

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

-against-

HARVEY WEINSTEIN,

Defendant-Appellant.

RESPONSE IN OPPOSITION  
TO DEFENDANT'S  
MOTION FOR CHANGE OF  
VENUE

N.Y. Co. Ind. Nos.  
2335/18  
2673/19

Return Date: January 21, 2020

Harriett Galvin, an attorney duly admitted to practice before the courts of this state, affirms that:

1. I am an Assistant District Attorney, of counsel to Cyrus R. Vance, Jr., District Attorney of New York County, and I submit this response in opposition to defendant's motion for a change of venue for his trial, which began on January 7, 2020, on charges of Predatory Sexual Assault (PL § 130.95(2)), Criminal Sexual Act in the First Degree (PL § 130.50(1)), Rape in the First Degree (PL § 130.35(1)), and Rape in the Third Degree (PL § 130.25(3)).

2. As argued below, defendant's motion for this extraordinary relief should be denied because he has failed to meet his burden of showing that a fair and impartial jury cannot be selected in New York County to decide this case, or that the media

coverage—and what he contends are persistent public displays of animosity towards him in front of the courthouse—will in any way diminish in Suffolk and Albany counties or have any less impact on the residents there. The inhabitants of those jurisdictions have access to the same news sources and social media and, with a less diverse and populous source of jurors, are likely to be more impacted by protests or demonstrators than their counterparts in Manhattan. Defendant’s motion, lacking in any solid factual or legal basis, should be viewed as a transparent attempt to delay the proceedings and disrupt the presentation of the People’s case which is set to begin on January 22, with witnesses flying in from around the world. Because (1) defendant’s allegations are unfounded, and (2) there is not a scintilla of evidence to suggest that the procedures set in motion by the trial court are not resulting in the selection of jurors who can decide this case based on the evidence alone, defendant’s motion should be denied and his case should go forward according to the schedule set by the court and the parties.

## **RELEVANT PROCEDURAL HISTORY**

### **A. Jury Selection**

3. By Monday, January 6, 2020, the People had turned over all discovery in their possession pursuant to the newly enacted Article 245 of the Criminal Procedure Law, and had filed a Certificate of Compliance under CPL § 245.50, indicating their readiness to go forward with the trial of this case. Jury selection, pursuant to a procedure and schedule set by the trial court, began on January 7 and was as follows: from a jury pool

of approximately 680 individuals, approximately 120 were told to report on each successive day, starting on January 7, and continuing until January 16, the first day that voir dire would begin, *i.e.*, the questioning of jurors individually by the court and the parties.

4. Prior to January 16, the approximately 680 potential jurors were separated into groups of approximately 120 potential jurors each day, and were subject to a screening process: they were asked (1) whether they were available to serve on a jury for a trial that was estimated to last from six to eight weeks, and (2) if they could be fair and impartial in deciding the charges given the nature of the case and anything they may have heard about it. Those who indicated both their availability for the requisite amount of time and their belief that they could be fair and impartial were given questionnaires, consisting of 72 questions on various topics, including pretrial publicity. At the end of each day, after the prospective jurors completed the questionnaires, they were excused. Of the 680 prospective jurors who were screened through that process, only 145 potential jurors were asked to return for voir dire on January 16. Those 145 potential jurors were selected by the parties (after conferring) based on answers by the prospective jurors to the questionnaires.

5. Accordingly, even if defendant were correct that there has been a large volume of protests and demonstrations outside the courtroom (a point the People dispute), the full panel of prospective jurors for this trial would not have been exposed to it. Indeed, according to defendant's motion, only those prospective jurors who

appeared for the screening procedure on January 10 would have seen a demonstration in front of the courthouse. But as shown below, that demonstration was not even directed at defendant and was long over when the potential jurors left the courthouse. Moreover, there were no protests or demonstrations on January 16, when voir dire began and seven jurors were selected and sworn.

## **B. Demonstrations and Media Coverage**

6. According to defendant, a “media frenzy” and “carnival-like atmosphere” has permeated this case, with demonstrations outside the courthouse and extensive prejudicial media coverage of the trial. As an initial matter, defendant’s claim is factually unsupported. But in any event, the media coverage and protests do not justify a change of venue because there is no basis for concluding that the same media coverage and protests would not occur in Suffolk or Albany Counties.

7. First, of the two demonstrations that occurred outside the courthouse between January 6 and January 16, only one was directed at defendant and it occurred on January 6, 2020 (*See* Def. Mot., Exh. B, pp. 1, 2, 5, 6).<sup>1</sup> Defendant neglects to point out, however, that there were no prospective jurors present on January 6, because, as shown above, the first group of prospective jurors did not report to the courthouse until January 7. On January 6, the day of the demonstration, the court only heard

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<sup>1</sup> *See* <https://pagesix.com/2020/01/06/rose-mcgowan-joins-other-harvey-weinstein-accusers-after-he-arrives-for-start-of-rape-trial/>

argument on legal issues, from approximately 9:30 a.m. to 10:30 a.m., when the court adjourned for the day.

8. The second demonstration, which occurred on January 10, was not even directed at defendant, but at public officials, *i.e.*, police, judges, “the state,” and the president. It consisted of a group of protesters in costume, who sang in Spanish and English, and who also performed that same day outside of the Trump International Hotel in Columbus Circle. The demonstrators were protesting the degree to which women all over the world are disenfranchised and victimized by authorities worldwide.<sup>2</sup> Arguably, then, the protest was directed at the People, and not defendant, for the perception that government authorities have not done more to address violence against women. Accordingly, there is no basis for the conclusion of the affirmant in Exhibit E of defendant’s motion that the January 10 protest was directed at defendant or that its content was audible to jurors or viewed by them as an angry mob who had prejudged defendant’s guilt. The court’s remarks concerning that demonstration (*see* Exhibit A attached hereto)—that its chanting was not directed against defendant—are thus consistent with the reportage about this group. The court therefore properly denied the defense request to strike the panel of potential jurors in the courtroom on that day.

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<sup>2</sup>[https://en.wikipedia.org/wiki/A\\_Rapist\\_in\\_Your\\_Path](https://en.wikipedia.org/wiki/A_Rapist_in_Your_Path)  
<https://www.buzzfeednews.com/article/nishitajha/las-tesis-anthem-harvey-weinstein-trial>  
<https://www.pressenza.com/2019/12/new-york-dances-to-the-beat-el-violador-eres-tu/>

9. What has not changed since defendant's previous motion for change of venue, filed in this Court on August 16, 2019, and denied in its entirety on October 9, 2019, is that the defendant himself, through his legal and public relations teams, continues to be the source of much of the media coverage of this case. Attached hereto as Exhibit B are links to some examples, beginning a month before trial, where defendant or his representatives have made extrajudicial statements to the media regarding the case. The volume of pre-trial publicity which the defendant has engaged in or proactively generated makes it impossible to list every single instance, but suffice it to say that the frequency of such defense engagements with the media has been near daily and has often included multiple engagements within the same day.

10. For example, on January 6, 2020, a New York Magazine reporter revealed that defendant's publicist, Juda Engelmayer, sent him a 57-page power point presentation entitled, "The Proper Narrative for Addressing the Harvey Weinstein Case," with opposition research "about Weinstein's accusers, with the goal of vindicating him in the press."<sup>3</sup> On January 8, 2020, during the jury selection "screening process," defense attorney Donna Rotunno gave one of her numerous interviews to the media, proclaiming her opposition to the "Me Too" movement and expressing her

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<sup>3</sup> See <https://www.thecut.com/2020/01/the-powerpoint-harvey-weinsteins-team-is-sending-reporters.html>.

confidence in her skills as a cross-examiner of complaining witnesses in sexual assault cases.<sup>4</sup>

## ARGUMENT

11. A motion to change venue from the county where the crime was committed may be granted only where the movant demonstrates “reasonable cause to believe that a fair and impartial trial cannot be had in such county.” CPL § 230.20(2). It is long settled that extensive press coverage, “even if pervasive and concentrated,” does not automatically result in an unfair trial. *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 565 (1976); *Murphy v. Florida*, 421 U.S. 794, 799 (1975); *People v. Boudin*, 90 A.D.2d 253, 255 (2d Dept. 1982).

12. Here, the potential jurors’ exposure to pre-trial publicity has been thoroughly examined, both in the screening phase prior to voir dire, where the jury questionnaire had an entire section devoted to pre-trial publicity, and in the voir dire itself. The questionnaire asked potential jurors about their knowledge and familiarity with defendant and with this case and/or its proceedings—from the internet, newspapers, magazines, television or radio—and whether any of this knowledge would affect their ability to be fair and impartial and decide the case only on the evidence introduced in court. It also inquired of potential jurors whether they would be able to follow the court’s instructions to avoid all media coverage and to not look on the

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<sup>4</sup> See <https://www.itv.com/news/2020-01-08/he-is-not-a-rapist-the-woman-defending-harvey-weinstein-tells-itv-news-he-has-been-made-a-scapegoat/>

internet about the case for any purpose.<sup>5</sup> Consequently, even before any juror stepped into the jury box for questioning, the parties were able to excuse those who indicated that their knowledge of the case made it impossible to be fair and impartial. Then, during voir dire, both parties have thoroughly questioned and evaluated each potential juror's ability to fairly and impartially hear the evidence. As noted above, after only one day of voir dire, seven jurors have been selected and sworn.

13. Defendant's claim that jurors' exposure to negative publicity about him necessitates a change of venue ignores the obvious fact that the public interest in the defendant and his case transcends the boundaries of New York County. Indeed, defendant and his legal team have generated this publicity in the national media, which contradicts his assertion that he will fare better in Albany or Suffolk County.<sup>6</sup> As just one example, according to the New York Post's Chief Digital Officer, "over 85 percent of the Post's audience lives outside the New York metropolitan area."<sup>7</sup> And, according to News Corp's Chief of Digital Advertising Solutions, "Digitally, both pagesix.com and nypost.com are national brands—over 80% of our traffic comes from outside the New York [market]."<sup>8</sup> The bottom line is that most Page Six readers, and readers of

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<sup>5</sup> The portion of the questionnaire directed at publicity is attached hereto as Exhibit C.

<sup>6</sup> The media accounts with extrajudicial statements from the parties have been completely asymmetrical. The People have not made a single extrajudicial statement during the entire pre-trial period. *See* 22 N.Y.C.R.R. § 1200.00 (N.Y. Rule Prof. Conduct 3.6).

<sup>7</sup> *See* <https://digiday.com/media/new-york-post-plans-paid-membership-program/>

<sup>8</sup> *See* <https://adage.com/article/media/page-six-rule-world/310261>



other news outlets, obtain news from online sources. An analysis by the Pew Research Center concludes that “[s]ocial media sites have surpassed print newspapers as a news source for Americans.”<sup>9</sup>

14. Defendant fails to meet his burden of showing how he will fare better outside of New York County because to even attempt that task would require turning a blind eye to the reality that nearly all of the news outlets covering this case have the resources, interest, and ability to travel to Suffolk and Albany Counties. Indeed, Suffolk County is in the same television market as New York County and has an overlapping print market.<sup>10</sup> Albany County’s market is adjacent to the New York media market and its news affiliates share resources with New York County news affiliates.<sup>11</sup> In light of these realities, defendant cannot demonstrate that jurors in a smaller, more homogeneous county would not have been exposed to the same newspapers, internet articles, and news programs as their counterparts in New York County. His claim that pretrial publicity has irrevocably tainted the New York County jury pool, and that another county will guarantee a fair trial, is purely speculative.

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<sup>9</sup> See <https://www.pewresearch.org/fact-tank/2018/12/10/social-media-outpaces-print-newspapers-in-the-u-s-as-a-news-source/>

<sup>10</sup> See <http://bl.ocks.org/simzou/6459889>.

<sup>11</sup> See *id.*

15. In fact, defendant's own lawyer, Donna Rotunno, has conceded the lack of any basis for this motion in an opinion piece she wrote for Newsweek's online edition on December 21, 2019:

The media has made their mark. They have tainted the jury pool by spreading their pre-trial judgment **across America and the world.**

[https://www.newsweek.com/harvey-weinstein-sexual-assault-fair-trial-media-bias-](https://www.newsweek.com/harvey-weinstein-sexual-assault-fair-trial-media-bias-1478579)

1478579. This statement is a clear-cut acknowledgment that defendant will fare no better in any other county than he would in New York.

16. New York County, with its rich base of jurors from vastly varied backgrounds, provides one of the best opportunities in New York State to ensure a pool of impartial jurors. A move to another county would drastically reduce the potential pool of jurors and would only complicate jury selection without providing the commensurate guarantee that such jurors would be any more fair or impartial. Indeed, at the trial court's request, the Office of Court Administration called in an exceptionally large pool of jurors for this case for as long as required. Clearly then, the size and heterogeneity of a jury pool in New York County weighs heavily, if not dispositively, against defendant's motion. *Compare People v. Acomb*, 94 A.D.2d 978, 978 (4th Dept. 1983) (granting change of venue motion where case originated in "small, rural county of Livingston"); *People v. Boudin*, 97 A.D.2d 84, 85 (2d Dept. 1983) (granting change of venue in part based on "size and homogeneity of community" in Orange County).

17. The same rationale applies to defendant's claims regarding protests and demonstrations which, as shown above, are without a factual basis. But even if there were demonstrations targeted at defendant, the national interest in his case does not preclude the possibility of similar activities in other jurisdictions. In Manhattan, however, protests and demonstrations are a fact of life such that residents are used to them and tend to tune them out. Indeed, this very week, during jury selection in this case, there were protests in front of the courthouse regarding the new bail reform statute. And, as the trial court aptly observed, Foley Square, where all state and federal courts and other government buildings are located, is a frequent site of demonstrations of all types (*see* Exh. B, p. 347-48).

18. Finally, as documented above, defendant and his agents have generated much of the media coverage and public interest in this case by their actions in employing the well-worn strategy of trying his case outside of the courtroom. They are therefore hard pressed to complain about a media frenzy or circus-like atmosphere to which they have contributed.

## Conclusion

Defendant has failed to show that there is “reasonable cause to believe” that he cannot receive “a fair and impartial trial” in New York County. His motion is replete with hyperbole and exaggeration about protests and demonstrations, only one of which occurred during jury selection and which was not even directed at him; he has not shown that jurors in Suffolk or Albany county will be any less impacted or influenced by media coverage or demonstrations that might occur near their courthouses; and he has contributed to the alleged “media frenzy” he complains about by the actions of his legal representatives. Accordingly, defendant’s motion for a change of venue should be denied.

Dated:       New York, New York  
              January 17, 2020

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Harriett Galvin  
Assistant District Attorney  
(212) 335-9167

cc:  
John Esposito, Esq.  
*Via e mail*

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**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT**

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**THE PEOPLE OF THE STATE OF NEW YORK,**

**Respondent,**

**-against-**

**HARVEY WEINSTEIN,**

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**RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR  
CHANGE OF VENUE**

**Ind. Nos. 2335/18, 2673/19**

**Return Date: January 17, 2020**

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**CYRUS R. VANCE, JR.  
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New York County  
One Hogan Place  
New York, New York 10013  
(212) 335-9000**

**Harriett Galvin  
Assistant District Attorney  
Of Counsel**

# Exhibit A



1 (Continued from the previous page.)

2 (Preselection in the jury room concluded for  
3 the day and the following occurred in open  
4 court.)

5 THE COURT: All right. We are back on the  
6 record.

7 The same parties are present as before, although  
8 we seem to have lost defense counsel, Ms. Fabi Samson, but  
9 Mr. Weinstein and his attorneys and the two DAs are before  
10 the Court and I think a number of you want to make various  
11 records.

12 Mr. Aidala.

13 MR. AIDALA: Yes. Quite simply, I am asking that  
14 this two-page piece of paper, the printed list, be put into  
15 the court record as Defendant's Exhibit A, as per our oral  
16 argument and application on this past Tuesday.

17 THE COURT: Great. Thank you for reducing that  
18 and that is now in the court file.

19 Okay, and Mr. Cheronis, do you wish to be heard  
20 also?

21 MR. CHERONIS: Thank you, Your Honor.

22 Towards the end of the general comments to the  
23 jury this morning before they were separated and before we  
24 went in the back, you started to hear, at least I started  
25 to hear, a chant coming from outside.



1 I did notice the faces of some jurors at least  
2 acknowledging that they heard that chant. It became loud.  
3 I can say I did not know what was being said at the time.

4 It seems, however, that reports have indicated  
5 that it was, and I am referring to a tweet by Jodi Cantor,  
6 the chant was of the flash mob outside of the Weinstein  
7 trial and I quote, it's not my fault or how I dressed the  
8 rapist is you.

9 The photograph that is included on the tweet  
10 shows a number of individuals who appear to be wearing  
11 black clothing, armbands which are colored red, something  
12 covered over their faces and pointing to what looks like  
13 the courthouse.

14 Your Honor, then, we filed several motions in  
15 this case about what we referred to as the carnival  
16 aspect of this trial. The problem with this specific  
17 instance is while we are trying to pick a jury that is fair  
18 and impartial and that will not be swayed by the media, not  
19 swayed by public sentiment, we have a flash mob outside  
20 chanting that the rapist is you.

21 Those are exactly the types of things that we are  
22 concerned about in this trial, as we should be, as the  
23 State should be and as the Court should be.

24 So my suggestion, not my suggestion, my request  
25 is because of what occurred this morning with the windows

1 open right where the jurors were sitting in the courtroom,  
2 that type of chant, if it was heard by jurors, and even if  
3 it wasn't, that type of chant, that type of display, does  
4 nothing other than, in fact, taint the prospective jury  
5 pool in this case.

6 It leads the prospective jurors to think there is  
7 a mob outside, essentially, chanting for justice which is  
8 the conviction of Harvey Weinstein.

9 We know that's not the case. We know he is  
10 presumed innocent and we know he has a right to a trial but  
11 it is this type of atmosphere that makes it near impossible  
12 for Mr. Weinstein to get a fair trial.

13 Moreover, and more importantly, a specific panel  
14 of jurors, I would suggest, may have been tainted because  
15 of the quote, flash mob, and the things they were saying.

16 Now, I don't know if they are still outside. I  
17 don't know if these jurors had to walk past them. But I  
18 can tell you that as this trial ramps up, as witnesses are  
19 called, as people are going to testify, there will be  
20 protestors. There will be flash mobs. There will be  
21 individuals that will be looking at jurors as they walk  
22 into this building.

23 So for this specific instance we are asking that  
24 the panel that was seated today to come back on the 16th be  
25 stricken. It is hard to see how they could not be tainted

1 by the chants of the flash mob. We think the only, at this  
2 point, the only fair relief is to dismiss that entire  
3 panel.

4 THE COURT: All right. I disagree with you on a  
5 number of levels.

6 Let's just say that this situation was as you  
7 said it might be, you know, jurors are able to get beyond  
8 the various protests that happen in the various cases in  
9 this courthouse and the city and of this country because  
10 they are probably, as you suggest, I think accurately,  
11 there will be various protests and chants and, you know,  
12 distractions from groups of people.

13 And that is, you know, maybe not the best way to  
14 proceed, and if I could, you know, do something about it, I  
15 might. But it also really, for the individual jurors as we  
16 will voir dire them, probably is not a concern.

17 And for this particular instance the singing or  
18 chanting outside of the courthouse was audible to me and I  
19 heard it. And I tried really, really hard to listen to it  
20 in a way that helped me determine whether or not it even  
21 applied to this case. Because you are probably not aware  
22 of this, you know, but the reality is that people chant and  
23 protest outside of this courthouse more often than not.  
24 They are down the street at Foley Square but it actually  
25 sounds like they are right here even when they are not.

1           So I didn't know -- I kind of assumed giving the  
2 timing and given that it is Friday, that it was for our  
3 benefit, but as I listened more and more, and given the  
4 musicality of this particular group, I actually didn't  
5 think it was for us. And it wasn't until the attorneys  
6 went into the back and looked at your cell phones that you  
7 also were able to determine, not until that point, so just  
8 like you, the jurors and I were not able to determine that  
9 it was even for, at some level, our benefit and about your  
10 client.

11           Now, that doesn't really matter because there  
12 will very likely or, you know, foreseeably, be days when it  
13 is crystal clear and they will not be musical and it will  
14 be easy to understand what they are saying.

15           But I don't think that that confirms our jury  
16 selection in the kind of way -- in fact, it probably makes  
17 any juror a, you know, a Manhattan juror in this case, that  
18 more conscious of their duty to determine the testimony and  
19 evidence based on only what occurs inside of this courtroom  
20 and not outside as I reiterate to them repeatedly.

21           And that's, you know, I don't really have much  
22 more to say about that, other than the formality of denying  
23 the request.

24           MR. CHERONIS: Thank you for the consideration,  
25 Judge.

# Exhibit B

Note: Unless otherwise noted, all media pieces below were carried in Albany and Suffolk counties.

| DATE       | SPEAKER   | TYPE  | NOTES   | SOURCE  |
|------------|-----------|---|---|---|
| 12/7/2019  | Rotunno   | Interview,<br><i>ABC News<br/>Nightline</i> | "You have to know that when you make certain choices there's a risk . . . If you don't want to be a victim, don't go to the hotel room."<br><br>"[In] circumstances where women don't want to take certain responsibilities for their actions, we infantilize ourselves." | <a href="https://www.youtube.com/watch?v=49O3pUBuOVQ">https://www.youtube.com/watch?v=49O3pUBuOVQ</a>   |
| 12/15/2019 | Weinstein | Interview,<br><i>Page Six</i>               | "I feel like the forgotten man."<br><br>"Weinstein talked to The Post while recuperating at New York-Presbyterian/Weill Cornell Medical Center on Friday."  | <a href="https://pagesix.com/2019/12/15/harvey-weinstein-i-deserve-pat-on-back-when-it-comes-to-women/">https://pagesix.com/2019/12/15/harvey-weinstein-i-deserve-pat-on-back-when-it-comes-to-women/</a>   |
| 12/21/2019 | Rotunno   | Op-Ed,<br><i>Newsweek</i>                   | "Let the exculpatory emails be brought to light."<br><br>(Statement against venue change position)<br>"The media has made their mark. They have tainted the jury pool by spreading their pre-trial judgment across America and the world."                                | <a href="https://www.newsweek.com/harvey-weinstein-sexual-assault-fair-trial-media-bias-1478579">https://www.newsweek.com/harvey-weinstein-sexual-assault-fair-trial-media-bias-1478579</a>   |
| 1/3/2020   | Rotunno   | Interview,<br>CNN                           | "[CW] has spent an entire life acting for a living. . . She will be an excellent witness on the stand."<br><br>(This resulted in an admonition from the court to "leave the witnesses alone.")  | <a href="https://www.cnn.com/videos/tv/2020/01/03/weinstein-attorney-annabella-sciorra-has-spent-an-entire-life-acting-for-a-living.cnn">https://www.cnn.com/videos/tv/2020/01/03/weinstein-attorney-annabella-sciorra-has-spent-an-entire-life-acting-for-a-living.cnn</a> |

|          |                 |  |   |   |
|----------|-----------------|--|---|---|
| 1/3/2020 | Aidala, Rotunno | Interview, <i>Good Day New York</i> (local)            | <p>Host: "Give us an idea of what's in some of these texts."</p> <p>Rotunno: "Well things like, 'Nobody understands me like you do, and constant reaching out to see him and meet him and be a part of his life and, 'Are you going to be in Los Angeles,' 'I'm coming to New York.' A pattern of behavior showing they had a relationship. Wanting things from him, 'Can you help me with A, B and C' –"</p> <p>Aidala: "Complimenting him on his looks. 'Your haircut came out so well, because of your smile and your bright eyes I mean it's, it is not what a typical New Yorker would think of when they think of the horrific crime of rape in any way, shape, or form."</p> | <a href="https://www.fox5ny.com/video/640849">https://www.fox5ny.com/video/640849</a>   |
| 1/5/2020 | Rotunno         | Interview, <i>Vanity Fair</i>                          | "If women want equal rights and equal pay and equal opportunity, then you have to also take equal responsibility," she said of her scrutiny of rape accusers."  | <a href="https://www.vanityfair.com/hollywood/2020/01/harvey-weinstein-rape-trial-lawyers">https://www.vanityfair.com/hollywood/2020/01/harvey-weinstein-rape-trial-lawyers</a>   |
| 1/6/2020 | Engelmay er     | Distribution of 57-page PowerPoint to numerous outlets | "Engelmayer sent me a 57-page PowerPoint presentation, dated December 2, entitled "The Proper Narrative for Addressing the Harvey Weinstein Case." The document presents oppo research about Weinstein's accusers, including text messages and photographs, with the goal of vindicating him in the press."   | <a href="https://www.thecut.com/2020/01/the-powerpoint-harvey-weinsteins-team-is-sending-reporters.html">https://www.thecut.com/2020/01/the-powerpoint-harvey-weinsteins-team-is-sending-reporters.html</a>                 |
| 1/8/2020 | Rotunno         | Interview, ITV News (U.K.)                             | "[There is] almost a celebrity status that comes with making some kind of a claim against Harvey. I think that band of sisterhood may cloud the true events and facts."   | <a href="https://www.itv.com/news/2020-01-08/he-is-not-a-rapist-the-woman-defending-harvey-weinstein-tells-itv-">https://www.itv.com/news/2020-01-08/he-is-not-a-rapist-the-woman-defending-harvey-weinstein-tells-itv-</a> |

|           |         |                     |   |  |
|-----------|---------|---------------------|---|--|
|           |         |                     |   | <a href="#"><u>news-he-has-been-made-a-scapegoat/</u></a>  |
| 1/11/2020 | Rotunno | Interview, Fox News | "They [survivors] told only part of the story. So we'll be able to confront them with the story that they told, live, and then the other facts that they decided to leave out." | <a href="https://video.foxnews.com/v/6121584191001#sp=show-clips"><u>https://video.foxnews.com/v/6121584191001#sp=show-clips</u></a> |



# Exhibit C

58. If "YES," please explain:

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59. Have you, a family member or a close friend ever been the victim of domestic violence?

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60. If "YES," please explain:

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#### **PUBLICITY**

61. The defendant, Harvey Weinstein is a famous Hollywood film producer. This case has been widely publicized over the last year, including extensive in-depth coverage of prior proceedings in this matter over the course of the last year. Can you assure all parties that you will determine this case based only on the evidence you will hear in Court?

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62. Will you be able to follow the Court's instruction to avoid all media coverage and not look on the internet for this case for any purpose?

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63. Have you seen, read, or heard about the defendant, this case, and/or its proceedings in newspapers, the internet, on television, on radio, or in a magazine?

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64. If you have seen, read, or heard anything about the case, does that information affect your ability to be a fair and impartial juror?

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65. Do you have reservations regarding your ability to follow the Court's instruction regarding media? Please explain.

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#### ABILITY TO SERVE

THIS TRIAL MAY TAKE APPROXIMATELY 6 WEEKS. DURING THAT TIME, THE JURY WILL BE REQUIRED TO BE IN COURT FROM 9:30AM-5:00PM EVERY WEEKDAY.

DURING DELIBERATIONS, THE JURY WILL BE REQUIRED TO BE IN COURT EVERY WEEKDAY.

66. Do you have any physical/mental difficulties or personal reasons (including but not limited to religious beliefs or family issues) which would cause an extreme hardship for you were you to be chosen to sit on the jury of this case?

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67. If "YES," please explain why.

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68. Do you know of any reason why you cannot be a fair and impartial juror to both sides?

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**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT**

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**THE PEOPLE OF THE STATE OF NEW YORK,**

**Respondent,**

**-against-**

**HARVEY WEINSTEIN,**

**Defendant-Appellant.**

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**RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR  
CHANGE OF VENUE**

**Ind. Nos. 2335/18, 2673/19**

**Return Date: January 17, 2020**

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