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The Honorable Justice James Burke
New York County Supreme Court
100 Centre Street, Part 99
New York, NY 10013

March 6, 2020
People v. Weinstein
Ind. Nos. 2335/2018
2673/2019

Dear Judge Burke:

Please accept this letter for your consideration along with the oral statement the People will make pursuant to CPL § 380.50(1) regarding the sentence to be imposed upon the defendant on March 11, 2020. The Court presided at defendant's trial and is fully familiar with the facts and circumstances of defendant's commission of the crimes for which he stands convicted. The victims of those crimes, Miriam Haley and Jessica Mann, will provide the Court with their statements, pursuant to CPL § 380.50(2)(b).

As this Court is well aware, in imposing what it deems to be fair and just punishment, a sentencing court is not limited to the evidence at trial. To the contrary, “[h]ighly relevant—if not essential—to a [sentencing judge’s] selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant’s life and characteristics.” *Williams v. New York*, 337 U.S. 241, 247 (1949), *aff’g*, *People v. Williams*, 298 N.Y. 803 (1949). Accordingly, “the modern probation report draws on information concerning every aspect of a defendant’s life,” *id.* at 250, and sentencing courts have “wide discretion to consider all circumstances that shed light on a convicted person’s background, history and behavior” in fixing a sentence. *United States v. Pugliese*, 805 F.2d 1117, 1122 (2d Cir. 1986). *Accord Williams v. New York*, 337 U.S. at 250; *People v. Day*, 73 N.Y.2d 208, 212 (1989) (“Sentencing courts, in the exercise of their unique judicial function in criminal proceedings, are wisely allocated wide latitude as they are recognized to be in a superior position to dispense proportionate and fair punishment”) (citing *People v. Farrar*, 52 N.Y.2d 302-305-06 (1981) (holding that determination of appropriate sentence requires exercise of discretion after due consideration of several factors, including “the crime charged, the particular circumstances of the individual before the court and the purpose of a penal sanction, i.e., societal protection, rehabilitation and deterrence”)).

Particularly apt here is the *Farrar* Court’s reliance on Penal Law § 1.05, which sets forth, among the purposes of a penal sanction: “To provide for an appropriate public response to particular offenses, including consideration of the consequences of the offense for the victim,

including the victim's family, and the community." PL § 1.05(5). *See also* PL § 1.05(6) (providing as additional purpose of a penal sanction, "[t]o insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized"). The need for deterrence, of this defendant specifically and other offenders generally, is of particular importance here. *See, e.g.*, 18 U.S.C. § 3553(a)(2)(B) (In imposing sentence, the court "shall consider the need for the sentence imposed . . . to afford adequate deterrence to criminal conduct."); *People v. Broadie*, 37 N.Y.2d 100, 115 (1975) (recognizing deterrence as an "obvious purpose" of penal sanctions, which is achieved by putting would-be offenders on notice of severe penalties); *United States v. Cavera*, 550 F.3d 180, 195 (2d Cir. 2008) (en banc) (affirming sentence above guidelines range for gun trafficker based on need for deterrence where strict local gun laws increase profits for distributing firearms in New York City); *United States v. Ture*, 450 F.3d 352, 359 (8th Cir. 2006) (finding abuse of discretion in lenient sentence imposed on willful tax evader, noting that "[t]he goal of deterrence rings hollow if a prison sentence is not imposed in this case"). It is therefore totally appropriate in this case to communicate to a wider audience that sexual assault, even if perpetrated upon an acquaintance or in a professional setting, is a serious offense worthy of a lengthy prison sentence.

Chief among the information considered at sentencing is the defendant's history of "misconduct, whether or not it resulted in convictions." *United States v. Malcolm*, 432 F.2d 809, 816 (2d Cir. 1970). *See* CPL § 390.30(1) (presentence investigation includes information about "the defendant's history of delinquency or criminality"); *People v. Powell*, 157 A.D.2d 524, 525 (1st Dept. 1990) (holding "no legal impediment to the court's consideration of prior uncharged crimes"); *People v. Higgins*, 188 A.D.2d 839, 842 (3d Dept. 1992) (proper for court to consider at sentencing defendant's "propensity for antisocial and violent aggressive behavior").

Moreover, the need for courts to have information about all aspects of a defendant's life and characteristics has made it imperative that they be free to consider a broad spectrum of information from a wide variety of sources without strict adherence to a rigid set of rules. Consequently, presentence reports and presentations by the parties at sentencing are not limited to information that would satisfy evidentiary rules governing admissibility at trial, *see People v. Perry*, 36 N.Y.2d 114, 120 (1975), but may include hearsay. *Williams v. New York*, 337 U.S. at 249-50; *United States v. Charmer Industries, Inc.*, 711 F.2d 1164, 1170-71 (2d Cir. 1983).

The information regarding defendant that the People ask the Court to consider is listed below, divided into three categories: (1) sexual assault and harassment; (2) bad acts and behavior in the work environment; and (3) other bad acts. These acts, viewed in the totality, establish that throughout his entire adult professional life, defendant has displayed a staggering lack of empathy, treating others with disdain and inhumanity. He has consistently advanced his own sordid desires and fixations over the well-being of others. He has destroyed people's lives and livelihoods or threatened to do so on whim. He has exhibited an attitude of superiority and complete lack of compassion for his fellow man. What is obvious from this list of misdeeds is that many of them are frighteningly similar to the events testified to at trial.

Sexual assaults and sexual harassment:

Our investigation over approximately two years has revealed that the defendant has sexually violated many women. Starting in the 1970s, he has trapped women into his exclusive control and assaulted or attempted to assault them.

- In 1978, a woman was an employee of defendant's music company based in Buffalo, New York. While in New York City with defendant for a business meeting, she was told by defendant that there was "only one room left" at the hotel. While in a room she shared with defendant, she woke up in the middle of the night to find him lying on top of her and forcing himself sexually on her.
- In approximately the summer of 1981, a woman responded to an open call for auditions at a hotel on Central Park South in Manhattan. After waiting with various other female actresses, a young man appeared and announced that the producer would not be doing any more auditions that day and the actresses should return at a later date. On the next audition date when the woman showed up, her name was called and she was told to go to a particular hotel room. She was totally surprised when, in response to her knock at the door, an unattractive and overweight man, who she later learned was defendant, appeared wearing nothing but a white terrycloth robe. He said, "everyone calls me Teddy Bear because I'm so big and cuddly and harmless." He said he had just taken a shower and told her to sit down in a chair by a table. He tossed a script onto the table and said he was going to produce a movie starring Faye Dunaway and needed someone to play her younger sister. He said that the woman would be perfect for the part and that, "I think you are willing to do anything to get ahead," and that there were always parts for women like her if they were "willing to do what it takes." He did not ask her anything about herself, nor did he ask her to audition for the part. He said that she could get any part she wanted if she would have sex with him. The woman was "scared for her life," and wondered if she would be able to escape from defendant's room. She tried to sit calmly and not show her fear. Defendant said that when a man is obese, normal sexual positions would not work and other options would have to be used to "get him off." He said that if she did not want to have sex with him, he could arrange for her to have sex with other directors or producers. When she said she was not interested, he let her leave unharmed but not without asking if she could give him names of other girls who might be interested. The woman never spoke about this because she knew that the young man who must have been defendant's assistant had her contact information and she was afraid of retaliation. She never auditioned for an acting role again and over 20 years later, she saw defendant on television and realized who he was.
- In a reported incident in the late 1980s, defendant came to the home of a young actress and as soon as she opened her door, he pushed her up against a coat rack and had forcible intercourse with her.

- In the late 1980s and early 1990s, a male employee worked as the head of marketing at defendant's company in New York. He described the office as an "incredibly abusive place" with a lot of yelling. Defendant threw objects at him and he observed defendant throw objects at his coworkers. The employee also said that the more senior female employees would use him as a "shield" when defendant wanted to be alone with them. For example, when defendant would ask one of his female employees to ride home with him, she would pretend she had dinner plans with the employee. This happened on a "semi-regular" basis and, to accommodate these coworkers, this employee would stop working, get in defendant's car, and be dropped off with his colleague at a random uptown restaurant. He would then have to get a cab to travel to his home downtown. Also, as part of the employee's official duties, he was in charge of all of the promotional photoshoots. Defendant always wanted naked or scantily clad women on the movie posters. During one of these photoshoots, defendant called the employee repeatedly, asking if the female celebrity was "naked yet." Defendant would also insist that unwilling women appear naked or scantily clad in these photoshoots. In one instance, when an actress refused to be photographed nude, defendant insisted that they photoshop the actress's head onto another woman's body.
- In the 1990s in the U.K., a 19-year-old employee of defendant was instructed by another employee that she must visit defendant in his hotel room that evening. The meeting was described as a script meeting. She did not want to go but was told that she had to if she wanted to keep her job. At the start of the meeting, there were several other people in the room but the employee was asked to stay after others left. Defendant then sexually assaulted the employee, who was left in extreme shock and had difficulty comprehending what had happened. The employee later left her job, but felt forever stigmatized by the events and experienced difficulty gaining any momentum in her career.
- In 1991, after an introduction by a mutual friend, a woman went to New York to interview for an internship at defendant's company. While giving her a tour of the office, defendant took the woman into a conference room where he grabbed her hand and placed it on his genital area. When she tried to leave, defendant followed her into an elevator where he forcibly kissed her.
- In 1991, a 19-year-old woman worked for one day as an intern for defendant in the U.K. She was told by her supervisor that she must visit defendant in his hotel suite. She was called to the bathroom by defendant where the door was slightly open. Through a gap in the door she could see that defendant was naked in the bathtub. She was called into the bathroom but did not enter and went to sit at a desk in the room. Defendant continued to call her and she felt nervous and intimidated. A few moments later, she was called by defendant into the bedroom. He was lying on his

back with his dressing gown open. Defendant called her over to the bed and beckoned her to sit down. She sat facing away from him at an angle. Defendant requested that she take her top off, which she felt she had no choice but to do, but then abruptly got up and left the suite, shaking and anxious. She wished to report the matter to the police and was introduced by a superior to a police officer who was the boyfriend of her superior and to whom she reported the matter. She was then called by the same superior who told her that defendant wanted to speak to her and that she should consider dropping her case. The woman was fearful and did not pursue the matter further.

- In 1996, an actress met defendant at the film festival in Cannes, France. He invited her to have breakfast with him and a French film executive to talk about Miramax's potential distribution of a film they had just purchased and in which the actress had a starring role. When they finished breakfast, the French film executive suddenly had to leave and defendant invited the actress to his hotel room to "see the view" from his terrace. When they got to the terrace and she saw a bottle of champagne, she said she had to leave. Defendant told her he was going to give her a massage. When she declined, he "jumped on her" and tried to remove her shirt. She physically fought him off, screamed, and ran away.
- Defendant met with an actress at his Miramax office, where he invited her to a movie screening. As they were allegedly being driven to the screening, defendant said he needed to stop at his apartment to get something. The actress went inside the apartment with defendant where they discussed movies, after which defendant went into the bathroom and emerged shortly thereafter, dressed only in a bathrobe. He asked the actress for a massage. She said no several times. He went back inside the bathroom and came out naked. He asked her to show him her breasts but she declined. He told her he would let her go if she would give him a minute to get dressed, after which he took her in a taxi to a bar where he dropped her off. She saw defendant outside the bar, waiting in the car for about 15 minutes before the taxi drove away. Defendant called the actress several times over the next few days, but she did not answer his calls.
- In 2005, a woman who was approximately 22 years old attended a party at Cipriani ("Upstairs") in downtown Manhattan. Defendant, who was also at the party, grabbed the woman and sat her on his lap. She got off his lap, and she later accepted a ride home from him, during which she asked him for professional advice. After defendant told her that he would connect her with people who would help her to become an actress, the woman gave him her contact information. Shortly thereafter, defendant's assistant called and invited her to a movie screening at defendant's office. She accepted the invitation and during the screening, defendant abruptly stopped the movie and said that they had to go out and eat, even though he had ordered sushi to his office. The woman said no, but he insisted and led her to a car outside. The car stopped at a building in Soho, which was not a restaurant; it had a lobby and an

elevator. Defendant and the woman rode the elevator, which opened into an apartment. The woman was upset and afraid, but tried to remain calm and respectful. Defendant poured her a drink, despite her indicating that she didn't want one, and told her that if she wanted to act in movies, she had to be comfortable being naked and told her to take off her clothes. She undressed, but kept her underwear on. Defendant said, "no, all the way." She complied and defendant grabbed her clothes and left the room. She went down the hallway looking for her clothes and walked into the one room that had a light on. Defendant was standing in that room completely naked. She was petrified, afraid he was going to rape and murder her, and she realized that no one knew where she was. When she asked defendant for her clothes, he said, "you're never going to find them." He patted the bed and motioned for her to get on it. When she refused, he chased her around the room, as she repeatedly said, "no." He then asked if she would "at least jerk him off." He promised to give her back her clothes if she came into the bed and held him. She agreed, and when she got into the bed and touched defendant's back, she was repulsed at how "gross" it was. She was in shock and sternly demanded her clothes. Defendant refused, demanded that she put her hand on his penis to get her clothes back, and proceeded to masturbate and ejaculate onto her body. He then ordered her to take a shower and wash everything off, after which he dried her very roughly with a towel. She grabbed her clothes, got dressed quickly, and left defendant's apartment.

- In 2007, defendant told a woman that he wanted to show her the kitchen "in a new restaurant he owned." Once inside the kitchen, defendant dismissed an employee who was cleaning up. Defendant then blocked the woman in a hallway, trapping her so that she was unable to escape, and tried to kiss her. He took his penis out, masturbated, and ejaculated into a nearby potted plant.
- In 2010, a woman who is a professional masseuse met defendant through a mutual friend. Defendant's assistant arranged for the woman to give defendant a massage at the Montage Hotel in Beverly Hills. When she arrived at the hotel, she was met in the lobby by defendant's assistant who escorted her to defendant's hotel room. As the woman was setting up the massage table, defendant instructed his assistant to leave the room. The woman excused herself to let defendant undress and get onto the massage table. She told him to let her know when he was "under the sheets," which he did a few minutes later. But when the masseuse returned to the room, defendant was standing there naked. During the course of the massage, defendant got up and asked the witness "how big his penis was." She excused herself and went to the bathroom. Defendant followed her into the bathroom, closed the door behind him, blocked her from leaving, pushed her up against the wall, and began masturbating. While masturbating, defendant groped the woman's breasts. The woman noticed a marked change in defendant's demeanor immediately after he ejaculated, from very abusive and aggressive behavior before he assaulted her, to an apparent state of calm after the assault, almost as if nothing had happened. Defendant also made efforts to silence the

woman, by telling her he could harm her professionally, but also offering her a book publishing opportunity.

- In 2011, a waitress at Cipriani served defendant a diet soda. He asked the witness about her career. She said she wanted to be a model. A short time later the owner of the restaurant told the witness that defendant wanted to see her in private, and arranged for another waitress to cover her tables. He told the waitress to go to the rooftop where defendant was waiting. When she arrived, she saw defendant exposing his penis. He grabbed her dress, pulled it up, and masturbated as his penis touched her. (This was very similar to the incident involving witness Tarale Wulff.)
- In January of 2011, following the Golden Globe Awards, defendant asked an actress to meet him in the lobby of the Peninsula Hotel in Beverly Hills to discuss film opportunities. She arrived but defendant was not in the lobby. He called her and told her to come up to his room because he was a celebrity and wanted to have privacy. She went to the room. Once she was there defendant initially discussed potential career opportunities with the actress, but then asked her to give him a naked massage. When she refused, he berated her, telling her that this is how people get ahead in the film business.
- In 2011, an actress met defendant at a party at the Rose Bar in the Gramercy Park Hotel in New York. He asked for her email address so that he could invite her to lunch to talk about her career. On his way out of the party, defendant grabbed the actress between her legs and touched her buttocks and genital area through her clothing.
- In February 2014, a woman met defendant at a party in London and he asked to see her film reel. In May of that year, when she saw him again at the Cannes Film Festival, he asked her to come to his hotel room to review her reel. While she was in the room, he led her into the bathroom and stood her in front of the mirror. She told him to stop but he kept her in front of the mirror, put his leg in between her legs, and began touching her shoulder and pulling down her straps while she tried to get away. Defendant then turned her around, unbuckled his pants, and masturbated while still gripping her. He took her hand and put it onto his penis and moved her hand up and down his penis.

Abusive behavior in the workplace:

- At the Cannes Film Festival in the 1990s, an employee observed defendant throw a table of food on an employee who disagreed with him. The employee who was assaulted continued to return to work every day for months because he feared that defendant would smear his name and ruin his reputation (similar to the women who testified under oath in this case that after defendant raped them they continued to have a relationship out of fear).

- An executive at defendant's companies from the 1990s through 2017 reported that defendant threatened him on multiple occasions and he observed defendant threaten others physically and professionally. Defendant asked the executive to lie for him when Ronan Farrow's article about defendant's sexual abuse of women was published in the New Yorker in 2017. In addition, defendant threatened to expose the executive for a minor dispute with another employee if the witness would not lie for him.
- In the mid-1990s, defendant asked a business executive to lie for him in both personal and professional matters. This witness described defendant as "despicable, aggressive, demeaning, coercive, threatening," and as someone who would "make you do things you don't want to do."
- An employee of defendant from 1987 to 1991 who worked with defendant on a daily basis and traveled with him, described his "bullying, screaming, and abusive behavior" directed at her and at other employees and executives in the company.
- A man was a business executive in defendant's company during the 2000s. He describes defendant as "brutal and vicious" as well as "volcanic." The man experienced this behavior himself and saw others who were victimized by it.
- Another former business executive in defendant's company observed a pattern of conduct by defendant including lying, being verbally abusive to many people, and vindictive. This executive also observed defendant during a business meeting in front of multiple witnesses stand up and physically attack his brother, Bob Weinstein, punching him so hard that he bled a great deal and was briefly unconscious.
- Another long-term executive at Miramax observed specific malicious and vindictive acts of defendant, including threats to multiple people, both personally and professionally, lies, false accusations, and the use of enormous amounts of resources to impose gratuitous damage to other people's lives. Specifically, this executive said that defendant had "zero compassion, empathy, civility." The executive left the company because of defendant's "abhorrent behavior."
- Another employee worked closely with defendant for over 25 years, from 1991 to 2017. He described defendant as abusive mentally, temperamental, demanding, and threatening. This employee "lived in this state of fear most of the time," and continued to feel fearful after his employment was terminated. He also experienced physical effects from working for defendant, including frequent nightmares, that adversely affected his personal life and his relationship with his family.
- In 2007, a male employee was traveling with defendant. One day in the back seat of a car, defendant got angry and physically assaulted the man. When the employee indicated that he would report him, defendant told him that he could never tell anyone

and that no one would ever believe him. When the employee quit his job over this incident, defendant had another employee follow the man in an attempt to convince him not to report defendant's actions.

- From 2010 to 2014, a woman worked in the Los Angeles office of defendant's company. She observed that defendant was "always behaving strangely—erratic, always snapping at people, seemed sociopathic." He "got a lot of joy by demeaning people." As an example, she said, "if you opened a door for him, he would turn and say 'what the fuck are you looking at? Don't fucking look at me.'" She further described defendant as a "monster."
- In 2012, a 32-year-old woman began working in production for defendant's company in the U.K. She was subject to relentless insulting and abusive behavior by defendant throughout her employment. She also suffered verbal abuse and was threatened physically by defendant. During a trip with defendant to the Cannes Film festival, they boarded a boat and when she indicated she had not sent an email yet, he started to threaten her and ran towards her as if to throw her off the boat. Another colleague stepped in to protect the woman. She was required to pick up erectile dysfunction drugs for him, not knowing initially what these drugs were. On one occasion when she was asked to lead an actress to his room at a hotel she challenged him regarding what was happening in the room and he verbally abused her, telling her, "your opinion doesn't matter, fuck off," and pushed her against a wall.
- In 2013, defendant was repeatedly verbally abusive to a male assistant. He threatened to physically hurt the assistant, made him get out of a car on the side of the road, and abandoned him while on a business trip outside of the United States.
- A woman who worked for defendant's company in New York from 2015 to 2016 observed and experienced his outbursts. Defendant "constantly berated [her] in front of other people," he once kicked her out of a car while on a work-related trip in upstate New York, and he threatened to have her followed by a private detective after he accused her of lying about an invoice.
- A woman who recently worked as a Weinstein family personal assistant was bullied, overworked, and verbally abused by defendant. She described defendant as explosive, observed him throwing staplers and other objects at people, and witnessed him threatening female assistants "all the time." She also observed defendant threaten to have his private investigator "look into" people's personal finances. Defendant repeatedly screamed and cursed at this employee, on one occasion calling her a "cunt" in front of a celebrity while she was trying to navigate defendant's schedule.

- In 2015, defendant threatened to punch a board member and said he would kill him. On another occasion, defendant told the board member that he would send someone to his office to cut off his genitals with gardening shears.
- Three men were drivers for defendant, on a contractual basis, filling in for the person who held a permanent position as a driver. They uniformly described defendant as a bully, who would lose his temper with them and others in their presence. One recalled being threatened by defendant and another said that defendant yelled at him and demanded that he drive in an illegal manner.
- In addition to the above incidents, almost every employee interviewed by the People has described being ordered by defendant to work long hours without any extra compensation. They similarly recount defendant calling them at all hours of the night and day, demanding their time, attention, and performance of personal tasks. Defendant would also berate, insult, and demean employees loudly and in front of many people. He would scream at them at the top of his lungs, close to their faces. This type of behavior was constant and unwavering.

Other bad acts:

- In November 2000, a female reporter worked at the New York Observer and was assigned to write a story about a movie that defendant's company was producing. As part of that assignment, she attended a party with her boyfriend, another reporter, that defendant was hosting on the evening of Election Day, November 7, 2000, at the Tribeca Grand Hotel in Manhattan. The reporter approached defendant with her tape recorder and attempted to get a comment from him for her story. Defendant declined to comment and said that his brother was producing the movie. When the reporter continued to ask defendant about the movie, he became incensed and yelled at her, repeating variations of: "Who let this cunt into the party?" and "Get this bitch out of here." The second reporter, her boyfriend, intervened and said that he had been invited to the party and that the female reporter was his guest. Later, after defendant appeared to calm down, the second reporter approached defendant and said that he should apologize to the female reporter for calling her a "cunt" and a "bitch," but defendant refused and said, "I'm glad I'm the fucking sheriff of this shit ass fucking town." Defendant then grabbed the second reporter by the neck, pulled him outside into the street, told him he was going to kick his ass, then put him in a headlock and struck him in the head. The assault was subsequently stopped by others.
- From 2015 through 2017, defendant had direct communication with Black Cube, an organization that generated content designed to publicly discredit and shame defendant's sexual assault victims. One of the techniques it employed on behalf of defendant was to send operatives, who lied about who they were, to manipulate what the victims said about defendant. After the publication of articles in 2017 alleging defendant's sexual abuse of various women, and after defendant was fired by the

Weinstein Company, he called an employee and asked him to let people in who defendant told to “ransack” the office. This witness also observed defendant meeting personally with representatives of Black Cube.

- Multiple people have reported to the People that defendant bragged about his ability to get people killed. Similarly, defendant told Jessica Mann that he could send men with baseball bats to assault her father if she wanted, bragging that he had done that with other people in the past.

Based upon the totality of the information before this Court, namely: (1) the evidence adduced at trial regarding defendant’s sexual assaults of Miriam Haley and Jessica Mann; (2) his sexual assaults of the *Molineux* witnesses, Tarale Wulff, Dawn Dunning, and Lauren Young, all committed under strikingly similar circumstances; and (3) his additional acts set forth in this letter that show a lifetime of abuse towards others, sexual and otherwise, the People will ask the Court to impose a sentence that reflects the seriousness of defendant’s offenses, his total lack of remorse for the harm he has caused, and the need to deter him and others from engaging in further criminal conduct.

Sincerely,



Joan Muzzi-Orbon
Assistant District Attorney

Cc: Donna A. Rotunno, Esq.