality of the circumstances. We are asking this Court to  
5 look at not only the totality of the trial testimony but  
6 the fact that the jury does not convict Mr. Weinstein of  
7 the most serious counts in this matter. The fact that the  
8 jury does take a number of days to make its determination.  
9 And, also, I'm not going to get into too much of what I  
10 think about that myself. But, there will be another Court  
11 that reviews this case to determine the fact that the  
12 verdict was correct, and that's why we have the system we  
13 have here, and that's how our system works, and there will  
14 be another court reviewing this going forward.

15 (Whereupon, proceedings continue

16 Continue on the next page.)

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1           MS. ROTUNNO: But Judge, based on the totality of  
2 the circumstances, I'm asking that you give Mr. Weinstein a  
3 minimum sentence. I believe that not only the facts  
4 dictate it, I think the law dictates it.

5           It will absolutely be just. He has lost so much  
6 prior to whatever sentence your Honor hands down. I'm  
7 asking that we don't compound that.

8           I know Mr. Weinstein would like to address the  
9 Court.

10          THE COURT: Would you like to make a statement  
11 prior to sentence.

12          THE DEFENDANT: First of all, to all the women who  
13 testified, we may have different truths, but I have great  
14 remorse for all of you. I have great remorse for all the  
15 men and women going through this crisis right now in our  
16 country.

17          You know, the movement started basically with me,  
18 and I think what happened, you know, I was the first  
19 example, and now there are thousands of men who are being  
20 accused and a regeneration of things that I think none of  
21 us understood.

22          I think that -- I can't help looking at Jessica  
23 and Mimi and hope that something of our old friendship in  
24 me could emerge, but I'm sure like me, they have lawyers  
25 who say to them be careful of what you say.

1           I read, you know, those letters where people  
2 talked about, you know, missing you, loving you, that kind  
3 of thing. As you know, having a serious friendship, that  
4 is what I believe that I had with Mimi and Jessica. You  
5 know, I really, really was maybe hypnotic and under that  
6 impression that I had that feeling, that I had that  
7 relationship.

8           That five years with Jessica and the years that I  
9 knew Mimi were always filled with don't go on the plane  
10 Harv, I want to have dinner with you first from Mimi. Or  
11 Harv, whatever, let's get, you know, can you look at this  
12 idea I have for a television series. Or Harv, I'm in  
13 Cannes, can I go to the premier. Or Jessica, can I get  
14 into the Soho Club which is a very exclusive tough place to  
15 get into. But she needed it for herself. I got her a job  
16 at the Peninsula Hotel which she excelled at for a while.

17           I'm not going to say these aren't great people, I  
18 had wonderful times with these people, you know. It is  
19 just I'm totally confused and I think men are confused  
20 about all of these issues.

21           You know, I just -- dealing with the thousands of  
22 men and women who are losing due process, I'm worried about  
23 this country in a sense too. I'm worried there is a repeat  
24 of the black list there was in the 1950's when lots of men  
25 like myself, Dalton Trumbo, one of the great examples, did

1 not work, went to jail because people thought they were  
2 communists.

3           You know, there was a scare, and that is what  
4 happened, and I think that is what is happening now all  
5 over this country.

6           Two years ago we wrote a letter to 15 friends, I  
7 think, the ADA quoted part of it, but the part of it that  
8 was the most important part was I'm a builder, I know how  
9 to build, and I know how to generate, you know, things on a  
10 charitable nature, and I know how to pass my success  
11 forward.

12           I think even Mimi and Jessica would say that I was  
13 generous, you know, in that part of the relationship.

14           The thing that I wanted to do in that letter was I  
15 wanted to build a hospital, but not a hospital like the  
16 regular hospital, a hospital that deals with this,  
17 rehabilitation and redemption; people losing their jobs  
18 over the fact they testified for me, or people being afraid  
19 to testify that they will lose their jobs. That is not the  
20 right atmosphere for this United States of America. It is  
21 wrong, you know, and that is what is happening. Everybody  
22 is on some sort of black list.

23           I had no great powers in this industry. Miramax  
24 at the height of its fame was a smaller company than by far  
25 any Walt Disney, any Sony, Paramount,. I could not

1 blackball anybody, because if I said don't use that  
2 actress, the guys at Warner Brothers would say I'm going to  
3 use it to despise that bastard, whatever. That is what it  
4 was. But it became blown up like power, power, power. I  
5 was not about power, I was about making great movies, I was  
6 a perfectionist, and I think I drove myself crazy.

7 I'm not going to also run away from what the  
8 District Attorney said about some of the things I did say.  
9 I had a fight with my brother, yes, people said I said bad  
10 things to people, but there are so many people, thousands  
11 of people who would say great things about me.

12 60 executives in this industry were trained by  
13 me. They are at the top of their field. They were running  
14 studios in top positions in this country.

15 When I was an assistant at Paramount, they said if  
16 you are five minutes late, don't come in, or they would  
17 black me the whole day.

18 There never was in our industry a book that said  
19 this is how it should be. We always passed it on from  
20 assistant to assistant. An assistant was almost like if  
21 you were my assistant, it was like going to the Marine  
22 Corps, I mean could you survive two years with me and then  
23 become an executive. And those two years were tough, and I  
24 admit it.

25 If I had to do it over again, I would not do it

1 that way. If I had to do a lot of things over, I would  
2 care less about the movies and care more about my children,  
3 family, and other people and friends and other people in  
4 this life.

5           The thing for me is I have not seen my three older  
6 children since the newspaper, since the New Yorker article  
7 came out; not the New York Times, but the New Yorker  
8 article, so I have not seen them. I just have no idea what  
9 they are doing, and I'm in no communication with them, that  
10 for me is hell on earth.

11           I just think my empathy has grown over the last  
12 two and a half years. I can look at everybody there, you  
13 know, and just say, you know, I understand things, I  
14 empathize, I feel things, and I was not that person until  
15 this crisis started. I have to just say that.

16           I mean that part of this is such a tough process  
17 and has come out where I have learned so many things. I  
18 never thought I could deal with or things I dealt with in  
19 Arizona. I said I'll build this hospital blah, blah,  
20 blah. I said to two 15 year olds what would you name the  
21 hospital, they said the Wonder Woman Hospital. I said you  
22 have to think of like a Greek God. He said Athena. Those  
23 two 15 year olds, because they were all part of this group,  
24 were hooked on opiates and whatever, and you know,  
25 prostituting themselves to make money for it.

1 I met all sorts of people and I have grown.

2 For me, the idea of perfection in art and business  
3 is over. My mission is to help people. And I also want to  
4 make one clear statement. My wife Eve, my first wife and  
5 my wife Regina knew nothing about this.

6 I went to extraordinary lengths to hide my  
7 extramarital affairs; that was a terrible thing that I did  
8 by having those extramarital affairs, and God knows if I  
9 could take it back, I would. I know everybody in this room  
10 feels the same way.

11 It had nothing to do with anything. I was  
12 unfaithful to both, and I just cannot tell you how bad I  
13 feel about that.

14 You know, I never see my children again and they  
15 are everything to me in this world.

16 You know, when I deal with subjects like this, I  
17 don't wish for vengence, I wish for understanding. That is  
18 why I wanted to build a hospital. I wanted to build a  
19 hospital where if somebody is accused of something, they  
20 work, women, men, me too, they work with accredited groups  
21 that come in and help them and help them grow.

22 You know, I wanted to testify, but they told me  
23 all these things the District Attorney just said would come  
24 in my way before I testified. I wanted to talk to  
25 everybody, but anyhow, they all came up as it is. Now you

1 should know some of the other side of that because I  
2 recognized the voices in those.

3           One of those voices, one -- I lost my train of  
4 thought. I just recognized some of the names who  
5 complained, but what was known about me was with the  
6 toughness came the kindness, the person who probably hates  
7 me the most in this world, their daughter has a situation  
8 where she needs the help of a great doctor. I got her that  
9 doctor. That doctor is there to date with her.

10           Her father could not get that doctor. This is the  
11 person who hates me the most in this company. When his  
12 mother was sick I helped him with a doctor too. There was  
13 not any request that I refused on the part of the people  
14 who worked with me.

15           As far as the million dollars is concerned, I  
16 wrote a check out from the company, but I reimbursed the  
17 company because that is the way we did it. That million  
18 dollars was mine and I will say that over and over again.

19           9-11 happened, and I woke up two days later, I  
20 called John Seiss (phon), I said we have to do something  
21 for New York, not only for the money, but for the  
22 attitude. We raised a hundred million dollars free of  
23 expenses.

24           Ask the police who got that money. Ask the  
25 firemen if they respect me. Ask the workers if they

1 respect me, and most of all, ask the victims of 9-11 who  
2 received 35 million dollars of that hundred million dollars  
3 if they respect me.

4           You know, when you want to investigate, take both  
5 sides into the equation, then when Sandy happened and  
6 people lost their jobs, and people lost their houses,  
7 again, we went to the board and we raised 77 million  
8 dollars.

9           Ask the guy in Coney Island, ask the guy in Far  
10 Rockaway when he lost his business and we were able to walk  
11 in there and save his business; ask him if he likes me.

12           Ask the captain who was killed in action. I took  
13 his children to the superbowl and to the academy awards  
14 because somebody had to do it. I did it with Steve Tisch.  
15 There are so many examples of that.

16           Robin Hood raised two and a half billion dollars  
17 for the children and people of New York City. We built  
18 schools, built advocacy groups. I'm not saying I was a  
19 great part of it, but I was one of the board there and 22  
20 years, and I had a lot to say and a lot to do. Jones was  
21 the one who deserved the credit, but two and a half billion  
22 dollars to build schools. I showed it by my work.

23           You can't achieve what we achieved at AmFar. You  
24 cannot achieve what we achieved at AmFar without doing the  
25 hard work, getting the people, and we raised 170 million

1 dollars and I started with AmFar. People would not touch  
2 each other, like the virus today, people would not touch  
3 each other. They were scared of AIDS and there were three  
4 hundred people who raised three hundred thousand dollars  
5 the first night.

6           The year I left AmFar we raised 30 million dollars  
7 and 170 million dollars overall. I worked too hard. As a  
8 result of working too hard, I felt too much pressure on  
9 myself. I really feel the remorse of this situation, I  
10 feel it deeply in my heart. I feel emotional, I feel like  
11 to go and talk to you guys, you know, just really, really  
12 caring and really trying and really trying to be a better  
13 person. Thank you, your Honor, for the time.

14           THE COURT: Thank you, Mr. Weinstein. Thank you  
15 very much attorneys. That leaves not much more to say. I  
16 will say, although this is a first conviction, it is not a  
17 first offense.

18           Taking into account only that which is legally  
19 appropriate, and while not in any way taking into account  
20 conduct for which the defendant was acquitted or which is  
21 unproven, and or not properly before the Court, there is  
22 evidence before me of other incidents of sexual assault  
23 involving a number of women, all of which are legitimate  
24 considerations for sentence.

25           First, a legal formality. Mr. Weinstein, because

1 of your conviction under Penal Law section 130 point 25  
2 subdivision three, and 130 point 50 subdivision one, which  
3 are registerable sex offenses in New York State, I'm  
4 certifying you as a sex offender.

5           You must register with the Division of Criminal  
6 Justice Services and provide them with your home address.  
7 You must notify the division in writing of any changes of  
8 address within 10 days.

9           A proceeding will take place in which your sex  
10 offender risk level will be adjudicated. Your specific  
11 obligations will depend on your level and designation.

12           You have a right to a hearing on this issue and to  
13 have an attorney represent you.

14           Prior to your release from custody, you and your  
15 attorney will be sent documentation concerning your  
16 proposed risk level.

17           The Court will conduct a hearing for which you'll  
18 be produced, unless you waive the right to be present.

19           Prior to your release, you will receive the  
20 necessary registration paperwork from the Department of  
21 Correction.

22           Further, all fees and mandatory surcharges are  
23 imposed in the aggregate total amount of one thousand 425  
24 dollars; timely payment which may be worked out with the  
25 clerk of the court at the conclusion of this session.

