

Harvey Weinstein sentence: What it means for his family and what's next in the California criminal case

By Nate Day | Fox News

Harvey Weinstein's legal troubles are far from over.

The disgraced movie mogul was sentenced to 23 years in prison in New York City on Wednesday after he was found guilty of third-degree rape and a criminal sex act -- all of which he claimed resulted from extramarital affairs.

The 67-year-old disgraced producer is the father of five children. "One of the many people Harvey Weinstein harmed were his children, who are innocent victims of his conduct," Los Angeles-based family lawyer [Christopher Melcher](#), who was not involved with the case, told Fox News. "He expressed remorse about having affairs but focused on how that impacted him, not the pain and embarrassment it caused his children."

Melcher said it may be difficult for Weinstein's kids to reject him, despite being upset with him.

"He could spend the rest of his life in custody so whatever relationship they have will be based on the visitation allowed in prison or through calls and mail," Melcher said. "They hopefully will find a way to reconcile."

New York City family lawyer [Heidi Harris](#), who was also not involved with the case, said the youngest of the children would be affected the most by their father's sentencing.

"The children at issue are 9 and 6 -- if there is resistance to the idea of them seeing their father in prison, a judge may have to decide whether it's in their best interests to go or not," Harris told Fox News.

According to Harris, the decision could be made after appointing an attorney to represent the children, or even the judge speaking to them directly -- and the kids' connections to Weinstein would play a part.

"If they were very close to him, it's likely they would continue to see him with some regularity," Harris explained. "If not, a judge may order fewer visits."

Weinstein has shared his two youngest children with Georgina Chapman. They had been married from 2007 until 2018.

It's possible Weinstein may seek a reduction in child support following his sentencing, which Harris said could come in the form of asset acquisitions.

"In New York, it is very difficult to undo an order of child support made pursuant to an agreement," Harris said, adding that Weinstein "would need to show an unanticipated, involuntary change in circumstances."

Harris noted that imprisonment could be one such involuntary change. "If he simply stops paying, the court may enter a money judgment and his ex-wife can use it to go after his assets to collect the support."

Between his current age and his poor health, Weinstein may not see the end of his 23-year sentence, after which he'd be about 90 years old.

David P. Shapiro, a San Diego criminal attorney who was also not involved with the case, told Fox News that unless his sentence were to be reduced or convictions were to be overturned, Weinstein "will die in prison, as his defense lawyers fear."

He said getting a sentence reduced or overturned on appeal "is highly unlikely, but possible," adding, "The appeals process is a lengthy one, but he does not have any other choice if he wants to be a free man again."



Harvey Weinstein arrives with his lawyer Donna Rotunno at the Manhattan Criminal Court, on February 21, 2020 in New York City. (Getty)

Phoenix criminal defense lawyer Adam Feldman, also not involved in the case, echoed the sentiment that Weinstein likely wouldn't survive his sentence if it were to remain unchanged, and said a few factors could have led to his sentence.

"The number of women giving victims' impact statements may have helped sway the judge that a 23-year prison sentence is exactly what Weinstein deserved," Feldman said. "The publicity of the case also likely guided the judge in his ultimate decision."

Feldman also noted that the #MeToo movement likely led to the case being taken in the first place.

Officials already have started the process of extraditing Weinstein to California to face similar charges brought against him in the state, where he will continue to face more of his accusers, according to a statement from the Los Angeles County District Attorney's Office.

"At the very least, prosecutors in Los Angeles may be able to have many of Weinstein's prior accusers testify in the California trial for bad acts they say were committed outside the state," Shapiro said.

"How many uncharged complainants are all allowed to testify will ultimately be up to the judge presiding over the trial."

Fox News' Mariah Haas contributed to this report.