
CELEBRITIES

Harvey Weinstein's California extradition hearing postponed until April; former mogul to stay in New York prison

Maria Puente USA TODAY

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Convicted sex offender Harvey Weinstein is staying in a New York prison for the time being.

The first hearing in the legal process to extradite Weinstein to Los Angeles to face sex-crime charges has been postponed until April 9, the new Los Angeles County District Attorney George Gascón announced Wednesday, amidst upheaval in his office and a surging coronavirus pandemic in his county.

It was the second time Weinstein's extradition hearing has been postponed and again it was mostly due to the pandemic.

The proceeding was scheduled to take place Friday in Buffalo, N.Y., but there were already questions about whether it would happen as concerns arose about the wisdom of transferring Weinstein under new pandemic restrictions imposed in California.

More: Harvey Weinstein is 'being closely monitored' after coming down with a fever in prison

Lawyers representing Weinstein and prosecutors from the Erie County District Attorney's office, who were to represent the Los Angeles prosecutors for the hearing, were set to gather virtually before Judge Kenneth Case to argue about whether there are enough grounds to justify transferring Weinstein from a New York prison to a Los Angeles jail to await trial.

The big unknown was whether Los Angeles County still wants him at this moment: Gascón has just taken over there as top prosecutor, new pandemic lockdown rules have just gone into effect in Southern California, and many state jails and prisons are COVID-19 hotspots.

"The idea that they would move somebody from New York now is not likely – how do you do this safely and who's going to take him? The state prisons are not taking people because of

COVID so the (county) jails are jampacked," says Los Angeles defense attorney Lara Yeretsian.

"It takes (time) to get someone from one place to another, then you have to be quarantined for two weeks. By the time he gets to California, he could be dead," she adds. "Logistically it makes no sense."

Meanwhile, the Los Angeles district attorney who charged Weinstein (on the first day of his Manhattan trial in January) is no longer in charge: Jackie Lacey lost her race for reelection in November.

The winner, Gascón, a former San Francisco district attorney and former Los Angeles police officer who was sworn in Monday, is described as a more progressive prosecutor who has different priorities than Lacey. He used his inaugural speech to unveil sweeping changes to the criminal justice system in Los Angeles County.

At one point during his campaign, Gascón accused Lacey of waiting years to charge Weinstein hoping to aid her reelection. "The fact that charges were filed...on the eve of Weinstein's New York trial paints a disturbing picture about (Lacey's) priorities," Gascón told Deadline in March. "It's politics at the expense of community safety."

So Gascón might not see the urgency of immediately extraditing a 68-year-old ex-movie mogul who's in poor health and is already serving a 23-year sentence in a state prison near Buffalo where multiple inmates have tested positive for the virus in the last eight months.

Weinstein's spokesman, Juda Engelmayer, surmised some of the options lawyers in the case might have considered: Gascón's prosecutors may want to keep the extradition case alive while waiting out the pandemic, while also waiting until there is a ruling on Weinstein's appeal in the New York case, which has not yet been filed.

If Weinstein's New York conviction is overturned at some point in the future and the pandemic ends Los Angeles could then push for extradition. If he loses his appeal, he'll still be in prison and the pressure to immediately prosecute him on the West Coast abates.

Meanwhile, the pandemic trumps everything else, including the #MeToo movement, turbo-charged three years ago with two media exposés about Weinstein's long, sordid history of sexual misconduct as he rose to his power-broker position in Hollywood. Even before his conviction, Weinstein lost everything – career, reputation, business, family – as nearly 90 women began speaking out about misconduct ranging from sexual harassment to rape.

So far, Weinstein is not just the chief villain of the #MeToo movement, he's the only major figure who's been tried and convicted. He was found guilty of two sex crimes, including third-degree rape, in February in a Manhattan court, and was sentenced in March just as pandemic lockdowns began.

Weinstein, who was hospitalized twice for heart issues after his conviction, tested positive for COVID-19 soon after he arrived at the Wende Correctional Facility near Buffalo in Erie County. He survived but he remains in isolation and is closely monitored in the prison for a variety of serious ailments, Engelmayer says.

In November 2017, in the wake of #MeToo, Lacey established a special task force to investigate and prosecute sexual misconduct in Hollywood. So far, Weinstein is the only major target charged; scores of other cases presented by police agencies to the task force were declined, including two accusations against Weinstein.

It is not clear if Gascón intends to keep the task force going and so far his office has not returned calls from USA TODAY.

In Los Angeles County, Weinstein is accused of a total of 11 felony counts of sexual assault, including forcible rape, against five women in encounters at Beverly Hills hotels dating back to 2004. None of the accusers has been identified by authorities, but one of them, Lauren Young, was identified by her lawyer, Gloria Allred, because Young testified against Weinstein at the New York trial as a "prior bad acts" witness.