

# Actor Kevin Spacey arraigned on indecent assault charge in Massachusetts

By David Walsh  
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Actor Kevin Spacey was arraigned Monday in Nantucket, Massachusetts on charges of indecent assault in regard to an alleged incident at a local restaurant in July 2016. His lawyers entered a not guilty plea on his behalf.

The highly publicized case was initially launched at a Boston press conference in November 2017. Heather Unruh, a former television news anchor at the city's ABC-affiliated WCVB, accused Spacey of plying her son, an 18-year-old busboy, with alcohol and subsequently groping him at the Club Car restaurant on Nantucket, a small island (population 10,200) about 30 miles off the coast of Cape Cod, Massachusetts.

Spacey's brief courtroom appearance on Monday, during which he hardly spoke, was the occasion for another media frenzy. In news accounts Spacey is now regularly referred to as "the disgraced actor," although he has not been found guilty of any crime. He was fired from *House of Cards*, the Netflix political drama, and his scenes were removed from the already completed *All the Money in the World* (directed by Ridley Scott) amid the initial stages of the #MeToo hysteria in late 2017. Various individuals have charged that Spacey made unwanted sexual advances toward them or otherwise acted inappropriately.

The accuser in the Nantucket case told Massachusetts state police that he met Spacey after his shift ended in the early morning hours of July 7, 2016. In his account of events, according to CBS News, the young man "had at least eight drinks with the actor, with Spacey buying most of them and telling him, 'Let's get drunk.' He said Spacey made a sexual comment to him and later asked the teen to go home with him, but he refused. He told police he felt uncomfortable but lingered because he wanted to take a picture with Spacey for Instagram."

The accuser then said he was groped by the actor for three minutes as he and Spacey stood by a piano. He asserts he then fled the restaurant.

The *Daily Mail* has obtained a defense motion that argues the teenager "claimed he was a 23-year-old student studying business at Wake Forest University [in North Carolina]" after the accuser "sought out a friend for the specific purpose of introducing him to [Spacey]." The motion further claims that the individual "welcomed drinks from [Spacey], let [Spacey] put his arm around him near the piano while they did sing-a-longs and even left the bar to smoke with [Spacey]." This behavior, combined with the fact that the young man gave Spacey his phone number, suggests, according to the actor's defense, "mutual and consensual flirting."

In addition, the motion claims that the young man's girl-friend, who was in communication with him that night, was never told about any assault. Although she "recounted in her statement that [the accuser] appraised her of nearly all of the interactions between the two men during the course of their encounter, [the accuser] never suggested that he had in any way been sexually assaulted," the filing argues.

The defense maintains that the young woman in question was not, in fact, aware of the allegations until Heather Unruh's press conference, some 16 months later. In this regard, the Associated Press noted that Nantucket District Court Judge Thomas Barrett "granted a request by Spacey's lawyers to preserve the victim's cellphone data from the six months following the alleged assault. Spacey's attorney Alan Jackson said there is data that is 'likely exculpatory' for Spacey."

The defense motion indicated the belief of the actor's legal team that the messages will reveal that "the complainant joked about the incident with his friends

for months after the incident, and his mother [Unruh] is a driving force behind the emergence of the allegations.” Spacey’s lawyers claimed police had not collected or preserved the cellphone data.

CBS News reports that the defense lawyers’ motion termed the accuser’s “allegations ‘unsubstantiated and after-the-fact.’ [The investigation did not begin in earnest until the alleged victim spoke with Massachusetts State Police on November 22, 2017, a month after the #MeToo campaign got underway.] They said no witnesses have come forward to corroborate the accuser’s assault claims, despite the crowded bar and publicity surrounding the case. They call the teen’s actions ‘completely inconsistent with a victim of sexual assault,’ saying he didn’t ask Spacey to stop or remove himself from the situation. ‘Instead, according to [the accuser,] his reaction was to text and Snapchat his girlfriend, while [Spacey] was supposedly assaulting him.’” Spacey’s lawyers also argue that a video the alleged victim took “does not show anything that could remotely be described as assaultive behavior.”

At her November 8, 2017 press conference, Heather Unruh asserted that the “climate in this country is changing. There’s a shift.” She went on, “There is less victim-blaming going on now. I was really emboldened by the victims in the Harvey Weinstein case. They were astonishingly brave women and they’ve come out in such large numbers and it sparked a lot of conversation in our house about it being the right time.”

“My son was a starstruck, straight 18-year-old young man who had no idea that the famous actor was an alleged sexual predator or that he was about to become his next victim,” Unruh claimed. “When my son was drunk, Spacey made his move and sexually assaulted him.”

The former television anchor made clear her determination to see Spacey punished for the alleged assault. She said, “I want to see Kevin Spacey go to jail. I want to have the hand of justice come down on him.” Addressing the actor directly, Unruh said, “Shame on you for what you did to my son,” and called him “a sexual predator. Your actions are criminal.”

Around the same time in 2017, a Boston television station reported that “Unruh’s attorney Mitchell

Garabedian said he is conducting his own investigation and trying to identify any witnesses for an upcoming civil suit.” Garabedian, well-known for his role in representing sexual abuse victims in the Boston area during the Catholic priest sexual abuse scandal, told the media that by reporting the alleged sexual assault, “my client is a determined and encouraging voice for those victims not yet ready to report being sexually assaulted. My client is leading by example.”

However, attorney Eric MacLeish, who also famously represented victims of sexual assault by priests in the Boston area, told the *Boston Herald* that Garabedian “made ‘bonehead’ moves by holding press conferences and announcing he would be representing Unruh’s son in civil matters. Spacey’s defense may seize on that to try to paint the accuser in a negative light, MacLeish said, which could reinforce the negative stereotype that many accusers are just out for money. ‘If this case is lost, it can set everyone back years.’”

Spacey’s appearance at his next court date, March 4, has been waived. If found guilty of indecent assault, the actor faces up to five years in prison.

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