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Judge denies Kevin Spacey's request to skip Nantucket arraignment



BEN STANSALL/AFP/GETTY IMAGES, FILE

Actor Kevin Spacey.

By [Matt Rocheleau](#)

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A Massachusetts judge on Monday denied actor Kevin Spacey's request to skip his upcoming arraignment on a felony charge he faces for allegedly sexually assaulting an 18-year-old man at a Nantucket bar in 2016, court documents show.

Also Monday, a newly released affidavit said the actor planned to plead not guilty to the charge.

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Spacey's arraignment is set for 11 a.m. on Jan. 7 in Nantucket District Court. Defendants are required to appear for court arraignments unless their appearance is waived by a judge, according to Massachusetts court officials.

[RELATED: Kevin Spacey spotted in Baltimore as he awaits Nantucket arraignment](#)

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On Monday, Judge Thomas Barrett denied Spacey's request, according to court documents. Barrett approved a separate request for Spacey to be represented in the case by an out-of-state attorney, Alan Jackson of Los Angeles.

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No further explanation was provided for either of Barrett's rulings.

Spacey had asked in an affidavit "that this court excuse my physical presence at the arraignment as I reside out-of-state and believe that my presence will amplify the negative publicity already generated in connection with this case."

He also wrote: "I wish to enter a plea of not guilty."

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The affidavit accompanied a motion filed by one of Spacey's attorneys, Boston-based lawyer Juliane Balliro, who wrote, "This matter has already generated extraordinary interest from national and local print and television media outlets. The Defendant's attendance at the arraignment will only serve to heighten prejudicial media interest in the case and will increase the risk of contamination of the pool of jurors available for the trial."

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Prosecutors, however, had [pushed back](#) against Spacey's request to avoid showing up in person for his arraignment, asking the judge in the case to deny it. Cape and Islands Assistant District Attorney Michael K. Giardino argued for the prosecution that Spacey's appearance is required under [state rules](#) for criminal case procedure.

Spacey, 59, faces a felony count of indecent assault and battery, which carries penalties of up to five years in prison or up to 2 1/2 years in jail or a house of correction and a requirement to register as a sex offender, according to court documents.

Spacey faces [other criminal investigations](#) into sexual assault accusations, which began surfacing in the fall of 2017 and prompted his removal from the TV show "House of Cards." His role in a Ridley Scott film was also cut.

The Nantucket case first came to light in November 2017 when former Boston news anchor Heather Unruh [publicly accused](#) Spacey of groping her then-18-year-old son at the Club Car bar on the island. On Dec. 24, The Boston Globe first reported Spacey was facing charges. Shortly after, Spacey broke his year-plus Twitter silence by sending out a bizarre, cryptic [video](#) in which he seemed to be portraying Frank Underwood, his character from "House of Cards."

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Spacey and his lawyers have not spoken publicly about the case since the criminal charge was filed, but an [audio recording](#) of a Dec. 20 court hearing provides some insight into how the attorneys plan to defend him.

Also at that hearing, the attorneys tried to rush Spacey's arraignment, asking that it be held that day, but court officials told them no judge was available.

During a subsequent exchange with the clerk as they discussed picking an arraignment date, one of Spacey's attorneys, Jackson of Los Angeles, said of Spacey: "He's available anytime."

Spacey, who has been almost entirely out of the public eye as he has faced sexual misconduct allegations, [made a rare return to public view in Baltimore](#) over the weekend, according to news reports.

A spokeswoman for the Cape and Islands district attorney's office declined comment Monday.

Spacey's attorneys, Unruh, and an attorney representing her family could not immediately be reached for comment Monday afternoon following the judge's ruling.

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