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Kevin Spacey's lawyers get expanded access to groping accuser's cellphone data

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Kevin Spacey with his legal team, Nantucket lawyer Juliane Balliro and Los Angeles-based lawyer Alan Jackson during his arraignment on a sexual assault charge at Nantucket District Court on Jan. 7, 2019. (Photo: Pool/Getty Images)

The criminal groping case against Kevin Spacey got underway Monday on Nantucket Island as defense attorneys were granted expanded access to the accuser's cellphone data for 18 months after the night of the alleged assault.

Judge Thomas Barrett approved a defense request to preserve all of the texts, messages, calls and other data on the cellphone concerning the two-time Oscar winner between July 7, 2016, and Dec. 31, 2017, according to a copy of his order emailed to USA TODAY.

When Spacey was arraigned in January, the judge had ordered the defense have access for six months of data, from July 2016 to Jan. 7, 2017.

Spacey was not required to be in Nantucket District Court for the first pretrial hearing in the case but was available by phone.

Spacey, 59, has been charged with one count of felony indecent assault and battery on a then 18-year-old busboy in the bar of a Nantucket, Mass., restaurant, the Club Car, in the summer of 2016.

He pleaded not guilty at his arraignment, and his lawyers described the charge as "patently false."

His lawyers filed motions last week seeking accuser William Little's cellphones and passwords, records of his meetings with his attorney, Mitchell Garabedian, surveillance footage and credit card receipts from other customers in the bar on the night in question, and other records they say they need to defend Spacey.

Spacey's lawyers want to find witnesses who were in the bar that night and remember seeing Spacey and any interaction between him and the accuser, then working as a busboy at the bar.



The Club Car Restaurant on Jan. 7, 2019, in Nantucket, Mass. Kevin Spacey is accused of groping a teenage busboy in the restaurant's bar in 2016. (Photo: Rodrique Ngowi/AP)

Little accused Spacey of getting him drunk and then sticking his hands down Little's pants, groping him for three minutes in a bar thronged with summer revelers.

"Notably, not a single witness from the crowded bar corroborates Mr. Little's claims," the defense motion says. "Testimony of any witnesses concerning the interactions – or lack thereof – between Mr. (Spacey) and Mr. Little that night clearly constitutes relevant and admissible evidence."

The defense wants to recover texts, photographs, Snapchats, calls and messages on the cellphone, because the accuser told police he was texting with his girlfriend during the alleged groping and sent her a video via Snapchat of the alleged assault.

The defense maintains that these records are relevant to whether the accuser fairly communicated lack of consent to Spacey.

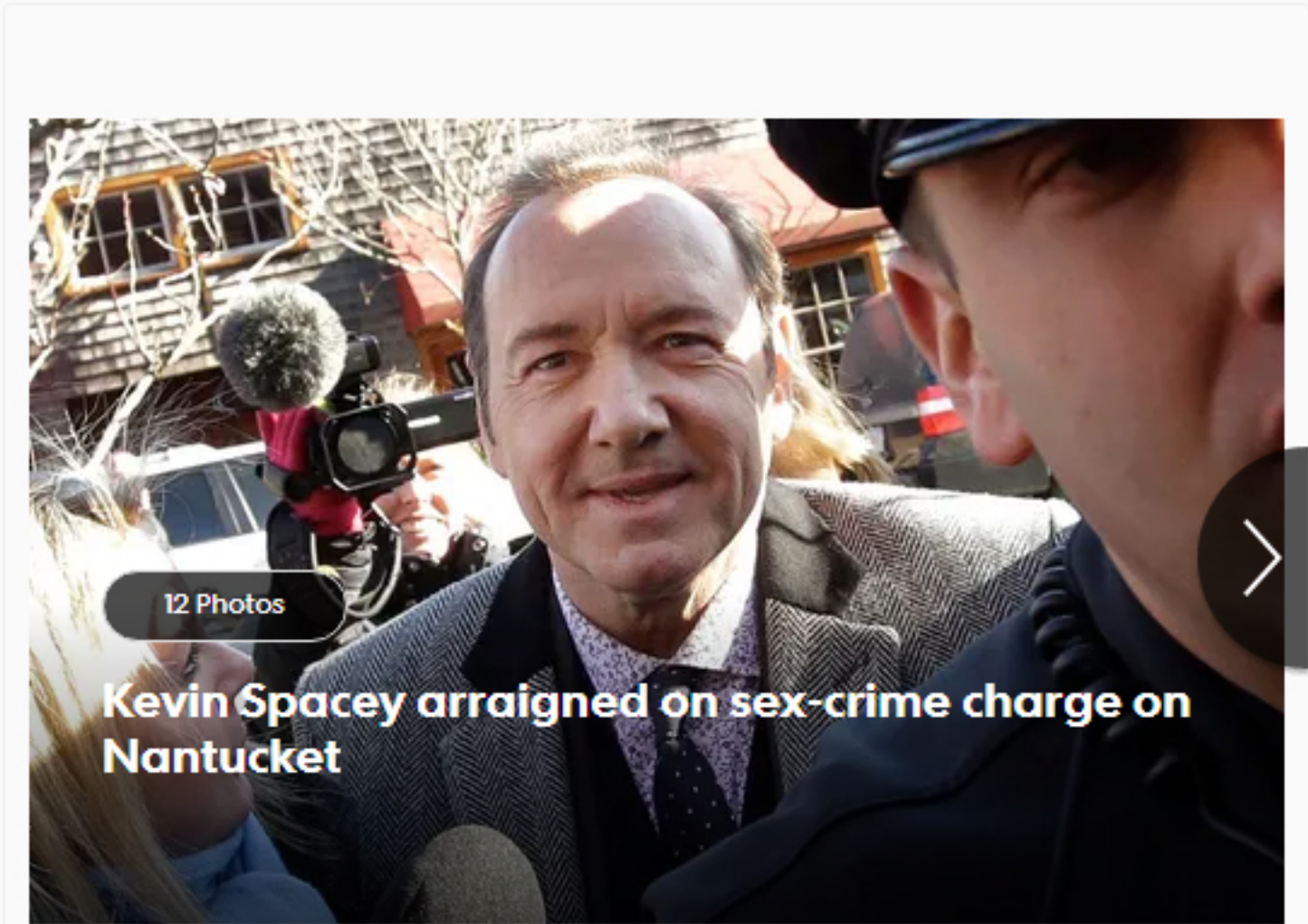
"Additionally, text messages consistent with statements provided to law enforcement are likely to reveal that Mr. Little joked about the incident with friends for months after," the defense motion says.

Spacey was accused of sexually assaulting the teen by his mother, former Boston TV anchor Heather Unruh, when she and Garabedian called a press conference in November 2017 in Boston.

Because Garabedian is a civil attorney who specializes in representing people who say they were sexually abused, Spacey's lawyers believe Little and his family intend to file a civil lawsuit against Spacey. Thus, the defense argues, the accuser has a "substantial financial motivation to falsify his claims."

Unruh's accusations came after multiple men came forward to accuse the Oscar-winning actor of sexual misconduct in episodes dating back decades.

So far, the Nantucket case is the first criminal case brought against Spacey, although he remains under investigation in London and Los Angeles.



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