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# Court filing details texts accuser sent during alleged assault by Kevin Spacey in Nantucket bar

By [Matt Rocheleau](#) Globe Staff, June 20, 2019, 8:38 a.m.



Actor Kevin Spacey attended a pretrial hearing on June 3 at Nantucket District Court. AP PHOTO/STEVEN SENNE/ASSOCIATED PRESS

A newly released court filing in the criminal sexual assault case against actor Kevin Spacey shows a string of text messages exchanged between the accuser and his girlfriend during critical moments of his encounter with Spacey.

Spacey faces a felony indecent assault and battery charge stemming from a July 2016 encounter with former WCVB-TV news anchor Heather Unruh's son at Nantucket's Club Car bar.

The two-time Oscar winner allegedly bought the then-18-year-old drinks after his shift as a busboy ended at the bar. Spacey then allegedly unzipped the man's pants and fondled him.

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

The text messages were screenshots taken by the accuser and sent to investigators. The screenshots were attached to a motion by Spacey's lawyers that was filed in March but only recently released.

Spacey's lawyers asked in the motion for access to the accuser's cellphone to see if there were any other messages on it that might help Spacey disprove the allegations.

A judge granted that request earlier this month, ordering the phone be turned over, but in a twist this week, the accuser's lawyer said the device had gone missing.

The message thread cited in the filing, which defense lawyers said appears to start mid-conversation, begins with the man texting his then-girlfriend "like he's hangin around me in the bar. He got my number and asked me to come out with him."

“Are you kidding,” the girlfriend replies, before sending two more messages, “What” — “Sounds like he’s hitting on you....”

“I think he is” — “He’s grabbing my leg and [expletive],” the man texted back.

Later, the man types, “I’m not gay” — “But I think spacey is.”

The girlfriend writes back, “Hahaha” — “Uhg literally so jealous” — “Plz take a selfie with him at some point.”

The man texts back, “No I’m serious no” — “Now” — “He’s totally gay.”

“Wait what...” the girlfriend responds. “For real?”

The man writes back, “He’s grabbed my [expletive] like 8 times” — “He’s pissed I’m texting I” — “I told him I had a gf.”

The girlfriend doesn’t believe him, writing back, “I thought you were serious” — “Taking advantage of my gullible-ness.”

The man replies “No I’m serious” — “He’s gay” — “He pulled my zipper down” — “And he invited me to his house” — “I’ll talk to you later.”

She texts back, “What the [expletive] is happening,” followed by a message containing a trio of [flushed-face emojis](#), then a message saying, “Have fun but not too much fun if you know what I mean.”

The final section of the thread contains 18 consecutive messages, all from the man.

“Jesus Christ he reached down my pants.”

“Help”

“No this is Kevin ducking spacey”

“He’s gay”

“He’s buying me yet another drink”

“Help me”

“He’s gotten me so many”

“I’m drunk”

“Help”

“[Girlfriend’s first name]”

“He grabbed my [expletive]”

“Kevin spacey is gay”

“Check snap”

“Seriously help”

“I’m gonna get the pic”

“I got the autographs and a hell of a stout”

“Story”

“Help me”

None of the messages are time-stamped, except for the third-to-last one, which is stamped, 1:17:56 a.m. on July 8, 2016.

Defense lawyers argued the thread supports their claims Spacey isn't guilty, because the man “continued to accept drinks” from and “engage with” the actor “even after boasting” to his girlfriend that Spacey had touched him.

“Both [the accuser] and [his then-girlfriend] appear to be amused by the story [the accuser] tells, and more importantly, [the accuser] never uses any language to indicate the interaction was unwelcome,” Spacey's lawyers wrote.

The filing did not address the texts sent by the man that appeared to ask for help.

The filing also describes a group text on the night of the incident with six friends, in which the man wrote in a series of texts: “No I'm serious. One sec. I'm calling my mom. I'm serious. I'm dead serious. I swear on everyone. Ask [girlfriend's name]. I'm [not] [expletive] around. I'm drunk but I'm not [expletive] around.”

Spacey's lawyers doubted his friends didn't respond within that thread — and wanted to know what they said. “Clearly, the conversation has been edited,” the lawyers argued.

The lawyers have [focused](#) on getting [information](#) from the accuser's [phone](#) and have alleged exculpatory texts were [deleted](#).

Earlier this month, the judge [approved](#) their request for access to the man's phone to try to extract more information following a court hearing where Spacey made a [surprise appearance](#).

This week, an attorney representing the accuser and his family said they [cannot find the phone](#), prompting the judge to extend the deadline for the phone to be turned over until July 8.

If it's not provided by then, the accuser, Unruh, and their attorney Mitchell Garabedian will have to appear in court to explain. Garabedian declined to comment.

Prosecutors at Cape and Islands District Attorney Michael O'Keefe's office also declined to comment.

"The case will be tried in the courtroom, not the media," O'Keefe spokeswoman Tara Miltimore said in an e-mail.

The defense attorney's document was filed in March, but it and two other filings from that month were only released to the Globe by the Nantucket District Court clerk's office this month.

Court officials didn't reveal that the documents had been filed, despite multiple queries by the Globe.

The Globe inquired about filings in the case after revelations that the clerk's office had delayed for nearly a month in sending a copy of the judge's rulings on several pretrial motions to the prosecution and defense.

Acting Clerk Dolores Bowman said the delays were due to a "miscommunication" and steps have been taken to prevent future mixups.

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