

Contact: Gloria Allred
Phone: 323-653-6530
Email: gallred@amglaw.com

Statement of Gloria Allred

Yesterday, the New York Court of Appeals reversed the convictions in the criminal case of People vs Weinstein. My client Mimi Haley was the key prosecution witness in that case. She testified bravely, and based on her testimony and other evidence, the jury found beyond a reasonable doubt that Harvey Weinstein was guilty of criminal sexual assault of Mimi. Mr. Weinstein was sentenced to 23 years 20 of which were as a result of his criminal sexual assault on Mimi.

Mimi is here today to share her feelings about the reversal. And her feelings about what should happen next. She has demonstrated enormous courage by being willing to testify and be cross-examined about a very traumatic experience in her life. I admire her very much for the many sacrifices that she made in order to win justice.

Many people have asked me for my thoughts concerning what should be done under the circumstances in New York to improve and protect victims' rights and in particular the ability of "Me Too" witnesses to be heard in criminal cases. They have also asked me if I think the New York Court of Appeals reversal will have an impact on Mr. Weinstein's conviction in the California criminal case.

I do not believe that even though Harvey Weinstein won his appeal in New York that it will affect the conviction in his criminal case in California. The New York case was decided on the basis of the facts in

the New York case and also under New York law. The facts and the law applied are different in New York than was true for the facts and law in the California criminal case. The case decided by the New York Court of Appeals is not a binding precedent for our California Court of Appeals and for the California Supreme Court.

The New York Court of Appeals decided Weinstein's appeal in part on Molineux witnesses. In New York there is no specific statute concerning the testimony of those witnesses. There is a case called Molineux and there is a rule 4.05 of the Guide to New York Evidence. The rule is applied regarding what may be admitted pursuant to this evidence based on the Molineux case, but there is no statute. In general, the test is whether evidence of prior bad acts is more prejudicial than probative. Often, prior bad acts and uncharged crimes in sex crime cases are considered more prejudicial than probative in New York.

In the California case there are different facts and different law. In California we have a specific statute, Evidence Code 1108, that governs the admission of testimony from prior bad act witnesses. Evidence Code & Section 1108 allows courts to admit evidence of uncharged sexual offenses to show a propensity to commit sexual offenses.

In general, evidence of prior bad acts and uncharged crimes in sexual assault cases may be admitted more often under the statute if it is considered more probative than prejudicial.

I think that it is important for the New York legislature to pass a specific statute in New York which more clearly defines the admission of prior bad act witnesses in New York and is more protective of victims' rights in sex crime criminal cases. I call on victims' rights advocates and plaintiffs' attorneys to join me in proposing a law in New York that is

similar to what we have in California so that victims, as well as defendants, will be able to receive a fair trial.

Statement of Attorney Gloria Allred

Representing Mimi Haley

April 26, 2024