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# Jameis Winston's Account Is Released, and Lawyers Battle



Florida State's Jameis Winston leaving a conduct hearing over an assault case on Tuesday.

JEFF GAMMONS / GETTY IMAGES

By TOM SPOUSTA

DECEMBER 4, 2014

TALLAHASSEE, Fla. — About 20 minutes before his code of conduct hearing ended Wednesday, Florida State quarterback Jameis Winston stood in the lobby of the Materials Research Building and conferred with one of his legal advisers. The two exchanged a fist bump, and Winston turned and ascended the stairs to the second-floor room where, for the first time, he would give his account of the 2012

incident in which he was accused by a fellow student of sexual assault.

Winston denied raping the woman and gave a detailed, often explicit account of events. Within a couple of hours, his five-page letter — an exhibit in a Title IX proceeding that is supposed to ensure confidentially and legally protect the privacy of students — was released to the news media and quickly posted on the Internet.

The events further escalated animosity between lawyers for both sides on Thursday as Winston and his accuser await the decision of Major B. Harding, the retired Florida Supreme Court chief justice who presided over the two-day hearing.

The Title IX lawyers for the accuser, John Clune and Baine Kerr, were outraged at Winston's lawyer, David Cornwell, for the release of Winston's statement.

“It apparently took about one hour for Mr. Winston and his lawyer to violate Justice Harding's confidentiality instructions by emailing out one of the exhibits to the media,” Clune said in a statement. “Jameis Winston's crude new recollection of events is as disgusting as it is implausible. He just keeps digging himself deeper. For now we will trust in the strength of our client's repeated and consistent interviews.”

Clune, who said he expected Harding to make a ruling in two to three weeks, had been critical of what he saw as stonewalling by Florida State during the past two years, but he praised the fairness shown at the hearing.

“The F.S.U. people running the show at the hearing were professionals and not impressed by Winston's status on campus,” Clune said.

Cornwell was not as generous. After the hearing, he said he was not sure there was “any way to remove the taint in this process.”

“It was clear what this was about, absolutely clear what this was about,” he said. “It is a shakedown.”

Jim Ryan, a Title IX compliance expert and partner with the New York law firm of Cullen and Dykman, said Florida State's handling of the Winston hearing illustrated how universities across the country are trying to adjust to new guidelines on how to conduct investigations of sexual misconduct claims, which the Office of Civil Rights (part of the United States Department of Education) changed dramatically in April.

“It appears that F.S.U. does not have a specific Title IX investigative procedure,” Ryan said. “It is all rolled into the student conduct and policy procedures covering everything from theft to underage drinking to sexual misconduct. That was not uncommon a year ago, but this is an allegation that must now be treated different and treated with much more expertise than someone stealing a laptop or getting into a fight at a pub.”

Ryan said more than 90 institutions are under investigation for mishandling of sexual assaults, with Florida State among them.

“We’re now in this vortex of colleges and universities trying to catch up,” he said. “What is unusual in this case is that it took two years for this hearing to take place. It seems like Florida State is trying to meet their Title IX obligations with this hearing.”

The possible penalties for Winston include reprimand, suspension, or expulsion from Florida State. Harding will decide if Winston is guilty of violating four parts of the university’s code of conduct, two of which involve sexual activity without consent and creating a hostile environment.

Both sides have five days to submit proposed orders, or a summary of what they believe Harding’s ruling should be, to the university. Harding then has 10 days to make his decision and notify Winston and the accuser of it.

Cornwell and Clune have indicated they would appeal, if necessary, a process that most likely would stretch well into January. The national championship game, if the Seminoles make it that far, is Jan. 12.

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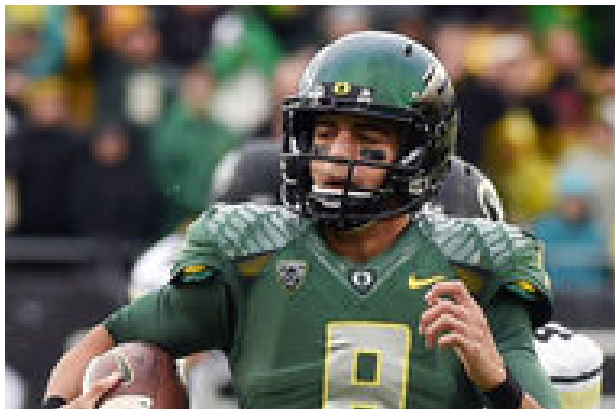
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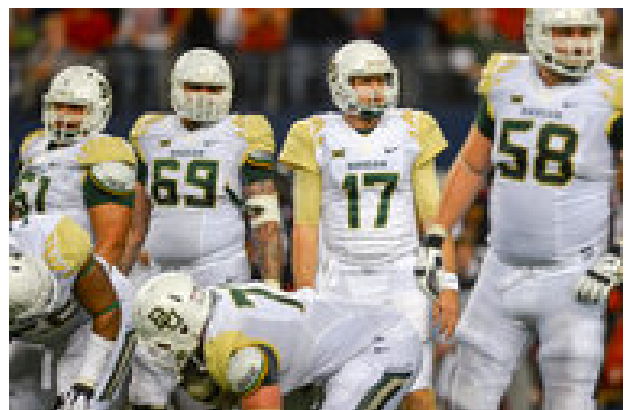
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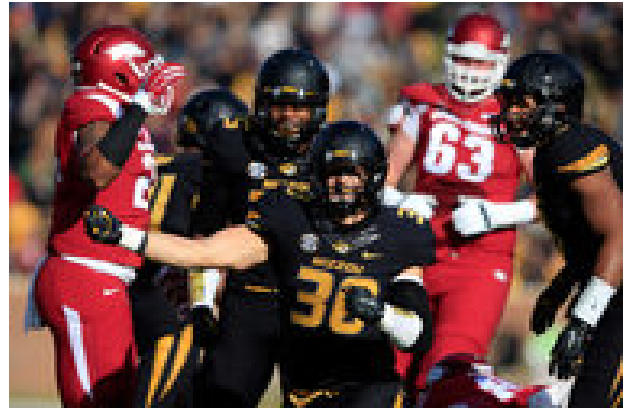
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