

## Lawsuit against ex-judge tests Utah law on sex abuse cases

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SALT LAKE CITY (AP) — In a key test of a state sexual abuse law, the Utah Supreme Court heard arguments Monday in a lawsuit against a former federal judge accused of assaulting a teenage witness when he was a prosecutor handling a white supremacist serial-killer trial.

The law under consideration allows people who say they were sexually abused to sue decades later. It was passed as recognition that it often takes people years to confront what happened.

The lawsuit was filed by a woman who says Richard W. Roberts abused her in 1981.

Richard Roberts, the man Terry Mitchell is suing , argues the state legislature has no right to revive sex abuse cases that expired under statute of limitations . Utah Supreme Court hearing arguments now.

— cristina flores (@Cristina2News) May 14, 2018

Roberts has acknowledged he had sex with the woman when she was 16, but he said it was consensual and began after the trial. His lawyers want the \$25 million lawsuit dismissed, arguing the claims are too old.

The 2016 state law could open up the floodgates on old claims, defense attorney Troy Booher said. "If the Legislature can do this, the Legislature can revive any time-barred complaint in the history of the state."

Lawyers for the woman say it's a narrowly focused law that's similar to those in about five other states.

It allows "an opportunity for victims to find justice," said attorney Rocky Anderson.

Both sides faced questions from the justices considering whether it's constitutional for people to face allegations in court long after they're said to have happened.

Utah Supreme Court about to hear arguments that will impact Terry Mitchell's efforts to sue a ret. fed judge who she says sexually abused her 30 yrs ago when she was 16. Recently-passed Utah law says victims can sue years later. The man Mitchell accuses argues against that law [pic.twitter.com/TA7cLbdA3e](https://pic.twitter.com/TA7cLbdA3e)

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"These are really, really important questions we're being asked," said Justice Thomas Lee. No deadline was set for their decision.

The woman, Terry Mitchell, watched as two of her friends were shot and killed by Joseph Paul Franklin, a white supremacist who targeted the black joggers at random during a cross-country rampage.

Robert, then 27, was a rising star in Washington who was sent to prosecute a civil rights case against Franklin.

Mitchell says the abuse started after he got her alone under the guise of preparing her for testimony.

The Associated Press does not typically name people who say they were sexually assaulted, but Mitchell has said she wants to make the allegations public to prevent such abuse.

She said she suppressed the memories of the abuse for decades, until Roberts emailed her in 2013 about Franklin's execution in Missouri.

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"It took me a long time to process this. I'm still processing this," said Mitchell, who was joined by supporters on the courthouse steps before the hearing. "We have to take this shame and silence and push it away."

Roberts announced his retirement as chief judge for the U.S. District Court for the District of Columbia in 2016, the same day the allegations by [Mitchell](#) [came to light with the lawsuit](#).

Another high-profile case was filed under the same sexual abuse law last week by a woman who says actor Tom Sizemore groped her during the production of a 2003 movie when she was 11. Sizemore denies the allegation.

The state lawmaker who proposed the measure, Republican Rep. Ken Ivory, came to the Utah Supreme Court to hear Mitchell's case argued and choked up with emotion as he spoke about it.

"The science tells us it takes decades for children who have been abused sexually to bring forward those claims," he said. "We hope the justices will see that and uphold the law we passed."