



1 THE COURT: I have a note from the jury, it is  
2 marked Court's Exhibit Number 12. It says we the jury have  
3 reached a verdict. Thank you.

4 Before we do that, there are two matters to attend  
5 to.

6 I have a letter from this morning from Mr. Aidala  
7 moving for a mistrial for reasons that will be in the file,  
8 and that letter form motion for the mistrial is denied.

9 MS. ILLUZZI: We didn't get that, Mr. Aidala.

10 MR. AIDALA: I apologize.

11 THE COURT: It is a nullity until such time as it  
12 is properly served.

13 And then there is a letter requesting relief from  
14 Mr. Cheronis. I will let him go into that in a moment.

15 What I do suggest is in response to his letter,  
16 that if there is not a, well, if there is an acquittal,  
17 then we don't need to address the matter much.

18 And if there is something other than an acquittal,  
19 pursuant to your letter, I would suggest that we receive  
20 the verdict, and then before, after the verdict is  
21 rendered, after the jury renders its verdict, but before  
22 they are discharged, that the Court make an individual  
23 inquiry of each juror in chambers with a representative  
24 from each side.

25 MS. ILLUZZI: Your Honor, about two or three

1 minutes ago apparently somebody from our witness aid said  
2 there was a call that came in on the weekend with somebody  
3 who purported to be a juror in the case, and said that,  
4 started talking about the defendant's twin brother.

5 I have not heard it. I sent Ms. Galvin out to  
6 hear it. I'll inform the Court further if it is anything  
7 that is to be addressed. That is what I have right now.

8 THE COURT: The form, content, and timing, seem to  
9 me, although I of course do not know this, to be  
10 transparently fraudulent, and it has all the hallmarks of a  
11 prank. But I don't know that and you may feel very  
12 differently, Mr. Cheronis.

13 MR. CHERONIS: Yes. Yesterday morning I received  
14 an e-mail on my website from an anonymous e-mail address.  
15 I believe the State also received it, maybe this morning,  
16 indicating essentially that the person who sent it -- so it  
17 is clear, it was addressed to you, your Honor, but sent to  
18 me having to do with an individual claiming they were  
19 friends with the Weinstein juror and further claiming the  
20 juror had made an arrangement with a New York City  
21 publisher for a book.

22 They thought Mr. Weinstein was not guilty, but  
23 they were pressured into that finding guilty verdict  
24 because it would be financially a windfall for a guilty  
25 verdict.

1                   They also include in the letter there was  
2                   information about having set up a website regarding  
3                   Annabella Sciorra to determine whether or not she actually  
4                   knew the day she was raped.

5                   The take away from this is the person sending the  
6                   letter claims to have had contact with the juror who does  
7                   not believe Mr. Weinstein is guilty.

8                   However, the juror told this person everyone is  
9                   talking to family and friends. A guilty verdict will save  
10                  America, they think Weinstein is creepy, however, not  
11                  guilty, and the person who sent it said I'm afraid to say  
12                  this, I'm more afraid of going to hell and facing God.

13                  I have no idea who sent this. It is clear the  
14                  prospect of this letter, if it is not fraudulent, is  
15                  significant, and we asked prior to court starting today to  
16                  have these individual jurors questioned.

17                  The Court told me not at this moment and here we  
18                  are. That was our request at the time.

19                  MS. ILLUZZI: If I may respond briefly to this.  
20                  First of all, I received the letter this morning from Mr.  
21                  Cheronis, then when I got to court it was also e-mailed to  
22                  me.

23                  Apparently, it was sent through a foil hotline or  
24                  something, some conduit at the Manhattan District  
25                  Attorney's Office, and I received it this morning.

1                   There are a few interesting things to note about  
2                   it which indicates to us this was sent from an unbalanced  
3                   person who has actually no knowledge about what is  
4                   happening here among this jury.

5                   THE COURT:    See, I disagree.  I think it is an  
6                   obvious attempt to seem like it is an unbalanced person.  I  
7                   think it is cleverly, or a not so cleverly written attempt  
8                   to seem like it is some nut job, when it is in fact a  
9                   fairly obvious attempt to upend the trial, but --

10                  MS. ILLUZZI:  In fact, if you note, I will note a  
11                  few things about it.

12                  Number one, the person who wrote it said they  
13                  were, they could not name the juror for fear of their own  
14                  life.  Is that to say the juror would kill them?  I have no  
15                  idea, and didn't indicate if it was a male or female  
16                  juror.

17                  Then at the end seems to be invoking what Bernie  
18                  Sanders would want to do in this situation.  So in all, it  
19                  seems like it was just not something that is legitimate.

20                  THE COURT:    Right, so --

21                  MS. ILLUZZI:  I just got from Ms. Galvin the  
22                  content of this other call that we received, and basically  
23                  it is the juror on the Weinstein case and they said that I  
24                  would question his twin brother who is dying.  He may be  
25                  taking a rap for his twin brother and that is basically --

1 THE COURT: This is Mr. Weinstein's twin  
2 brother?

3 MS. ILLUZZI: Yes. He does not have a twin  
4 brother. It seems this is just a fraudulent call, but I  
5 want to alert the Court we were made aware.

6 THE COURT: So, I'm going to receive the verdict  
7 now, and if it is an acquittal, the matter is moot and  
8 everybody can move on.

9 If it is something other than that, I will receive  
10 the verdict, but before I discharge the jury, I'll send  
11 them back into the jury room and I would suggest a  
12 representative from each side and I and the court reporter  
13 go into the robing room for a moment and make a brief  
14 inquiry of each individual juror. Anybody disagree with  
15 that or have a better plan?

16 MS. ILLUZZI: It seems fine.

17 MR. CHERONIS: We ask it be under oath.

18 THE COURT: I'll remind them they are still under  
19 oath.

20 MR. CHERONIS: Thank you.

21 THE COURT: Jury is entering.

22 COURT OFFICER: Jury entering.

23 ( Jury enters courtroom).

24 THE COURT: Welcome back jurors. I have your note  
25 which I will mark and it states we the jury have reached a

1 verdict.

2 So, I'm going to turn the proceedings over to the  
3 clerk of the court to formally receive your verdict, then  
4 after that I'm going to ask you to go into the jury room  
5 for a moment and we are going to attend to some matters  
6 then after that I'll bring you out and give you some  
7 instructions about discharge, then after that you'll go  
8 back in, gather your things, and I'll discharge you from  
9 jury duty.

10 At this point I'll turn the proceedings over to  
11 the clerk of the court.

12 THE CLERK: Foreperson please rise. Members of  
13 the jury, have you agreed upon a verdict.

14 THE FOREPERSON: Yes.

15 THE CLERK: How say you to as to the first count  
16 of the indictment, charging defendant, Harvey Weinstein,  
17 with the crime of predatory sexual assault, how say you?

18 THE FOREPERSON: Not guilty.

19 THE CLERK: Count two, criminal sexual act in the  
20 first degree?

21 THE JUROR: Guilty.

22 THE CLERK: As to count three?

23 THE FOREPERSON: Not guilty.

24 THE CLERK: As to count four, rape in the first  
25 degree?

1 THE FOREPERSON: Not guilty.

2 THE CLERK: As to count five, rape in the third  
3 degree?

4 THE FOREPERSON: Guilty.

5 THE CLERK: Please be seated. Member of the  
6 jury, listen to your verdict as it stands recorded. You  
7 and each of you say you find defendant, Harvey Weinstein,  
8 guilty of the crimes of criminal sexual act in the first  
9 degree and rape in the third degree, and not guilty to two  
10 counts of predatory sexual assault and rape in the first  
11 degree, is this your verdict?

12 THE COURT: Jurors as a whole, is this your  
13 verdict, if you could all say it.

14 ( All respond yes).

15 THE CLERK: You say through your foreperson you  
16 find defendant, Harvey Weinstein, guilty of criminal sexual  
17 act in the first degree and rape in the third degree, and  
18 not guilty of two counts of predatory sexual assault and  
19 rape in the first degree.

20 COURT CLERK: Juror Number 1, is that your  
21 verdict?

22 JUROR #1: Yes.

23 COURT CLERK: Juror Number 2, is that your  
24 verdict?

25 JUROR #2: Yes.



1 COURT CLERK: Juror Number 3, is that your  
2 verdict?

3 JUROR #3: Yes, it is.

4 COURT CLERK: Juror Number 4, is that your  
5 verdict?

6 JUROR #4: Yes, it is.

7 COURT CLERK: Juror Number 5, is that your  
8 verdict?

9 JUROR #5: Yes.

10 COURT CLERK: Juror Number 6, is that your verdict.

11 JUROR #6: Yes.

12 COURT CLERK: Juror Number 7, is that your  
13 verdict?

14 JUROR #7: Yes, it is.

15 COURT CLERK: Juror Number 8, is that your  
16 verdict?

17 JUROR #8: Yes.

18 COURT CLERK: Juror Number 9, is that your  
19 verdict?

20 JUROR #9: Yes, it is.

21 COURT CLERK: Juror Number 10, is that your  
22 verdict?

23 JUROR #10: Yes.

24 COURT CLERK: Juror Number 11, is that your  
25 verdict?

1 JUROR #11: Yes.

2 COURT CLERK: And, Juror Number 12, is that your  
3 verdict?

4 JUROR #12: Yes.

5 THE CLERK: Each of you find defendant, Harvey  
6 Weinstein, guilty of criminal sexual act in the first  
7 degree and rape in the third degree, and not guilty of two  
8 counts of predatory sexual assault and rape in the first  
9 degree. Your Honor, the jury has been polled.

10 THE COURT: Jurors, if you be good enough to  
11 retire to the jury room and we will attend to some matters  
12 in the meantime.

13 Okay, who is the representative from the District  
14 Attorney?

15 MS. ILLUZZI: I'll come.

16 THE COURT: And defense?

17 MR. CHERONIS: I will go.

18 ( At this point a sealed record is made in the  
19 robing room).

20 ( Open court).

21 THE COURT: Jury entering.

22 COURT OFFICER: Jury entering.

23 ( Jury enters courtroom).

24 THE CLERK: Case on trial continues, all parties  
25 are present.

1                   THE COURT: All right jurors, thank you for your  
2                   indulgence for that strange interlude there.

3                   Usually right after we pole the jury, I say  
4                   something along the lines of the following without  
5                   returning you to the jury room and asking you those strange  
6                   questions:

7                   Members of the jury, on behalf of the State of New  
8                   York, the Court thanks each and every one of you for your  
9                   dedicated service as jurors.

10                  Thank you for the care and concentration, concern  
11                  and attention you have given to your deliberations.

12                  Your service as jurors is one of the highest  
13                  duties a citizen can be called on to perform. Thank you  
14                  very much.

15                  For your information, the law zealously regards  
16                  the secrecy of a jury deliberations.

17                  What you said, what your fellow jurors said, what  
18                  you talk about, and what you decided may remain locked in  
19                  the secrecy which surrounds a jury's deliberations.

20                  You need not answer to anyone concerning your  
21                  deliberations.

22                  On the other hand, you may now speak to anyone,  
23                  including the attorneys, including the press, about the  
24                  case, if you choose to do so. The choice however is  
25                  entirely yours.

1                   However, I must inform you that if you do choose  
2                   to speak to the attorneys or the press or anyone else about  
3                   the case or your deliberations, it is sometimes the case  
4                   for jurors to find themselves compelled to return to court  
5                   and are forced to testify about the comments they made  
6                   about the case or their deliberations.

7                   Further, if you do choose to speak to anybody  
8                   about the deliberations in the case, I would strongly  
9                   recommend that you speak only for yourselves and do not  
10                  betray the confidence of your fellow jurors.

11                  While you are permitted to do so, you may wish to  
12                  respect the choice of those jurors who did not wish to  
13                  discuss the case or their role in the deliberations.

14                  Please note also that you cannot legally serve on  
15                  a jury in a New York State court for the next eight years.  
16                  Please keep a copy of your certificate of jury service  
17                  which will be mailed to you shortly, it is proof of your  
18                  service, and if you get called before your time, it  
19                  demonstrates you are not even eligible to serve in a New  
20                  York State court.

21                  It is particularly important to hold on to in case  
22                  you move to another county or borough which would not  
23                  likely have a record of your jury service here in Manhattan  
24                  or if you were to undergo a name change.

25                  Further, if you get called by the federal courts,

1           they will honor your jury service here for at least the  
2           next four or so years, they are not required to do so, but  
3           they are likely to do so.

4                     You are now dismissed. Again, thank you for your  
5           service. You are free to leave the courtroom.

6                     I believe you will be receiving some instructions  
7           from the court staff and the jury room in a moment.

8                     All parties, spectators, are ordered to remain  
9           seated and silent while the jury leaves the courtroom, the  
10          Court will remain in session, thank you jurors.

11                    ( Jury exits courtroom).

12                    THE COURT: The jurors have left and the door is  
13          closed. Any application either side?

14                    MS. ILLUZZI: Yes, your Honor. We are asking the  
15          defendant be remanded at this point to await sentencing on  
16          the first count.

17                    He's convicted of rape in the first degree (sic),  
18          he stands to do 25 years in jail and on the second which is  
19          a D nonviolent, he stands to do four years maximum in  
20          jail. But that sentence can be run consecutive to the  
21          first, so therefore we are asking him to be remanded at  
22          this time.

23                    THE COURT: Ms. Rotunno.

24                    MS. ROTUNNO: Judge, we are asking Mr. Weinstein  
25          be able to stay on the same conditions of bail that he's

1           currently on.

2                       He is monitored by an ankle monitor. His  
3           whereabouts are known at all times.

4                       The Government, as we believe, put surveillance on  
5           him over the weekend. He made absolutely zero attempt to  
6           flee at all, not only during the pendency of this case, but  
7           during the jury deliberations and after the information  
8           that came out on Friday, Mr. Weinstein will appear in court  
9           each and every time.

10                      He has significant medical issues. I have letters  
11           from all his doctors, Judge. He's under the care of five  
12           doctors currently. He's dealing with the remnants of his  
13           back operation which was not successful.

14                      He's in need of the walker. He takes a list of  
15           different medicines. Judge, he's currently receiving shots  
16           in his eyes so he does not go blind.

17                      As we believe putting him in custody at this point  
18           before he can get some of the issues taken care of and  
19           proper documentation of them would not only put Mr.  
20           Weinstein in danger, but the New York penal institution  
21           also because they will have to care for him and be  
22           responsible for these issues.

23                      He was found not guilty of the most serious counts  
24           that he was charged with. In the alternative, your Honor,  
25           if you would not consider our request, we are asking for

1 house arrest where he has to stay in the house 24 hours,  
2 but he will appear back in court.

3 I do have letters from his doctors. I do have  
4 documentation of his medical, the pills he takes and there  
5 is a prescription for his walker.

6 THE COURT: Thank you. I don't doubt the  
7 severity of his medical conditions. How is Wednesday March  
8 11th for sentence?

9 MS. ILLUZZI: Good for the People.

10 MS. ROTUNNO: Yes, that works.

11 THE COURT: Remand, Wednesday March 11th on for  
12 sentence.

13 MS. ROTUNNO: Judge, in terms of the housing, your  
14 Honor, I know you don't --

15 THE COURT: Medical attention is required and I  
16 know our court staff has done a number of things in  
17 anticipation of either or any verdict.

18 MS. ROTUNNO: Would you consider making a  
19 recommendation, I know --

20 THE COURT: Of what?

21 MS. ROTUNNO: Would you make a recommendation for  
22 him to go to either the north infirmary unit which is known  
23 as the NIU at the Anna Cross building at Riker's, would you  
24 consider making that?

25 THE COURT: I certainly do not have any opposition

1 to that. The Department of Corrections takes whatever into  
2 account. I think with his condition and everything else I  
3 imagine he will be in something close to, he will be in the  
4 infirmary, and something tantamount to protective custody.

5 If you want me to order something along those  
6 lines, I will make a judicial request for the infirmary.  
7 All right attorneys, thank you, see you in a couple of  
8 weeks.

9 (End of proceedings)

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