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# Judge orders cellphone of assault accuser be given to Kevin Spacey's lawyers

By [Matt Rocheleau](#) Globe Staff, June 7, 2019, 2:49 p.m.



Kevin Spacey consulted with his lawyer Monday in a Nantucket courtroom. STEVEN SENNE/ASSOCIATED PRESS/ASSOCIATED PRESS

A Nantucket District Court judge Friday ordered the man accusing Kevin Spacey of sexual assault to turn over his cellphone.

Spacey made a [surprise appearance](#) Monday in court, where his lawyers argued they should be allowed to examine the phone to try to extract information [they claim was deleted](#), including text messages they say would have helped Spacey disprove the allegations against him.

Friday's ruling from Judge Thomas S. Barrett orders that the phone be turned over by June 21 by whoever has it — the alleged victim; his mother, former WCVB-TV news anchor Heather Unruh; or the law office of Boston attorney Mitchell Garabedian, who is representing the family on civil matters related to the case, although no civil suit has been filed.

The order says the phone must be given to the desk officer at the State Police Troop D headquarters in Middleborough so the defense team's forensic expert, or his designee, can pick it up.

Barrett's order includes a reminder about previous rulings he made calling for preservation of the phone's contents from the date of the alleged assault, July 7, 2016, through Dec. 31, 2017.

He also ordered prosecutors and defense lawyers to come up with an agreement to limit who can view and share the phone's information.

Cape and Islands First Assistant District Attorney Brian Glenny said in a statement Friday evening: "The office is satisfied with the ruling." Garabedian declined to comment Friday citing the pending case.

Attorneys for Spacey did not respond Friday.

Spacey faces a felony indecent assault and battery charge stemming from a July 2016 encounter with Unruh's son at the island's Club Car bar.

The two-time Oscar winner allegedly plied the man, then 18, with drinks after the teen's shift as a busboy at the bar ended. Spacey then allegedly unzipped the man's pants and fondled him.

Spacey has [pleaded not guilty](#) and his lawyers have denied the allegations as "patently false," [describing](#) the encounter as "mutual and consensual flirtation, nothing more."

Part of Spacey's legal team's strategy has focused on getting copies of [information](#) from the man's [cellphone](#) and the phones of others he contacted.

According to police reports, the alleged victim used his phone to record footage of the incident via Snapchat. The alleged victim also texted and called his then-girlfriend the night of the encounter.

Spacey's Los Angeles-based attorney Alan Jackson said Monday that he believed cellphone records [previously released](#) to him by prosecutors weren't complete or accurate. Jackson said that if he could access the phone, his own forensic expert could potentially resurrect items deleted from it.

The next hearing in the case is set for July 8.

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.

The accusation emerged about a year before the criminal case began. In November 2017, during an [emotional press conference](#), Unruh [publicly accused](#) Spacey of sexually assaulting her son.

The alleged victim, who has a different last name than Unruh, has been named in court records. The Globe does not identify, without their consent, people who allege sexual assault.

Spacey's film career has imploded since the fall of 2017, after [numerous](#) sexual misconduct accusations.

On Christmas Eve 2018, shortly after the Globe [published a story](#) online about the opening of the criminal case against Spacey, he surfaced in a [bizarre YouTube video](#) in which he appeared to assume the character he'd portrayed in the Netflix series "House of Cards."

Spacey was cut from the show's final season amid the wave of accusations.

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