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New lawsuit filed against former federal judge

SALT LAKE CITY -- We're hearing for the first time from a Utah woman who claims she was sexually assaulted decades ago by a federal prosecutor on a high-profile murder case.

Her attorney filed a new lawsuit Friday against the prosecutor, who later went on to become a federal judge.

The alleged abuse happened more than 35 years ago, but Terry Mitchell came forward for the first time earlier this year. She explains why she's seeking justice now.

"I really feel that other survivors need to know that it's OK to tell the truth and not feel like you have to be ashamed of what happened to you," Mitchell said.

In 1980, Terry Mitchell was the key witness in the murder trial of a serial killer. She was jogging along with two friends when those friends were shot and killed at Liberty Park. Joseph Paul Franklin was charged with the murders. During the trial, Mitchell was 16 years old.

Judge Richard Warren Roberts, who was a lawyer at the time, was 27. Mitchell says Roberts took her to a hotel and repeatedly raped her.

"He preyed upon the 16 year old girl, and she was a witness in the very trial that he was prosecuting," said Rocky Anderson, Mitchell's Attorney.

Mitchell says it was out of fear that she kept quiet for decades.

"He said if anyone ever found out what was happening, that there would be a mistrial and Franklin would be allowed to be free and hurt more people, kill more people," Mitchell said.

But when Franklin was executed in 2013, she came forward.

"I don't want other survivors to think that it's the end of the world," Mitchell said.

Roberts retired from the bench in March for unspecified health issues. It was the same day Mitchell filed a \$25 million civil rights lawsuit.

"I think it's absolutely outrageous that Judge Roberts was allowed to retire, supposedly because of some disability that to this day remains undisclosed, and the circumstances are very suspicious," Anderson said.

Anderson voluntarily dismissed their initial complaint made in March and refiled Friday to make sure the case fell under a new, lengthened statute of limitations

"In the last legislative session, the Utah legislature passed a bill that actually allows claims that were previously barred by the statute of limitations to be revived so that victims of child sexual abuse can hold their perpetrators accountable," Anderson said.

That change is bringing new life to the lawsuit.

"We're going to win this case," Anderson said. "We're going to hold Richard Roberts fully accountable, and Terry Mitchell is going to finally feel that she has some semblance of justice."

When the first lawsuit was filed, Roberts attorney's released a statement to the media saying: "Roberts acknowledges that the relationship was indeed a bad lapse in judgment. However the relationship did not occur until after the trial and had no bearing on the outcome of that trial... Roberts intends to challenge these false allegations in court."