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AMERICAN HORROR STORY

Serial Killer's Survivor: Prosecutor Raped Me During the Trial

A 16-year-old survivor who witnessed a neo-Nazi sniper's killing spree says she was systematically abused by the man who put him behind bars. Only now has she dared to tell her story.



M.L. NESTEL 03.17.16 6:49 AM ET



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When Terry Mitchell was 16, she says she was given a choice: Keep one of America's most notorious serial killers behind bars, or go public with allegations that she was systemically raped by the star prosecutor in the case and let the neo-Nazi murderer go free.

She chose silence.

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Replay

On Aug. 20, 1980, Joseph Paul Franklin shot and killed Ted Fields and David Martin, two of Mitchell's black friends in Salt Lake City, where they lived. Mitchell, who was then Terry Elrod, was jogging with them and nearly killed as well.

Franklin was later apprehended in Florida and returned to Utah to stand trial for the double murder. In the three years prior to his arrest, he'd roamed the country, killing 11 people and wounding several others, including Urban League President Vernon Jordan Jr. and *Hustler* publisher Larry Flynt Jr., who was paralyzed in his attack. It was all part of Franklin's twisted desire to start a race war after he read Hitler's *Mein Kampf*.

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When Franklin was finally executed in November 2013, Mitchell thought her long nightmare was over. She was wrong.

She was wrong.

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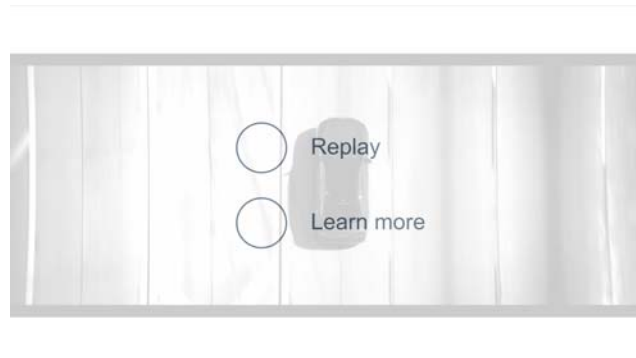
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Richard Warren Roberts, the former federal prosecutor who helped put Franklin behind bars, had come calling.

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And now he was a federal judge.

“I wish you peace and contentment,” Roberts wrote in an email obtained by The Daily Beast. The missive to Mitchell was accompanied by news clippings of the serial killer’s death by lethal injection.

It was a hell of a thing to say for a man who Mitchell accused in a lawsuit filed Wednesday of repeatedly raping her before and during the trial, once growling: “You’re not going anywhere till I taste you.”

The judge’s emails and Franklin’s death “triggered the beginning of the release of Mitchell’s memories of her abuse by Roberts,” the lawsuit claims.

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Mitchell said Roberts had forced her to keep the secret for all these years by threatening that the serial killer’s life sentence would be overturned if it emerged that the prosecutor had a secret “affair” with one of his star witnesses.

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“He told her if she ever told anybody, there would be a mistrial in Joseph Paul Franklin’s case,” Mitchell’s lawyer, Rocky C. Anderson, told The Daily Beast. “He groomed her and then threatened her about what would happen if she made this public.”

Anderson drove home the point that Roberts had immense power over Mitchell given the high-profile case.

“He’s trying the case of the year, the biggest criminal case in the country against the man who is trying to start a race war—the same guy who shot [Larry Flynt](#)—and the prosecutor is engaging in sex with one of the two main eyewitnesses and victims?” Anderson said.

“That would have resulted in a mistrial. It would have been all over with.”

On Tuesday, Roberts—now the Chief Judge for the U.S. District Court for the District of Columbia—suddenly retired, citing unspecified health issues. On Wednesday, he was accused in Mitchell’s \$25 million lawsuit.

Roberts, through his lawyers, responded to the damning lawsuit in a statement that characterizes the now-retired justice’s sexual relationship with the 16-year-old girl in 1981 as merely a “bad lapse in judgment.”

And, according to his attorneys, Roberts didn’t commit any illegal acts because he got his guilty verdict before he got his girl.

“However, the relationship did not occur until after the trial and had no bearing on the outcome of that trial,” the attorneys said in a statement.

Roberts will fight “these false allegations,” the statement continued, stressing that over the past 17 years he’s served with distinction and “always conducted himself with the utmost integrity, honesty, and decency.”

The rhetoric has Mitchell’s lawyer, a former Salt Lake City mayor, seething.

“They’re saying this was somehow consensual. That’s disgraceful,” Anderson said, citing the fact that the alleged perpetrator and his lawyers have been sitting on a report by the Utah attorney general’s office for months while his and his client’s requests to receive it were shot down.

“If they didn’t have this report and this complaint was filed today, they would be putting Bill Clinton to shame for denying any sexual relationship,” Anderson said, referring to the former president’s backfiring denials of his trysts with [White House intern Monica Lewinsky](#).

It took more than a year to complete the 25-page report by University of Utah law professor Paul Cassell, who is also a former Supreme Court clerk, federal prosecutor, and federal judge. In it are transcripts of interviews with Mitchell, her mother, and a confidant.

The report features Roberts himself being recorded by Mitchell during a phone call in 2013.

When Mitchell pressed him on the alleged rapes, Roberts tried to counter her version of events by saying he was “very careful about making sure that ... your testimony happened and nothing, you know, physical went on until after you had finished your testimony.”

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the Department of Justice, had been dispatched to Salt Lake City in 1981 to prosecute the case because Franklin's savagery had crossed state lines.

Roberts used his sway as a federal prosecutor to discover his witness's most intimate thoughts and fears, then used them to accomplish "his multiple rapes, and his sexual and emotional exploitation of Mitchell," the lawsuit says.

"Roberts exploited the psychological and emotional vulnerabilities of a 16-year-old Mitchell, who, as Roberts well knew, had experiences of a lifetime of sexual abuse ..." the lawsuit continues.

Mitchell had been "violently raped" two months before the murders of her friends, "raped and abused by several men, including her mother's stepfather, from the time she was a toddler," and then subjected to the unspeakable torment from experiencing a double murder before her eyes.

"He had her entire file," Anderson said. "He knew all her history, how vulnerable she was."

"Terry's gone through hell in her life. She's also been an incest victim since as young as a toddler," he said.

"Just hell."

Anderson says Roberts groomed Mitchell in his office in the federal courthouse, over a desk featuring "bullet-ridden, bloody, and dead" photos of Mitchell's slain friends.

After one session together, Roberts asked the teenager to dinner.

Mitchell, who had come from humble means, had never been to a restaurant "unless she and her family worked there," the papers say. She accepted the prosecutor's invitation.

While nooked in a small booth, Roberts, according to the lawsuit, "placed his hand on Mitchell's thigh toward the end of dinner."

Mitchell says she asked to be driven home, but Roberts said he had to "stop by his hotel first"—the Shiloh Inn, which is now closed—before shouting, "Terry, get out of the car. Now!"

Mitchell did as she was told and Roberts allegedly refused her subsequent requests to take a bus, or sit in the car, or the lobby, or even the hallway.

Then the door to his hotel swung open. She went inside and "Roberts 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.'"

Roberts allegedly didn't stop when Mitchell protested that she was "not ready for this," the papers say, and instead "performed oral sex on her and demanded she perform oral sex on him.

"He then raped her twice," the lawsuit claims.

Each day, Mitchell's mom hand-delivered her daughter to an alleged sexual predator who was using his criminal justice career as a front. The alleged rapes became more routine, "almost like dates," Anderson said, with Roberts dining with and then taking Mitchell back to the same hotel for sex.

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At the motel, Roberts would supposedly watch himself on local news broadcasts—while he was having sex with Mitchell.

The prosecutor “would often angle the mirror so he could watch himself having sex and watch himself being interviewed about the trial at the same time,” the lawsuit says.

As a meticulous, detail-oriented prosecutor, Roberts chronicled his “affair” with a Polaroid camera, the lawsuit claims. “[He] took photos of Mitchell, clothed and naked.” He apparently kept the nude pics and offered his victim the shots of her clothed. Her lawyer insists those Polaroids are likely lost.

“She can’t find the Polaroids of her with clothing and I doubt he’ll show the ones he took with her naked,” Anderson said.

Despite all of this and being called “sniper girl” and a “nigger-loving whore,” Mitchell courageously took the stand on Sept. 8, 1981 and testified that she was jogging with Martin and Fields (and Karma Ingersoll, who was also white and survived) when Franklin opened fire.

“There was blood all over,” she told the jury. “Ted kept saying, ‘Run, Terry!’”

When she turned to look at Martin, she realized he’d been hit.

“I looked at Dave and he looked like he hurt so bad he could hardly talk. He said, ‘Oh, my God! They got me.’ Then he stumbled on one leg and Ted caught him as he was falling. It seemed like shots were being fired through the whole thing,” she said.

Mitchell told the jury that she thought Franklin’s gunshots were meant for her at first.

“About a month earlier, I was raped by a man in a blue Camaro,” she said, adding that she was scheduled to testify against that man when Martin and Fields were killed right next to her.

Thirty-five years later, Mitchell said the emails sent by Roberts sent her into a downward spiral. The papers paint a bleak picture of Mitchell’s daily life, loaded with a laundry list of night terrors, cluster migraines, and “difficulties with comprehension” (such as short, periodic difficulties in understanding what people are saying) among other ailments.

Whatever legacy the 63-year-old former federal judge left on the bench for trying cases, his name is tarnished but his accuser isn’t broken.

Far from it.

“She’s as solid of a human being I’ve ever met,” Anderson said. “She’s courageous, she’s articulate, principled, and she’s dead set on making sure he’s held fully accountable.”

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