



Audio recording of Kevin Spacey's court hearing sheds light in Nantucket case



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Two defense lawyers for Kevin Spacey failed last week to get a court clerk magistrate to rule there wasn't enough evidence for him to be charged.

By [Matt Rocheleau](#)

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An audio recording of a court hearing obtained by the Globe provides insight into how actor Kevin Spacey's attorneys plan to defend him against claims he sexually assaulted an 18-year-old man at a Nantucket bar in 2016.

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Two defense lawyers for Spacey failed last week to get a court clerk magistrate to rule there wasn't enough evidence for him to be charged. They tried to rush Spacey's arraignment, saying the Oscar winner was on the island and could make his initial court appearance that afternoon, Dec. 20. But Nantucket District Court officials told the lawyers that no judge was available for an arraignment that day. Now Spacey, 59, is [due to be arraigned on a felony count of indecent assault and battery](#) on Jan. 7.

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The case first came to light in November 2017 when former Boston news anchor Heather Unruh [publicly accused Spacey](#) of groping her son at the Club Car bar on Nantucket.

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Shortly after the Globe first reported Spacey was facing charges, Spacey broke his year-plus Twitter silence on Monday by sending out a bizarre, cryptic video in which he seemed to be portraying his character from the TV series "House of Cards."

Spacey and his lawyers have not spoken publicly about the case or about whether the Twitter video was related.

During the 36-minute show-cause hearing, [Los Angeles-based criminal defense attorney Alan Jackson](#) pointed out that Unruh's son did not report the incident to authorities the night it allegedly happened, or the morning after, and was not interviewed in person about the incident for more than a year.

Unruh has said her son didn't go to authorities sooner because of embarrassment and fear.

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The actor is scheduled to be arraigned on a charge of indecent assault and battery at Nantucket District Court on Jan. 7.

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Unruh's son told investigators that he ran home after the incident and told family members about being groped that night.

Jackson, a former LA County prosecutor, also zeroed in on portions of a report investigators wrote summarizing their interview with Unruh's son last fall.

Jackson noted how, according to the investigators' report, Unruh's son said he was the one who first approached Spacey inside the bar and later exchanged phone numbers with Spacey, smoked a cigarette with him, and lied to Spacey by saying he was a 23-year-old college student, when he was actually 18

and not in college.

Jackson emphasized how Unruh's son told investigators he drank between eight and 10 alcoholic drinks — a mix of beers and whiskey — in the span of about 70 minutes and admitted to being so intoxicated that he may have blacked out shortly after Spacey allegedly groped him.

Spacey bought the teenager the drinks and at one point said "Let's get drunk," according to the account Unruh's son gave to investigators.

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A brief Snapchat video Unruh's son allegedly took on his phone — and which lawyers on both sides of the case now have copies of — shows someone's hand touching another person's shirt, but does not show anyone being groped, Jackson said.

Spacey's attorney also zeroed in on the fact that Unruh's son told investigators that Spacey allegedly groped him for about three minutes, but also told them that he did not move away from Spacey nor did he tell Spacey to stop.

"That's an incredibly long time to have a strange man's hands in your pants, correct?" Jackson asked State Police Trooper Gerald F. Donovan, a member of the detective unit at the Cape and Islands District Attorney Office who investigated the case and issued the criminal complaint against Spacey.

"I would agree with that. Yes," Donovan replied.

Unruh's son told investigators, according to their report, that it was tough to move away in the crowded bar. He told investigators that he tried to shift his body away from Spacey and to push away Spacey's hands, but "Spacey kept reaching down his pants."

Jackson also highlighted how investigators were unable to find anyone who witnessed the actual groping. But according to investigators' reports, other people confirmed seeing Spacey and the teenager together at the bar that evening, including one person who said they noticed the teenager at one point turn "pale, blank, a bit frightened."

The charge Spacey faces carries penalties of up to five years in prison or up to 2½ years in jail or a house of correction and a requirement to register as a sex offender, according to court documents.

Spacey faces [numerous other criminal investigations](#) into sexual assault accusations, which began surfacing in the fall of 2017 and prompted his removal from Netflix's "House of Cards."

His role in a Ridley Scott film was also cut.

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