

# Prosecution evidence completed in Kevin Spacey sexual assault trial in London

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Christine Agnew, the prosecution barrister in the trial of US actor Kevin Spacey on charges of sexual assault, has finished presenting Crown Prosecution Service (CPS) evidence at Southwark Crown Court in London, England. It is a week and a half since Agnew gave her opening statement on June 30 and detailed the charges, later handed out as an information pack to the press.

Spacey denies three counts of indecent assault, seven of sexual assault, one of causing a person to engage in sexual activity without consent and one of causing a person to engage in penetrative sexual activity without consent, which carries a maximum punishment of life imprisonment.

In July 2019 similar charges were dropped in Massachusetts after his accuser refused to testify about missing incriminatory text messages on his cell phone. In October 2022 in New York, a jury acquitted Spacey in a civil lawsuit filed against him by another actor, Anthony Rapp.

The alleged assaults are said to have taken place between 2001 and 2013 and involve four men. They have appeared in court with 13 other witnesses—former girlfriends, friends and family members—brought in by the prosecution to corroborate their accounts.

The court saw a video of each complainant being questioned by the police at the time they first reported their alleged abuse several years ago. They then appeared in person behind a screen, visible only to the judge, barristers and jury, or in a video link. Agnew clarifies a few points in the video, but it is the cross-examination by Spacey's defence lawyer, Patrick Gibbs, that takes up most of the time.

Gibbs highlighted contradictions in the complainants' accounts, confusion in their recall of events now nearly 20 years ago and questioned their motivations. He asked if the complainants felt threatened by

homosexual flirtation and whether, following their encounter with Spacey, they began to question their own sexuality. Wasn't their insistence that Spacey was some sort of evil predator countered by evidence that the complainants enjoyed meeting Spacey, found him engaging and that he paid them attention, something they would not normally expect from celebrities, he asked. Spacey was nicknamed "K-Dog" by one complainant and his friends while drinking with him at a pub.

Gibbs also questioned why some complainants kept mementos such as "one warm and jolly letter" and photos, or continued to use their connection with Spacey to set up new businesses and help network with celebrities.

Due to UK legal restrictions, reporting on the trial is severely limited. Key moments can only be relayed in the most general manner. As a result, the media confines itself to rehashing the defence information pack embellished with a few quotes of the day.

Virtually nothing is mentioned about Gibbs' cross-examination of the witnesses. There are a handful of news items that report the barrister questioning whether it was the #MeToo campaign and the allegations in the US against Spacey that made them go to the police and whether they had attempted to "monetize" their experience by filing a legal claim against Spacey for damages.

Most complainants of sexual offences (including male rape) are guaranteed anonymity by the law, under the Sexual Offences (Amendment) Act 1976, as amended by the Criminal Justice Act 1988, Sexual Offences (Amendment) Act 1992 and Sexual Offences (Amendment) Act 2000. It is illegal to publish the name of an accuser or any information that could be pieced together to reveal their identity through what is

known as jigsaw identification. The accuser's right to anonymity is life-long, even where the allegation is withdrawn or the accused acquitted.

The rationale for granting anonymity to complainants in rape cases was suggested in 1975 by the Heilbron Committee, set up by Labour Party Home Secretary Roy Jenkins to consider reform of rape laws. The committee recommended that the identity of rape complainants be kept secret, and that cross-examination about their sexual history intended to attack their character should be limited. Its recommendations formed the basis of the 1976 Sexual Offences Bill.

During the discussion of the Bill in Parliament, an amendment was made to also give anonymity to the defendant in rape cases to ensure equality between complainants and defendants and to protect potentially innocent defendants from the social stigma of a rape allegation. However, anonymity for defendants was repealed in 1988 on a recommendation of the Criminal Law Revision Committee, which argued that being accused of rape was no different from being accused of other serious crimes and did not warrant special treatment.

In 2021, former British diplomat and whistleblower Craig Murray was sentenced to an eight-month prison sentence in Scotland for "jigsaw identification" of witnesses in a failed sexual assault case against former Scottish National Party (SNP) leader Alex Salmond. Lady Leeona Dorrian, who presided over the Salmond trial and later sentenced Murray, is leading efforts to abolish jury trials in sexual assault cases.

As Murray declared, his imprisonment created the conditions where "no information at all on the defence case may be published in case it contributes to 'jigsaw identification'."

Were jury trials to be replaced, he continued, "conviction will rest purely on the view of the judge..."

"The right to have the facts judged in serious crime allegations by a jury of our peers is a glory of our civilisation. It is the product of millennia, not lightly to be thrown away and replaced by a huge increase in arbitrary state power. That movement is of course fuelled by current fashionable political dogma which is that the victim must always be believed. That claim has morphed from an initial meaning that police and first responders must take accusations seriously, to a dogma that accusation is proof and it is wrong to even question

the evidence, which is of course to deny the very possibility of false accusation."

The universally superficial reporting of the Spacey case in the UK, confined to regurgitation of the charges against him with a routine single line that he denies them, can be contrasted with the coverage of the collapsed trial of William Little which was governed by US reporting laws.

Little accused Spacey of putting his hands down his pants and groping him at the bar where he worked in summer 2016. He was 18 at the time although admitted to telling the actor he was 23. An article by the *Daily Mail*, for example, reports names and details the cross examination. The trial was dismissed after it was revealed that incriminatory texts on Little's phone had been deleted, compromising the entire case when he pleaded the fifth amendment.

Most media reports of Spacey's trial do not even mention the reporting restrictions, the only exception other than the *World Socialist Web Site* being the BBC, which acknowledged, "It means there may be some details we need to leave out from our reporting because of this."

Spacey is due to give evidence in his defence on Thursday and Friday.



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