

Utahn says judge raped her while prosecuting 1981 murder trial in which she was key witness

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Woman claims man who went on to be a judge raped her in 1981



SALT LAKE CITY -- A federal Judge with Utah ties retired Wednesday after being named in a civil lawsuit alleging that he repeatedly raped a Utah teenager 35 years ago while she was a witness in a trial he was prosecuting.

The judge, Richard Warren Roberts, was a lawyer at the time. The alleged victim, Terry Mitchell, was the key witnesses in the murder trial of a serial killer Roberts was prosecuting.

"This has been more difficult than anybody can imagine for Terry Mitchell," said Mitchell's attorney, Rocky Anderson.

In 1980, Mitchell saw two black friends get shot and killed at Liberty Park. Joseph Paul Franklin was charged with the murders. During that time, Roberts, who was 27, was the federal prosecutor in the case, while Mitchell, who was 16, was the key witness.

According to the Utah Attorney General's report:

"Mr. Roberts did indeed engage in sexual relations with Ms. Jackson-Mitchell on multiple occasions under the guise of 'witness preparation.'"

“Confused, vulnerable, frightened, and then she is forced into sex,” Anderson added. “And he tells her that you can’t tell anybody because if you do, there will be a mistrial and Joseph Paul Franklin will walk free. She knows he’ll kill again.”

So for more than three decades, Mitchell kept silent. Then in 2013, Franklin was executed. Roberts began contacting Mitchell, and she recorded a phone conversation between them. Mitchell gave that recording to the Utah Attorney General’s Office.

“Judge Roberts admits that the relationship occurs, he disagrees with Terry on the timing of it, but he does admit that it happened during the federal trial,” said Chief Deputy Spencer Austin of the Utah Attorney General’s Office.

The Utah Attorney General's office says at the time of the alleged crimes it was only considered a class b misdemeanor. The law doesn't allow people to be extradited for misdemeanor offenses, and Roberts was the U.S. District Court Judge for the District of Columbia.

“The decision was made not to file any criminal charges, but that did not end the inquiry, we felt that we had ethical and administrative obligations to report the conduct as we saw it,” Anderson said.

Roberts could still pay in other ways. Mitchell is seeking \$15 million in damages in the civil suit against him.

“She just wants justice, she wants accountability,” Anderson said. “But she doesn’t want a perpetrator like this to ever get away with it again.”

Mitchell remains a Utah resident, where she works as a real-estate agent.

The House Oversight and Government Reform Committee oversees federal judges. Chairman Jason Chaffetz issued this statement.

“Our initial review of the allegations has caused alarm and distress over their serious nature...We will work with the House and Senate Judiciary Committees to determine next best steps to ensure justice is served.”