


Utah Supreme Court to decide if woman can proceed with sex abuse lawsuit

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(KUTV) - Terry Mitchell left the Utah Supreme Court Chambers feeling very nervous. The state's highest court will decide whether she can proceed with a lawsuit against a now-retired federal judge who she accused of sexually abusing her over 30 years ago, when she was 16.

Mitchell said the high court's decision will have an impact far beyond her case.

"They could make or break the cases of many people. Not just my case," she said.

Mitchell filed her lawsuit after the Utah legislature passed a law in 2016 that wiped-out the statute of limitations on child sex abuse cases, opening the way for child victims to hold perpetrators accountable many years after the abuse occurred.

The new law states once a victim turns 18, he or she has 35 years to file a lawsuit in civil court.

State Representative Angela Romero, who co-sponsored the legislation and went to court to support Mitchell, said data shows that many victims of child sex abuse stay silent until they reach their 30's and 40's.

Most often she said, it's because the perpetrator is someone the victim knows.

Roberts's attorney, Troy Booher, told the five justices that Utah lawmakers overstepped their authority.

He said allowing people to sue retroactively in child sex abuse cases, would open the floodgates for all kinds of lawsuits in other areas.

Rocky Anderson, attorney for Terry Mitchell, who filed the lawsuit on her behalf, also represented her at the Supreme Court hearing.

He argued that the Utah legislature's ability to make that decision was well-established from the time Utah was a territory.

Anderson said Utah lawmakers have eliminated the statute of limitations one other time: in cases of people harmed by asbestos where the danger of asbestos became known only after people became very sick.

He said sex abuse cases should be treated the same way.

Anderson said the suggestion that allowing victims of sex abuse to sue decades later will open the flood gates for all kinds of lawsuits is an "exaggeration."

Mitchell was 16 in 1981, when she said Richard Roberts, a federal prosecutor from Washington D.C., coerced her into having sex.

At the time, she was the main witness in the trial of Joseph Paul Franklin, who killed her friends Ted Martin and David Fields , because they were black.

Roberts was brought to Utah to prosecute the case, given that Franklin was a high-profile defendant and a racist who'd committed other killings around the country.

Mitchell said Roberts groomed her and convinced her to have sex with him then told her to keep quiet about it because otherwise, it could ruin the case.

Mitchell only came forward recently after she recorded Roberts admitting that they had sex back then.

She took the recording to the Utah Attorney General's office but was disappointed and angered when they didn't question him and decided they couldn't bring him to Utah to face misdemeanor charges.

At the time of the trial, sex with a minor was only a misdemeanor.

Terry Mitchell said no matter what happens at the supreme court, she hopes other victims of sex abuse will come forward and speak out to seek immediate justice against their abusers.

"You are not alone. It's right to seek justice," she said.