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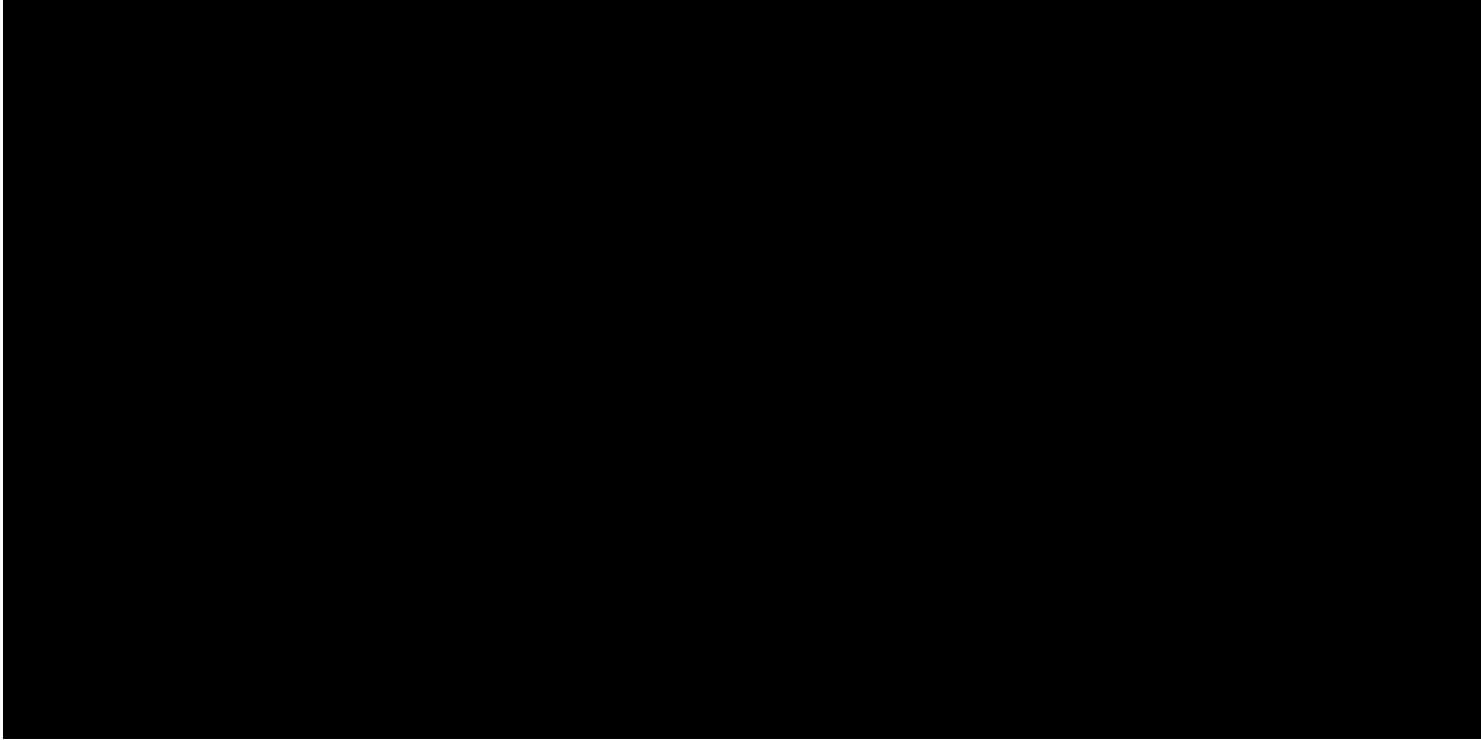
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Federal judge retires on same day Utah woman files sexual abuse lawsuit

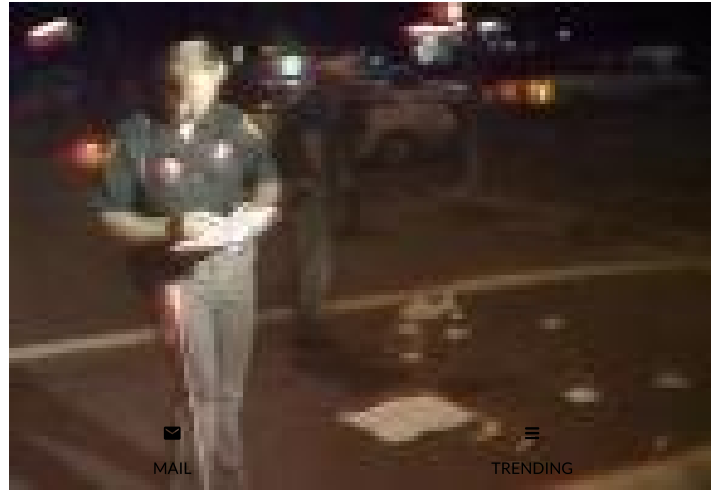
by Cristina Flores
Wednesday, March 16th 2016



Federal judge retires on same day Utah woman files sexual abuse lawsuit



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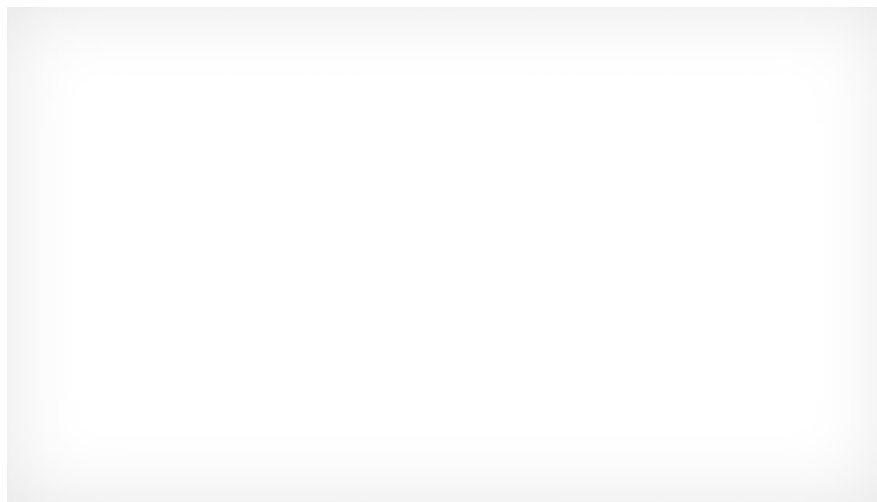


Salt Lake City – (KUTV) Richard Roberts, a federal judge in Washington D.C., retired on the same day Utah resident Terry Mitchell filed a civil lawsuit alleging Roberts sexually abused her, over thirty years ago, when she was

16-years-old.

The retirement was reported by The Washington Post. The lawsuit was filed hours earlier by Mitchell's attorney, Rocky Anderson, former mayor of Salt Lake.

Anderson said Mitchell first went to the Utah Attorney General's Office about a year ago with evidence of the alleged sex abuse. When the AG decided not to prosecute Roberts, she went to Anderson to file the civil suit.



"She certainly feels they failed her," said Anderson.

Mitchell was 16 in 1981, when Roberts, a federal prosecutor at the time, came to Utah to prosecute Joseph Paul Franklin, accused of shooting and killing David Martin and Ted Fields. Mitchell, who was friends of the victims, witnessed the killings.

She claims that while Roberts was preparing her to testify at trial, he groomed her and eventually coerced her into having sex with him on multiple occasions. She stayed silent about the sex abuse because Roberts told her if she went public, it could lead to a mistrial in the case.

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Anderson said his client has been traumatized for years over the alleged abuse. Recently, she called Roberts and secretly recorded their conversation in which he admits that he had sex with her. Mitchell took that recording to

the Utah Attorney General's office.

A transcript of the phone conversation shows Roberts told Mitchell that he tried to ensure they didn't have sex until after the trial was over. Mitchell's alleges the abuse happened during the course of the trial.

Spencer Austin, Deputy Utah Attorney General, said while the phone recording is good evidence that shows a crime occurred, prosecutors declined to file charges against Roberts because in 1981, sex with a 16 year-old was a misdemeanor. The law, he said, focused on consent.

Austin said the AG hired an independent advisor - former federal judge and now University of Utah law professor Paul Cassell - to review the case and make a report and recommendations. There was not a reasonable likelihood of achieving a conviction. Plus, there was no legal way to force Roberts back to Utah to face a misdemeanor charge.

Austin said today, the allegations would have led to felony charges and allowed prosecutors to extradite Roberts to Utah.

"If it had been a felony we could have filed and indeed we would have filed," said Austin, adding that the AG's office did everything possible to consider charges.

Anderson is troubled by the fact that the Attorney General's Office gave copies of the report, which included the transcript of the secretly-recorded phone conversation, to Roberts' attorney, members of congress and local prosecutors before the victim ever received it.

He also feels the Attorney General's Office should not have tipped-off Roberts about the phone conversation and instead could have had Mitchell call him again and get more evidence to support a felony charge.

"It almost seems like they are on the side of the perpetrator," said Anderson.

The civil lawsuit seeks \$15 million in damages for Mitchell, as well as \$10 million in punitive damages.

"Predators and their lawyers must stop further victimizing their targets - especially young girls - by trying to minimize sexual abuse as having been consensual," said Anderson.

Rep. Jason Chaffetz of Utah **released this statement** (<https://oversight.house.gov/release/chaffetz-statement-on->

[allegations-of-misconduct-by-federal-judge/](#)) regarding the allegation against Roberts:

Our initial review of the allegations has caused alarm and distress over their serious nature. The Utah Attorney General recently made the Committee aware of credible evidence of misconduct by a U.S. District Court Judge. The matter dates back to 1981 when, as a DOJ prosecutor, the Judge is alleged to have engaged in inappropriate behavior with a 16-year-old female witness. We will work with the House and Senate Judiciary Committees to determine next best steps to ensure justice is served.

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