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SALT LAKE CITY, Utah (News4Utah) - Terry Mitchell's lawsuit against former prosecutor turned federal judge Richard Roberts has found its way into the Utah Supreme Court, with justices weighing whether she can still pursue her case despite it being decades old.

Mitchell witnessed the murders of her two friends at the hands of Joseph Paul Franklin, who gunned them down in 1980. Mitchell was only 16 years old when she testified in Franklin's trial. Roberts was then a 27-year-old prosecutor. Mitchell claims Roberts raped her multiple times during the course of the trial.

Mitchell said she repressed the memory for decades. She came forward in 2013 after Franklin was executed for the murders. Roberts had already become a federal judge, but retired after the allegations surfaced.

Her action against Roberts, who filed a motion to dismiss, has reached the Utah Supreme Court. Based on a statute passed by the legislature and proposed by Rep. Ken Ivory (R-West Jordan), Mitchell is now asking the court to allow her to pursue her case. When she came forward, the statute of limitations for what happened to her had long passed. Under Utah law today, victims of child sexual abuse can pursue a case against their alleged perpetrator up to 35 years after their 18th birthday.

Mitchell, 52, and her attorney Rocky Anderson are arguing the new statute of limitations should apply retroactively to her case - and potentially thousands of others in Utah.

Roberts' attorney Troy Booher argued Monday before the Utah Supreme Court several previous cases don't allow for certain statutes to be enforced retroactively.

"This court has said over and over again that a substantive statute that does not say expressly that it's retroactive, will not be applied retroactively," Booher argued.

Justice Thomas Lee said the court had the obligation to find legislative intent, or find out if legislators meant for older child sex abuse cases to be applied to the new statute of limitations. The code does say cases that have not been

litigated may come forward, but the court is trying to determine whether that includes cases brought before July 1, 2016.

Anderson argued the applying statutes retroactively has more than a century of precedence in Utah, and that nothing in the Utah constitution prohibits retroactive application of the statute.

The justices did not make a ruling on the matter Monday.

Outside the Matheson courthouse prior to Monday's hearing, friends, family and other survivors rallied around Mitchell, who wore a photo of her late mother - herself a victim of child sex abuse.

"This is for all of us in Utah, because all of us are affected by this type of crime," Mitchell said.