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Chief DC District Judge Sued For Rape, Abruptly Retires

By **Kat Greene**

Law360, Los Angeles (March 17, 2016, 12:02 AM ET) -- Chief D.C. federal district Judge Richard W. Roberts abruptly retired Wednesday, the same day a Utah woman lodged a lawsuit alleging he raped her when she was a 16-year-old murder witness during his time as a federal prosecutor. Terry Mitchell said Roberts — then a 27-year-old prosecutor in the [U.S. Department of Justice](#)'s civil rights division handling the case against a killer trying to start a race war in Salt Lake City — brought her to a hotel room amid protestations and had sex with her, repeating his assaults over the course of several weeks, according to a complaint in Utah federal court.

Utah's attorney general released a report Wednesday penned by retired federal Judge Paul G. Cassell who concluded that, while there wasn't enough evidence to support a claim the sex wasn't consensual, there was plenty to "take further steps" regarding Roberts' relationship with Mitchell, finding it was likely that Roberts did have sex with Mitchell during the trial.

But Mitchell claimed in her suit that the trysts, arranged under the guise that Roberts was preparing her as a witness for trial, weren't consensual.

"Roberts intimidated, coerced and manipulated Mitchell to have sexual intercourse nearly every day for several weeks," she said in the suit. "Defendant Roberts did not use violence or a deadly weapon. ... Instead, defendant Roberts exploited the psychological and emotional vulnerabilities of a 16-year-old Mitchell."

Roberts retired abruptly Wednesday, citing "medical advice," according to a letter to the president posted online by the National Law Journal.

In a statement provided by Roberts' attorneys at [Steptoe & Johnson LLP](#), Roberts acknowledged that he had an "intimate relationship" with Mitchell, but claimed it was consensual and happened after the 1981 trial.

“Roberts acknowledges that the relationship was indeed a bad lapse in judgment,” the attorneys said. “Roberts has always had nothing but respect and admiration for Ms. Mitchell. Roberts and Ms. Mitchell have stayed in touch over the years, and their contacts have always been warm, caring and friendly, which makes these new, false allegations all the more puzzling and disappointing.”

In August 1980, Mitchell had been walking and jogging with her friends Karma Jones, Ted Fields and David Martin when Joseph Paul Franklin, who murdered more than 20 people with the aim of starting a race war, shot Fields and Martin, who were African-American.

According to Mitchell, Roberts used her vulnerability as a victim of that crime and other information he had about her, including that she had recently been violently raped in another incident, to earn her trust while working as a junior prosecutor during the 1981 trial.

Over the course of several weeks beginning at the end of January 1981, Roberts took her to his hotel room and repeatedly had sex with her, taking pictures of her naked and telling her he couldn't help himself because of her looks, she said.

He would angle the mirrors in the room so he could watch himself have sex with her while simultaneously watching himself being interviewed on television news reports about the high-profile trial, she said.

“It was all very creepy and disturbing to Mitchell,” she said in the suit.

Mitchell says Roberts told her that Franklin would get a mistrial if she revealed the assaults.

She said she repressed the memory of the assaults until she heard from him hours after Franklin — the man who'd shot her friends — was executed in November 2013, according to the suit.

Cassell's report, dated in August, included corroboration from Mitchell's mother and another witness in Franklin's trial, Karma Jones, that the two had an inappropriate relationship during the trial.

Jones told investigators that she kept expecting to be called in to be prepared for her testimony like Mitchell had been, but it never happened. She said Mitchell and Roberts were acting like girlfriend and boyfriend, according to the report.

Mitchell's mother told investigators she thought it was strange that Roberts was having her drop her daughter off at his hotel, but said at the time she'd trusted him when he said the two were getting together over dinner to do witness preparation.

Among the evidence in the report is a recorded phone call in which Roberts acknowledged the physical relationship with Mitchell, but said he'd made sure he didn't have sex with her until after she'd testified.

Cassell concluded in the report that in 1981, it would have been a class B misdemeanor for the 27-year-old Roberts to have consensual sex with the 16-year-old Mitchell, punishable by up to six months in jail. It would have violated a slew of ethics rules for a prosecutor to have sex with a witness, the report noted.

Cassell recommended turning over the information uncovered in the investigation to the U.S. District Court for the District of Utah and the DOJ so they can make their own determinations about whether Roberts violated ethics rules.

Law360 doesn't ordinarily name people who claim they were sexually assaulted, but an attorney for Mitchell said she wants to make her claims public.

Mitchell is represented by Ross C. Anderson of [Lewis Hansen Pleshe Flanders LLC](#).

Roberts is represented by Reid H. Weingarten, Jason M. Weinstein and Brian M. Heberlig of Steptoe & Johnson LLP.

The case is Terry Mitchell v. Richard Warren Roberts, case number [2:16-cv-00218](#), in the U.S. District Court for the District of Utah.

--Editing by Philip Shea.



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