

Rantt Exclusive: How Utah's AG Office Failed A Rape Survivor — Twice

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Part Two of Our Investigation into Utah Attorney General Sean Reyes



by: **Kaz Weida** on May 5, 2017



After her case was undermined by the Attorney General's Office, Terry Mitchell decided to seek justice on her own.

In Part 2 of our ongoing investigation into Utah Attorney General Sean Reyes, we examine what happens when the office of Attorney General becomes increasingly focused on politics. While the AG's office seems to be running a successful PR campaign for Sean Reyes, who is

rumored to be Trump's nominee to head the Federal Trade Commission (FTC), decisions about prosecuting crimes can shift towards the political at the expense of justice for victims. **And there's no clearer evidence of the ways in which the Utah AG's office has failed victims of sex crimes than the case of Terry Mitchell.**

In June of 1980, 15 year-old Terry was brutally raped for four hours by local serial rapist Phillip Moore. She bravely helped the police apprehend him, but it proved to be just the beginning of the horrific nightmare that Terry would endure.

Two months later, on August 20th, 1980, Terry was jogging with friends in Liberty Park in downtown Salt Lake City. **Her friends, Ted Fields and David Martin, are gunned down by serial killer Joseph Paul Franklin, killing both black teenagers and spraying Terry with shrapnel.**

Franklin, driven by racist ideology, is the same man who shot Vernon Jordan, Jr. and paralyzed Larry Flint. He murders over 22 people in 12 states before he is finally apprehended in Florida. Terry arrives at her rapist's hearing less than a week later, still bandaged from the wounds she received in the shooting.

By the winter of 1980, Richard Roberts, a young, rising legal star, came to Salt Lake City to prosecute Franklin for civil rights violations in the shooting of Terry's friends. The case had the potential to set an important legal precedent and Roberts was already earning accolades for his unique approach to prosecution.

Almost immediately, Roberts begins interviewing Terry privately, requesting to meet with her while her mother is at work. She is 16, recently traumatized, and very vulnerable. Terry's father had moved to Montana and she cared for three younger sisters while her Mexican American mother worked several jobs to support them. Terry now believes Roberts, who knew about the previous rape she had endured, had her court-appointed social worker dismissed in order to further isolate her.



Throughout January and February of 1981, Terry Mitchell alleges Roberts sexually abused her as the trial preparations continued. He urged her silence, claiming the killer would go free if their relationship were ever discovered. Roberts successfully convicted Franklin that spring and left Utah immediately after the trial. While Terry later comes to realize she was groomed and victimized at the hands of the famous prosecutor, she decides to remain silent to guarantee the killer is served justice.

Justice Denied

On November 20th of 2013, Terry's effort to reconstruct her life and insulate it from her past trauma came tumbling down. Shortly after Franklin's execution, Roberts began to contact Terry via email, sending her the CNN coverage of the execution and commenting that he "wished her peace and comfort". He seemed interested in what she was doing and nostalgic about their relationship.

Roberts, now a Federal Chief Justice in D.C.'s U.S. District Court, has gained notoriety over the years for his handling of several notorious cases, including that of the DC Madam. **When Judge Roberts first reached out to her, Terry reports she experienced migraines, night terrors, and details of the sexual assaults resurfacing.** She turned to Holly Mullen, the executive director of Salt Lake's Rape Recovery Center.

And this is when Terry's opportunity to finally receive justice goes off the rails. It begins with Greg Skordas, a local attorney recommended by Mullen. He served on the advisory board for The Rape Recovery Center, but Terry says he seemed surprisingly unsympathetic.

"He was discouraging, belittling, and degrading. He asked me how much money I was looking to get. He said that Roberts was a good judge and that I should have taken one for the team. At one point, he suggested I take a lie detector test, but I refused because I knew it wouldn't be admissible in court."

-Terry Mitchell, Rantt Interview

In June of 2014, Terry decides to take matters into her own hands. She contacts Judge Roberts via email, and requests that he call her. Within minutes, her phone is ringing and Terry proceeds to record the conversation. Roberts admits to having sex with her in 1980, but remembers the relationship as a consensual one that occurred after the trial. Disturbingly, phone records indicate Roberts placed this call from his judicial chambers.

Evidence in hand, Terry thinks she's finally got her ticket to justice. But after her own lawyer berates her for recording the call, Terry says another lawyer advises her to contact Craig Barlow, a prosecutor at the Utah Attorney General's office. She says Barlow's initial response is to ask much money she's looking to bring in by suing the judge, a motive Terry flatly denies.

Terry says Barlow appears to switch gears at that point, apparently sensing an opportunity. They are alone in the room when, according to Terry, he reaches out, takes her hand, and calls her a “beautiful woman.” Terry insists **Barlow asked her if she enjoyed it and orgasmed while being victimized by Judge Roberts. This line of questioning is considered wildly inappropriate for a prosecutor to ask a victim in any situation.**

Despite Barlow’s questionable behavior, Terry says the prosecutor convinced her that because he has previously prosecuted Warren Jeffs for grooming young girls, he could help gather more evidence to charge Roberts with rape. Terry indicates she requested a victim’s advocate at this meeting, but says Barlow responded they’d have to wait and see how the case proceeded before she’d be assigned anyone from the AG’s office.

This was just the beginning of a long game of cat and mouse that the Utah Attorney General’s office plays with Ms. Mitchell. **In June of 2014, Terry provides the AG’s office with the recorded call of Roberts’ confession and she says the prosecutors seem excited about pursuing the case.** Initially, Terry is updated often, but gradually, that communication slows to a trickle.

By September of 2015, the Utah AG’s office finally seems ready to take action. Spencer Austin and Craig Barlow lay out their plan. While they insist they can only charge Roberts with a misdemeanor due to the age of consent in Utah at the time, he can also be charged with perjury for lying on his official disclosure forms when he became a judge. Terry says at this meeting, the prosecutors indicate they will only need about two more weeks to serve Judge Roberts with papers.

The AG’s office had hired a special investigator, Paul Cassell, to write up a report and Terry says the prosecutors she spoke to indicated they’d be involving Jason Chaffetz and Mike Lee to publicly humiliate the judge before Congress. At this point, Terry’s warning bells begin to ring. **She comments to the Ag’s office that she doesn’t want her case to be used as a politicized weapon. When she clarifies that Clinton and not Obama appointed Roberts, she says the prosecutors seemed visibly shocked and dissatisfied.**

Just a month later, the Utah Attorney General’s Office seemed suddenly disinterested in Ms. Mitchell’s case. They refused her attorney’s requests to see the investigative report created by Cassell, saying there were concerns it might be leaked to Roberts before he could be charged with perjury.

Despite her frequent requests, Terry was never assigned a victims’ advocate, although she did receive some pamphlets in the mail from the AG’s office about three months after meeting with Austin and Barlow. She says she contacted several local victims’ rights organizations at the time, but was told they couldn’t assist her. There were lots of shrugs and excuses about being under the jurisdiction of the AG or that the crimes committed against her happened before victims’ rights were legally established.



“Victims like me are just a tragic backdrop story for fundraising purposes to fill their pockets. Utah nonprofits just recycle victims’ stories for their selfies and the self-congratulatory pats on the back, for knowing us or for spreading awareness about us. Few are helping us.”

- Terry Mitchell, Interview for Rantt

Although discouraged by stonewalling at the AG’s office, Terry doesn’t give up. On March 16, 2016, she and her current attorney, former mayor of Salt Lake City Rocky Anderson, file a civil lawsuit against Judge Roberts. Shockingly, he retires with full disability benefits that same afternoon. **Terry and her attorney learn that not only did the Attorney General’s**

Office share her full report with other prosecutors, judges, and members of Congress under the auspices of pursuing misconduct charges; they also gave it to Judge Roberts.

This provided the judge ample opportunity to set up a disability complaint, file with the court, and arrange his retirement benefits before the suit could be brought against him. Rocky Anderson says Spencer Austin confirmed to him that while the report had not been shared with Terry herself or her attorney, it had been provided to her perpetrator by the AG's office.

Dan Burton, Communications Director for the Utah AG's office, commented that it is standard procedure for their prosecutors to interview the accused and allow them an opportunity to respond to the allegations. On February 24th, 2016 Burton acknowledges the AG's office sent the full report and transcripts to Judge Roberts and his attorney. When Terry Mitchell and her lawyer announced their civil lawsuit against the judge, he'd already had a month to file for disability and prepare to retire from the bench.

"The bottom line is that Terry trusted the AG's Office, provided them with invaluable evidence she obtained on her own, and they neglected to pursue further evidence. Then, directly contrary to Terry's interests in the pursuit of her civil claims, they gave the information to Roberts so he could lawyer up, get his story together so he could claim a disability and retire with full salary the rest of his life. It was all an amazing betrayal by the AG's Office."

- Rocky Anderson, Interview for Rantt

Ms. Mitchell and her attorney continue to push the Utah's AG office about why her information was shared not only with Judge Roberts, but also published on the attorney general's website, complete with the full transcript of her recorded call.

"I NEVER gave my permission for the investigative report and summary to be made public. I feel it was harassment, criminal, retaliatory and cruel and an attempt to humiliate me publicly."

-Terry Mitchell, Interview for Rantt

And so far, there haven't been many answers. GRAMA requests to declassify communication regarding the matter have been denied due to the pending judicial action. Terry and Rocky would like to see Judge Roberts impeached, lose his disability benefits, and be formally charged with misconduct, but it's not clear if or when that will happen. The misconduct proceedings have been up for review in the House Judiciary Committee and the House Government Oversight Committee since early 2016.

“ The AG’s office has been very careful and very concerned about how this case was handled. They did all they could to thoroughly investigate and pursue the matter. The allegations, if true, are terrible.”

-Dan Burton, Director of Communication, Utah Attorney General’s Office

Despite the AG’s refusal to pursue criminal charges, Rocky Anderson firmly believes that under a new statute passed by the Utah legislature in 2016, Terry can still seek justice in the case of Roberts. **The bill, H.B. 279, allows child sexual abuse victims to bring a civil action against an alleged perpetrator even though the statute of limitations has run and provides a window of 35 years after attaining 18 years of age to commence an action.** Terry still falls within that window, as do many other victims of abuse that she’s hoping will be inspired by her story to seek their own justice.

“Please understand I allowed my name and sexual assault complaint to be public because I don’t have anything to be ashamed of. I was a CHILD VICTIM when this happened to me. I wanted the predator held accountable. I wanted to prevent future victims. I wanted other victims to know that they are not alone and that justice is possible.” -Terry Mitchell, Interview for Rantt

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