

## Lifestyle | Feature

## Weinstein back in court seeking dismissal of sex assault case

Could Harvey Weinstein, public enemy number one of the #MeToo movement, end up walking away a free man? The onetime Hollywood heavyweight producer will be back in a New York courtroom as his star attorney Ben Brafman asks a judge to dismiss the sex assault charges against his client. Brafman says police misconduct, specifically the work of one investigator, has “irreparably tainted” the case. He will face off with prosecutors before Manhattan criminal court Judge James Burke for a hearing that could be a game changer for the 66-year-old Weinstein, who could face life in prison if convicted.



Harvey Weinstein

Though one charge against him has been thrown out, Weinstein—who was arrested in May—is still facing five counts over an alleged rape in March 2013 and a forced act of oral sex in 2006. The disgraced movie mogul has been accused by more than 80 women of sexual misconduct. He insists that all of his sexual liaisons were consensual and is free on \$1 million bail. But the scandal upended his career and Weinstein became the poster boy for a cascade of abuse accusations against powerful men in Hollywood, the media and other industries.

His arrest and arraignments have led #MeToo campaigners to hope that the twice-married father of five will be put on trial, convicted and sent to prison. But Brafman, one of America’s most celebrated defense attorneys, has made several dents in the prosecution’s case, including getting one count of a forced act of oral sex in 2004 — lodged by former actress Lucia Evans—thrown out in October.

## Avalanche of mistakes

Prosecutors opted not to pursue the charge, after it emerged that one detective who worked on the investigation had failed to disclose witness testimony that contradicted Evans’s account. A friend of Evans said she had heard her say that she had willingly engaged in oral sex with Weinstein to secure a movie role. Brafman said the detective in question, Nicholas DiGaudio, made

other mistakes.

He apparently told another accuser, Mimi Haley, who says Weinstein forced her into oral sex in 2006, to delete text messages that could be potentially embarrassing for her, despite prosecutors’ advice not to do so. Prosecutors also apparently failed to disclose to the defense affectionate text messages Haley sent to Weinstein after the alleged assault, which would have introduced a notion of doubt about the forced nature of the encounter.

Prosecutors nevertheless want the case to continue and reject Brafman’s motion that the process is beyond repair. They say everything in Haley’s mobile phone was turned over to investigators, and that the detective’s conduct only affected Evans’ case. DiGaudio has since been removed from the case. As for emails, prosecutors say they are not obliged to share any of those with the defense at this stage of the proceedings.

## ‘Psychological coercion’

Nevertheless, since October, many experts speculate that the case against Weinstein has suffered a serious blow. Some even suggest that prosecutors will eventually cave, as they did in dismissing sex assault charges brought against former IMF chief Dominique Strauss-Kahn—also defended by Brafman—in 2011. Barbara Barron, a professor at Hofstra University School of Law, says the detective’s conduct created a “surprise” in the Weinstein case.

“The issue to me is how much taint... how much the police officer’s actions influence the other charges,” Barron told AFP. “I don’t know what the judge will consider.” For Bennett Gershman, a former prosecutor who teaches law at Pace University, prosecutors threw out the charge related to Evans precisely to avoid contaminating the rest of the case. “I know Brafman is going to argue to dismiss the whole indictment. He is going to lose that without any doubt,” Gershman said.

He added that he still believes prosecutors have a solid case with the two remaining accusers, no matter what they said to Weinstein after the alleged assaults. “These women saying nice things to Weinstein—would that surprise anybody? You have a hugely powerful man (...) who literally controlled their reputation and their careers,” Gershman said. If the case is not thrown out, Brafman will likely argue for all other Weinstein accusers to be barred from testifying.

In the case against veteran television star Bill Cosby, the depositions of five women who did not bring complaints against him were admitted into evidence for his second trial. Cosby was convicted and sentenced to at least three years in prison in the first court win for the #MeToo movement. If the judge decides to allow the case to continue, he could set a trial date on Thursday. If that happens, Gershman says the jury will have to decide: “Did they consent or did they consent involuntarily?” “If these women testify strongly on the witness stand, Weinstein will lose,” he predicted. — AFP



Indian Bollywood actors Shah Rukh Khan (left), Katrina Kaif (center), Anushka Sharma (right) and Manish Paul (behind) during the promotion of the Hindi film ‘Zero’.



Indian Bollywood actors Anushka Sharma (left), Katrina Kaif (center) and Shah Rukh Khan (right) are seen on stage during the promotion of the Hindi film ‘Zero’ at the Indian television singing reality show ‘Indian Idol’ 10th season grand finale in Mumbai. — AFP photos

## Hero or Zero? Bollywood’s Khan eyes hit as dwarf

Bollywood superstar Shah Rukh Khan’s latest film releases this week with the acclaimed actor, who plays a dwarf, seeking a hit after an underwhelming run at the box office. “Zero”, hitting cinemas on Friday, sees the Hindi movie icon, miniaturized with special effects, caught up in a love triangle alongside a wheelchair-bound Anushka Sharma. Director Aanand L Rai believes he brought the larger than life actor, nicknamed “King Khan”, out of his comfort zone to play a character three feet (90 centimeters) tall. “This kind of story about a man’s journey and his love story needed someone like him. By casting him, we challenged Mr. Khan to show us what he could do,” Rai told AFP.

“Zero”—which is heavy on special effects—sees Sharma play a NASA scientist with cerebral palsy and Katrina Kaif portray a Bollywood actress with a drink problem. Bauua Singh, played by Khan, is struggling to find a wife because of his height but develops close bonds with both women as he searches for his true love. It is Khan’s first movie since “Jab Harry Met Sejal” bombed last year. The actor’s “Races” (2017) and “Fan” (2016) also didn’t do as well as hoped.

The 53-year-old’s last undisputed blockbuster was “Dilwale” (The Big Hearted) in 2015 and with “Zero” reported to cost a hefty two billion rupees (\$26.5 million) it may be starting to prey on his mind. “If people feel that ‘Zero’ is very important for me, it’s their feeling,” Khan told the Hindustan Times in a recent interview. “God forbid, if this film doesn’t work, what will happen? Maybe, I won’t get work for six months or 10 months, but if I believe that my craft and art is good, I will continue to get work,” he added. Khan shot to fame in the mid-90s as the romantic hero of hits like “Dilwale Dulhania Le Jayenge” (The Brave-hearted Will Take The Bride) and “Kuch Kuch Hota Hai” (Something Happens).

## Win-win?

Critics say Khan—a ubiquitous presence in advertising—has struggled to transition away from those roles and find a new niche for himself as he has gotten older. They point out that playing the

romantic hero alongside much younger actresses can jar with audiences. His “Zero” co-stars Sharma and Kaif are 30 and 35 respectively. Some industry watchers have tipped “Zero” for success, though. Vajir Singh, editor of Bollywood website “Box Office India”, told AFP that Khan and Rai, known for romantic flicks “Raanjhanaa” (Beloved One) and “Tanu Weds Manu”, are a “win-win combination”.

The film also includes a cameo role by legendary actress Sridevi Kapoor who died from accidental drowning in a Dubai hotel room bathtub in February aged 54. Khan will have just one week to woo cinema-goers, however, with the Rohit Shetty-directed “Simmba” set to release in theatres on December 28.



Indian Bollywood actors Katrina Kaif (left), Shah Rukh Khan (center) and Anushka Sharma (right) pose for photographs during the promotion of the Hindi film ‘Zero’.

The action movie stars Ranveer Singh, one of several bankable younger stars who are challenging the hegemony of the Khans of Bollywood at the box office. For over two decades the triumvirate of Shah Rukh Khan, Aamir Khan and Salman Khan have dominated film receipts. But with Aamir’s “Thugs of Hindostan” and Salman’s “Race 3” both rated among the worst films of 2018, the jury is still out whether Shah Rukh will record a dud or a hit. “Just because two Khans had flops, doesn’t mean the third one will too,” Hindi film trade analyst Komal Nahta told AFP. “Audiences are not tired of the Khans. They are just looking for fresh and good content,” he added. — AFP