

Today in Part 81, Cuba Gooding Jr. pleaded guilty to Forcible Touching (a class A misdemeanor), the top count in the New York State Supreme Court Indictment he faced, for forcibly kissing a woman at a nightclub in September 2018. Mr. Gooding also admitted to subjecting two other women to non-consensual physical contact in October 2018 and June 2019.

The terms of the plea are as follows:

- Mr. Gooding must continue the alcohol and behavior modification treatment he began in 2019 for six more months and have no new arrests
- Although not expressly permitted by CPL 380.50(2)(b) in misdemeanor cases, the plea agreement enables each survivor to provide a Victim Impact Statement

If Mr. Gooding successfully follows these terms, he can replead to Harassment in the Second Degree, with a sentence of time served and a permanent stay of sealing. If he does not comply, he faces up to one year in jail. The next date is October 13, 2022.

ADA Coleen Balbert made the following record during the court appearance:

Your Honor, we've been able to reach a disposition in this matter after lengthy discussions between the defense, myself, and the complaining witnesses in this case. Before we begin, I would just like to say that we fully credit and believe all of the survivors in this case and thank all of the women and other witnesses who cooperated with our office during the pendency of our investigation.

We've considered all of the factors in this matter and believe this is a fair and equitable disposition. Some of the factors include:

- *Your Honor's reversal in allowing the People to introduce Molineux testimony in the People's direct case, something that hasn't been stated on the record*
- *Sparing complainants from having to testify at trial and being subject to cross examination*
- *Mr. Gooding has been in counseling since September 2019. I had an opportunity to personally speak with his therapist about the treatment he has been receiving and will continue to receive for the next 6 months.*
 - *To date, she has been working with him to address the behavior he engaged to ensure he doesn't reoffend*
 - *Monthly reports will be delivered directly to me, so I can be certain he is in compliance with treatment*
- *This plea also permits all three complainants to make victim impact statements, at the time of plea or sentencing – whichever they choose, one of which will be making a statement today.*
 - *They will have the opportunity to have their voices heard, which they would not have been able to do even after assuming arguendo, Mr. Gooding was convicted after trial. Because, CPL 380.50(2)(b) only permits statements for felony convictions.*