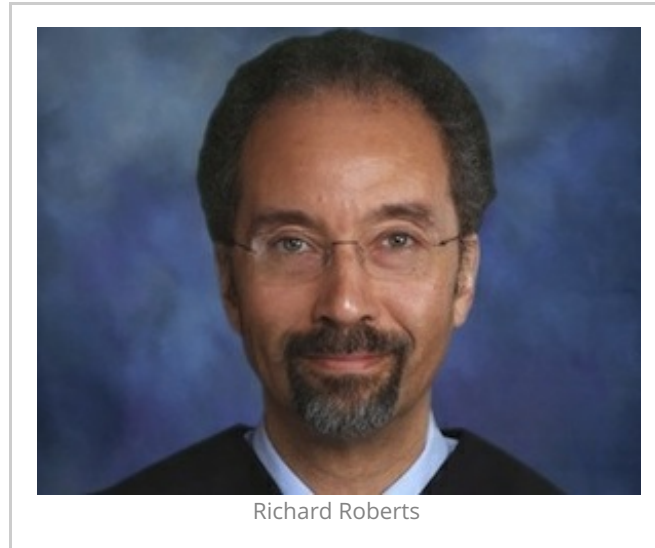


Above the Law

abovethelaw.com/2016/09/a-detailed-dive-into-the-rape-allegations-against-a-former-federal-judge

This past spring, Judge [Richard Roberts](#) retired from his position on the U.S. District Court for the District of Columbia. His retirement, purportedly for health reasons, came after a 51-year-old Utah woman, Terry Elrod Mitchell, alleged that Roberts raped her when he was a 27-year-old federal prosecutor and she was a 16-year-old witness in a case of his. My colleague Joe Patrice wrote a [news story](#) about the allegations, and columnist David Mowry, who served as a law clerk to Judge Roberts, offered some [personal reflections](#).



At the time, we didn't get much information about the underlying allegations. Now we have much more, thanks to a fascinating [Washingtonian magazine story](#) by Marisa Kashino. Her piece contains a great deal of disturbing detail about what allegedly happened all those years ago.

Mitchell's allegations have manifested themselves in the form of a civil lawsuit against former Judge Roberts. She alleges assault, battery, and other torts, and she seeks \$25 million in damages. Kashino [reports](#):

Now, the witness [in the high-profile trial of an racist serial killer], a woman named Terry Mitchell, has filed a civil lawsuit against Roberts that accuses him of raping her. In court filings, Roberts's lawyers at Steptoe & Johnson—including top white-collar defender Reid Weingarten—called Mitchell's allegations “categorically false” and stated that the two had “a brief, consensual intimate relationship after her role in the Franklin trial ended.” Roberts declined to comment for this story; in a statement his lawyers called the relationship “a bad lapse in judgment.” He has not been criminally charged; in Utah at that time, the age of consent was 16.

Mitchell described the tall, handsome, and poised young prosecutor as “dripping with charm” to her 16-year-old self. But she also claimed that their relationship was not consensual:

The alleged assaults began in late January or early February of 1981, according to Mitchell's lawsuit, once Ricky Roberts was stationed in Salt Lake City semi-permanently to focus on trial prep. On the night Mitchell says she was first raped, her mother drove her to the courthouse to go over her testimony. After some discussion of the case, Mitchell alleges Roberts took her out to dinner, where he squeezed in next to her in a small booth and touched her thigh. After the meal, the suit states, Roberts stopped at his hotel before taking Mitchell home. She alleges that she asked to wait in the car, and then the lobby, but that Roberts kept pushing her to come upstairs.

When Roberts "finally had Mitchell in his hotel room, against her will, he locked the door, took off her jacket, began kissing her neck, and said, 'You aren't going anywhere until I get a taste of you,'" the complaint reads.

Mitchell alleges Roberts demanded oral sex, then raped her twice. The suit states the abuse continued like that for several weeks, "nearly every day," with Roberts picking her up from home or the courthouse, taking her to dinner, and then back to his hotel. Roberts, who was not married at the time, characterized the relationship as "an affair," Mitchell's suit states, and said "he could not stop himself because of how attractive [she] was."

These are terrible allegations — made worse by the fact that Mitchell had been sexually assaulted in the past, both by a stranger who raped her for hours and by one of her own relatives. As claimed in Mitchell's complaint:

Roberts "exploited the psychological and emotional vulnerabilities of sixteen-year-old Mitchell who, as Defendant Roberts well knew, had experienced a lifetime of sexual abuse, grooming, violence, and rape," the lawsuit reads. "Defendant Roberts maintained the secrecy of his abuse by using intimidation, deception, artifice, and the coercive, victim-blaming threat to Mitchell that if anyone discovered Defendant Roberts was engaging in sex acts with Mitchell, then a mistrial would occur."

Mitchell's mother, Carolyn Gentry, told Utah investigators in 2014 that she grew suspicious of all the time her daughter was spending with Roberts at dinners and his hotel. "It seemed like right before the trial it was bang, bang, every night she was there," Gentry stated. Mitchell ultimately told her mother that the two were having sex. Gentry—then a single parent working three jobs—didn't interfere. "I think I was intimidated by his position," she told investigators. "You know, you just, someone with authority, you just kind of let things be." (Gentry died in 2015.)

The years passed — and, perhaps surprisingly, Roberts would reach out to Mitchell from time to time. They had a strange phone call in 1985, according to Mitchell, in which Roberts asked her if she ever thought about him and if they

might somehow end up together (she was married to another man and a new mother at the time). They spoke again a few years after Roberts became a judge in 1998, when Roberts allegedly said to Mitchell, "So we're good, right?"

But they were far from "good." In 2014, Mitchell recorded a phone conversation in which Judge Roberts confirmed their sexual relationship (but tried to convince Mitchell that it didn't start until after the verdict in the trial she testified in).