



NEW YORK STATE SENATOR

Patricia Canzoneri-Fitzpatrick

Canzoneri-Fitzpatrick & Colleagues Introduce Bills To Close Loopholes That Allowed Conviction Of Dangerous Sexual Predator Harvey Weinstein To Be Overturned

PATRICIA CANZONERI-FITZPATRICK May 21, 2024



Albany, NY - New York State Senator Patricia Canzoneri-Fitzpatrick, Senator Anthony Palumbo, State Senator Steve Rhoads, and members of the Senate Republican Conference today introduced legislation aimed at fixing the glaring loopholes that resulted in the shocking decision by the Court of Appeals to overturn the conviction of serial sexual assaulter Harvey Weinstein.

On April 25th, the New York State Court of Appeals overturned the conviction of serial sexual assaulter Harvey Weinstein in a 4-3 decision after Chief Justice Wilson set a policy, shortly after his confirmation, that would allow him to replace Judges Shirley Troutman and Caitlin Halligan - who recused themselves - with Betsy Barros and Christine Clark, who sided with Wilson in the outrageous decision.

This sickening outcome is the direct result of the Senate Democrats' misguided rejection of Justice LaSalle in favor of the extremely radical Rowan Wilson, in an effort to politicize the Court after their gerrymandered district maps were struck down. While their political manipulation got the result they wanted in the redistricting case, the collateral damage is a Court that overturned the conviction of serial sexual assaulter and rapist Harvey Weinstein.

"After the Senate majority scudded the nomination of a judge who they did not consider progressive enough, the National Organization for Women - NYC, along with other advocates, warned us of the risks posed to survivors of sexual assault that could come from the majority's preferred, progressive nominee. Chief Judge Wilson had penned the decision to overturn a rape conviction, in an opinion that similarly shows a fundamental misunderstanding of the challenging process women often go through to hold perpetrators of sexual violence accountable," **said Senator Canzoneri-Fitzpatrick.**

In an effort to fix the egregious missteps by the hyper-politicized Court of Appeals, Senate Republicans introduced two bills that would

> prevent the Chief Justice of the Court of Appeals from cherry picking replacement judges when a judge recuses himself from the case by requiring replacement judges to be chosen on a rotating basis in order of seniority (S.9601)

> allow evidence of similar crimes in prior sexual offense cases to be admitted, codifying the "Molineux Rule" that permits relevant evidence that can help prove the defendant's motive and intent (S.9445)

2023-S9445

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to admitting evidence of similar crimes in sexual offense cases

May 15, 2024

In Senate Committee [Codes](#)

Sponsored by [Anthony H. Palumbo](#)

Do you support this bill?
