



Bruins 3, Penguins 4, Final

Five of the most dramatic moments in Monday's Kevin Spacey hearing in Nantucket

By [Jaclyn Reiss](#) and [Matt Rocheleau](#) Globe Staff, July 8, 2019, 5:55 p.m.

The Kevin Spacey sexual assault case took a dramatic turn on Monday as the man who accused the actor of groping him testified in a Nantucket courtroom about his missing phone.

The phone, which the man was ordered to turn over and could not produce, has emerged as a key issue in the legal saga.

The hearing played out a bit like a scene made for TV or the movies, as the accuser and his family fielded questions from Spacey's lawyer about the whereabouts of the phone.

Here's a look at five of the most dramatic exchanges of the day.

1) Invoking the Fifth

Watch: Spacey accuser invokes 5th amendment



The accuser, who is the son of former Boston TV anchor Heather Unruh, took the stand to speak about the missing phone, which he was using on the night in question

At first, the accuser — whom the Globe isn't naming because he's an alleged victim of sexual assault — conceded on the stand that some data was missing “due to a variety of circumstances,” adding that “those circumstances were not related to any deletions.”

Asked by Spacey's attorney, Alan Jackson, if Unruh had instructed the accuser to “get rid of” some texts on the phone, the alleged victim said he couldn't remember but he didn't “believe so.”

After a break in the hearing, the accuser invoked his Fifth Amendment right against self-incrimination, refusing to testify about the whereabouts of the phone.

The accuser's decision meant the testimony he gave earlier in Monday's hearing would be stricken, the judge said.

2) The case 'may well be dismissed'

After the accuser invoked the Fifth, Spacey's lawyer called for the case to be dropped, saying that if the alleged victim won't testify in future proceedings, allowing the case to proceed will simply waste the time and money of everyone involved.

"This entire case is completely compromised," Jackson, Spacey's lawyer, said. "This case needs to be dismissed and it needs to be dismissed today."



Alan Jackson, who is Kevin Spacey's lead attorney, arrived at the courthouse on Nantucket on Monday. AFP/GETTY IMAGES

Prosecutor Brian Glenny asked the judge for at least a week so officials in his office can decide whether to proceed with the case. Glenny said prosecutors “certainly have to consider” whether they want to proceed with the case but said they

did not expect to decide Monday.

The judge said that while the case “may well be dismissed,” he cautioned that “it’s not going to be dismissed today.”

Speaking from the bench, the judge also mused aloud that he expected the defense to ask for sanctions to be imposed on the prosecution because the phone is now lost. “I am not saying there are consequences, but there could be,” he said. “We will see what happens.”

3) ‘You keep this up, I’m going to hold you in contempt’

Accuser's father testifies in Spacey hearing, judge threatens to hold him i...



When the accuser’s father took the stand, he got into a combative back and forth with Spacey’s lawyer about what the

father saw on his son's phone, first about defining the dates the phone in question was used.

The contentious verbal sparring at first led Judge Thomas Barrett to intercede politely, asking the father to answer the questions specifically asked by Spacey's lawyer: "Just focus on the question, sir, and we'll move through this examination quickly."

But as the questioning about the phone continued, the father appeared to grow more upset.

"You never looked at any text messages or group chats?" Spacey's lawyer asked.

"I looked at the messages that said, 'Help me,'" the father said pointedly. "Does that help you?"

The judge then intervened again, but the father told him, "I think this has gone way too far."

The judge replied: "Listen. I'll decide that. You answer the question, sir."

When the lawyer started in again, informing the father that he could ask for the question to be repeated if he didn't understand it, the father replied, "I think you've had way too many questions that have gone way too far."

At that point, the judge grew visibly annoyed.

"Sir, listen to me. You keep this up, I'm going to hold you in contempt. This is a criminal proceeding, and you will cooperate, or, as I said, you will be help in contempt."

4) 'I deleted a few things'

Former TV Anchor Heather Unruh Testifies In Kevin Spacey Case Hearing



Monday's hearing came to a head when Unruh was called to the stand. The judge asked if she was comfortable waiving her Fifth Amendment right not to speak. She replied she would still take the stand. When the judge asked again, she paused for a moment before answering, holding back tears: "I have nothing but the truth to tell."

Spacey's lawyer then started in, asking if she ever instructed her son to delete any text messages, or if she had herself — both of which she forcefully denied.

Heather Unruh says she didn't delete or discuss deleting text messages



Unruh said she initially looked through her son's phone after he told her "that he had shot a video of Kevin Spacey sticking his hand inside his pants, so I went looking for that video."

However, the lawyer seemed to imply that Unruh may have deleted content from her son's phone because photos of her son drinking wouldn't be something she wanted law enforcement to see.

"You wanted to make sure that your story, that your son was plied with alcohol by an older man, was believable. These photographs might not play into that story very well, correct?" the lawyer asked.

“No, you’re mistaken,” she responded. “I was a mother looking through her son’s phone for the first time, and I saw a few things that concerned me.”

The line of questioning led Spacey’s lawyer to ask: “How many messages, photographs, videos, Snapchats, whatever, did you delete from the phone before handing it over to [police]?”

“Not a lot,” she replied. “There were just a couple of things that concerned me. . . I had a conversation with him [my son] about it. It was an important teachable moment. I was concerned with the video. I don’t know a mom out there who would not have done the same thing.”

“You mean delete data before handing it over to the police?” the lawyer asked.

“It was not relevant to the case,” Unruh said.

“Well, so says you,” the lawyer said. “You were not the gatekeeper, were you? The police were the gatekeeper. . . you understand that, right?”

“I’m beginning to understand that now,” she replied.

“You don’t get to pick, Ms. Unruh, what’s deleted and not deleted and what the defense sees, do you?” the lawyer asked, his pitch rising.

“Do you think something two years after a sexual assault is relevant to the case?” Unruh replied back.

“I think if the allegations are untrue, every bit of data is relevant,” Spacey’s lawyer said.

“The allegations are not untrue,” Unruh said, to which the lawyer responded, “We’ll see.”

Heather Unruh says she deleted "concerning" material from her son's pho...



At another point in the questioning, Unruh did note, “I deleted a few things,” noting that she did not delete any text messages because she thought they were “incredibly important to the case.”

5) ‘They are pointing fingers at each other’

Spacey’s lawyer noted during the hearing the frustration that his client was feeling at the fact the phone was missing.

Mitchell Garabedian, the accuser's lawyer, [said in court documents last month](#) that Unruh gave the phone to police in December 2017, around when the criminal probe began. He also said that police notes indicated the phone was returned to the alleged victim's father, but the father said "he has no memory of receiving his son's phone from the police."

Likewise, Unruh and her son said they haven't seen the phone since it was provided to police, nor has Garabedian or anyone in his office, the attorney wrote.

On Monday, Spacey's attorney told the judge that the accuser and the prosecution are both avoiding responsibility for the disappearance of the potential evidence — but the cost is borne by Spacey and his effort to vindicate his claims of innocence.

"They are pointing fingers at each other... but guess who loses because of this? — that would be us," Jackson said.

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.

During Monday's hearing, Unruh said she never got the phone back from law enforcement after handing it over, and said she thought the prosecution had it since then.

"In fact, when it was ordered in the court, I sort of chuckled out loud about it and said. 'That's ridiculous, because the prosecution has had it since I turned it over to them.'"

Spacey's lawyer then asked if she had any conversations with her son or the accuser's father about getting rid of the phone, to which she replied: "Absolutely not. No one wants that phone more than we do."

“Well, I beg to differ,” Spacey’s lawyer said.

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