

# Punishment said too harsh in LSU video voyeurism case

## LSU video voyeurism called 'college prank'

By Ben wallace

*bwallace@theadvocate.com*

A lawsuit filed Thursday claims LSU is seeking too-harsh of a punishment for an engineering student accused of recording two other students having sex in a dorm room in March, especially given less serious sanctions handed down in the past to star football players convicted of various crimes.

The suit filed in state district court by an attorney for Xavien R. Riascos, the freshman engineering student accused of video voyeurism, contrasts Riascos' recommended suspension of more than three years, with less-severe punishments afforded to athletes such as former standout football players Jeremy Hill, Tyrann Mathieu and Ryan Perrilloux.

The suit also claims Riascos — a dark-skinned man of Puerto Rican descent — is being treated differently than the man he's accused of recording — a white student and resident assistant at the dorm who also is also the son of a political science professor who teaches at the school.

John DiGiulio, an attorney representing Riascos, described the allegations involving his client as "a college prank that has turned into a sex offense."

In the early morning hours of March 23, Riascos, along with fellow 18-year-old student Asa Baker, heard loud noises coming from a dorm room on the sixth floor of Kirby Smith Hall. Baker thought it was "a female in danger," he told police, according to arrest documents.

Riascos and Baker are accused of entering the dorm room through a closed door and finding two people — the resident assistant and a woman — having consensual sexual intercourse.

Baker told police he and Riascos filmed the couple having sex, and that he — not Riascos — later briefly posted the video to Instagram, a photo and video-sharing social networking application.

Baker and Riascos were both later arrested on a felony count each of video voyeurism. Both have since posted bail at the East Baton Rouge Parish Prison and neither man has yet to be charged with a crime by prosecutors.

The suit filed Thursday asked a judge to force LSU to wait to impose any school-related punishments on Riascos until criminal proceedings conclude. It also asked the judge to force LSU to postpone what amounts to an administrative appeal hearing regarding Riascos' status as a student, now set for May 13, until a date when his attorneys can be present.

The request for an injunction further asked the judge to make sure the school resolves the matter in a way that treats Riasco "no differently than other students with far worse offenses."

In a letter to a student advocacy and accountability worker, DiGiulio wrote, "it may not be relevant that Xavien is black and the alleged 'victims' are white, but the severity of the proposed punishment raises a red flag."

He continued, "It also seems to be true that football players are judged by a different standard than those whose enrollment is for academic purposes only."

LSU declined through a spokesman to comment on the allegation of differential treatment for students.

"The matter is in litigation and is being handled by our attorneys," said the spokesman, Ernie Ballard.

Follow Ben Wallace on Twitter @\_BenWallace.

---

Copyright © 2014, Capital City Press LLC • 7290 Bluebonnet Blvd., Baton Rouge, LA 70810 • All Rights Reserved