

ATTORNEY-CLIENT PROTECTED COMMUNICATION

RECOMMENDATIONS FOLLOWING COMPLETED INVESTIGATION OF CITIZEN  
REPORT REGARDING ALLEGED UNLAWFUL CONDUCT OF RICHARD ROBERTS IN  
CONNECTION WITH THE 1981 PROSECUTION OF JOSEPH PAUL FRANKLIN

TO

HONORABLE SEAN REYES  
UTAH ATTORNEY GENERAL

FROM

PAUL G. CASSELL, ESQ.

ON

AUGUST 12, 2015

SALT LAKE CITY, UTAH

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## EXECUTIVE SUMMARY

As you know, your Office has asked me to provide a review of the facts surrounding possible misconduct by federal prosecutor Richard Roberts while he prosecuted Joseph Paul Franklin for federal civil rights violations committed in Salt Lake City. A witness during the 1981 trial – Ms. Terry Jackson-Mitchell – has reported that Mr. Roberts had sexual relations with her during the trial while she was only sixteen years old. This information was not provided to Franklin’s defense team.

If these allegations are true, Mr. Roberts’ actions raise possible criminal, ethical, and constitutional issues. Acting as a federal prosecutor for the Civil Rights Division of the U.S. Department of Justice, Mr. Roberts successfully obtained a federal civil rights conviction against Franklin for the murder of two young African-American men in Salt Lake City. (Later the Salt Lake District Attorney’s Office convicted Franklin on two counts of murder, although Mr. Roberts did not participate in that prosecution.) Having sexual relations with a witness during a criminal case would appear to be highly inappropriate.

In this report, I review the facts surrounding the allegations. A thorough investigation by your Office has collected significant evidence that Mr. Roberts did indeed engage in sexual relations with Ms. Jackson-Mitchell on multiple occasions under the guise of “witness preparation.” These events are firmly established not only by Ms. Jackson-Mitchell’s own report, but also a recorded telephone call between her and Mr. Roberts. Additional witnesses provide generally corroborative information.

Turning to the implications of these facts, it does not appear that Mr. Roberts broke any criminal laws through his actions. Ms. Jackson-Mitchell was sixteen years old at the time. Under Utah laws as they existed in 1981, she was old enough to be able to consent to the sexual relations. And while Ms. Jackson-Mitchell has alleged some coercion to force her to participate in these sexual relations on the first occasion, it does not appear that these allegations are strong enough to support a criminal prosecution. Accordingly, I recommend that your Office not devote further resources to determining whether to file charges.

I do, however, recommend that Office take further steps with regard to the ethical implications of Mr. Roberts’ actions. As a federal prosecutor appearing before the U.S. District Court for the District of Utah, Mr. Roberts was required to follow the rules of legal ethics for attorneys appearing before that court. Unsurprisingly, the rules of ethics do not permit a prosecutor in a criminal case to have sexual relations with a witness and then ask her questions during that criminal case. Such actions are fraught with the potential for witness bias. I recommend that the Attorney General’s Office turn over the information in this report to the U.S. District Court for the District of Utah so that it can make its own determination as to how to proceed with regard to Mr. Roberts’ possible violations of the rules of ethics.

Mr. Roberts was also an employee of the Civil Rights Division of the U.S. Department of Justice during the federal prosecution. That Justice Department has its own codes of conduct for federal employees, including a requirement that prosecutors “[c]onduct themselves in a manner that creates and maintains respect for the Department of Justice and the U.S. Government.” It appears that Mr. Roberts’ actions violated these and similar Justice Department rules of conduct.

I recommend that the Attorney General's Office provide the information in this report to the Justice Department's Office of Professional Conduct (OPR) so that it can make a determination as to how best to proceed to enforce its standards of conduct.

In addition, Mr. Roberts' actions raise questions in light of the constitutional obligations of prosecutors to disclose exculpatory or impeaching evidence that might be useful to the defense. Evidence that Ms. Jackson-Mitchell was having a sexual relationship with a federal prosecutor while she was testifying for the prosecution could have been used to impeach her. Mr. Roberts did not disclose this information to the defense. Accordingly, it appears that he may have violated the constitutional disclosure obligations. While Franklin is now dead,<sup>1</sup> court cases describe the constitutional requirement to provide impeaching information to the defense as "ongoing." Accordingly, I recommend that the Attorney General's Office provide the information in this Report to the U.S. Department of Justice (both its local U.S. Attorney's Office and its Civil Rights Division) and to the Salt Lake District Attorney's Office, so that they may review the information and determine what (if any) additional disclosure obligations they may have to Franklin's estate or to his defense attorneys.

Finally, because Mr. Roberts is currently a sitting federal judge, it is possible that his actions (and apparent failure to disclose these actions earlier) may have implications for his judicial nomination process and subsequent congressional oversight. Accordingly, I recommend that the Attorney General's Office provide information regarding Mr. Roberts' actions to appropriate members of the Senate and House Judiciary Committees.

Before turning to the details, I want to emphasize that nothing I have seen raises any doubt about Franklin's guilt in committing two premeditated, race-based murders in Salt Lake City. But Franklin's guilt of terrible crimes does not justify Mr. Roberts' apparently unethical behavior and failure to disclose his sexual relationship with a witness in the case he was handling.

## I. FACTS

This matter was ably investigated by two special agents in the Attorney General's Office: Senior Special Agent Steve Sperry and Special Agent Tina Minchey. What follows is a summary of the information that they collected in the fall of 2014 and the winter of 2015.

Mr. Roberts called Ms. Jackson-Mitchell as a witness in the 1981 federal civil rights trial of Joseph Paul Franklin. The tragic facts that brought the matter to trial are well-known. On August 20, 1980, Ms. Jackson-Mitchell and Ms. Karma Jones (a/k/a Ingersoll) were jogging with two young African-American men – Ted Fields and David Martin – at Liberty Park in Salt Lake City. A sniper shot and killed the two men. After investigation by state and federal authorities, Joseph Paul Franklin was charged in Utah state court with the murders and in the Utah federal court with federal civil rights violations.

The federal civil rights case proceeded to trial first, in February 1981 for about one week. Two prosecutors took the lead on the federal case: Richard Roberts from the Civil Rights Division

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<sup>1</sup> In 2013, Franklin was executed in Missouri for a hate crime murder unrelated to his murders in Salt Lake city.

of the U.S. Department of Justice (based in Washington, D.C.), and Assistant U.S. Attorney Steve Snarr from the U.S. Attorney's Office in Utah. Ms. Jackson-Mitchell and Ms. Jones were both witnesses against Franklin, testifying for the prosecution about the deaths of their two friends. Franklin was convicted of the civil rights violations. Later, state prosecutors convicted Franklin of the murders.

The matter of possible misconduct first came to the attention of the Attorney General's Office in around July 2014, when attorney Ron Yengich contacted Assistant Attorney General (AAG) Craig Barlow on behalf of Ms. Jackson-Mitchell. Mr. Yengich asked AAG Barlow to meet with Ms. Jackson-Mitchell about something that happened during the time of the federal civil rights trial against Franklin. Ms. Jackson-Mitchell had contacted Mr. Yengich because her father was a member of the Barons Motorcycle Club that Mr. Yengich had previously represented.

AAG Barlow then called Ms. Jackson-Mitchell, who related that during the civil rights trial of Franklin, she had sexual relations with the prosecutor from Washington, D.C., Mr. Roberts. At the time, Ms. Jackson-Mitchell was sixteen years old. AAG Barlow staffed this case with the Attorney General's executive administration and it was determined that some follow up would be required. The case was assigned to Special Agents Sperry and Minchey to develop the relevant facts.

#### **A. Interview of Ms. Jackson-Mitchell**

Special Agents Sperry and Minchey met with Ms. Jackson-Mitchell at the Attorney General's College Park Office on July 14, 2014. The interview was recorded and later transcribed.<sup>2</sup> During the interview, Ms. Jackson-Mitchell described her life in 1980 before and after the shooting of her two friends. She said she had been raped about two months before the shooting. Ms. Jackson-Mitchell was set to testify against the accused rapist, and initially the shootings at Liberty Park were thought to be related to her impending testimony.

Ms. Jackson-Mitchell later found out that Franklin had been arrested and charged with crimes for the killing of her two friends in both state and federal court. Franklin was charged in U.S. District Court for the District of Utah with federal civil rights violations because the killings were racially motivated. Ms. Jackson-Mitchell first met Mr. Roberts, the federal prosecutor from Washington, D.C., when a group of attorneys met with her about testifying in the federal trial. Ms. Jackson-Mitchell said Mr. Roberts later contacted her to begin preparing her to testify as a witness in the case. Ms. Jackson-Mitchell said Mr. Roberts had met her mother and had told her he would need to meet with Ms. Jackson-Mitchell to go over everything and prepare her as a witness.

Ms. Jackson-Mitchell explained that the first time she and Mr. Roberts had any type of sexual contact was approximately one week before the civil rights trial started. Later during the interview, when she was questioned about the length of their sexual relationship, she said it was almost every day (up to six times a week) for four weeks and that it had started before the trial began. Ms. Jackson-Mitchell said she had met with him about two or three times prior to their first sexual contact and said these meetings had been during the day. On the first night that they engaged in any sexual conduct, her mom took her to the federal courthouse and dropped her off

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<sup>2</sup> A copy of this transcript is attached as Exhibit A.

around 7:00 P.M. Ms. Jackson-Mitchell went up to the office Mr. Roberts was using, and was caught off guard when she walked in because there were graphic photos on the desk of her friends who had been killed. Mr. Roberts talked with her for a short time, and then he said he wanted to go to dinner. Ms. Jackson-Mitchell said they went to dinner at a Chinese restaurant and when they sat down at the table, Mr. Roberts slid in next to her in the same booth. She said she was uncomfortable but didn't say anything because she was intimidated by him. (He was approximately 28, while she was just 16.)

Ms. Jackson-Mitchell recounted that after dinner, Mr. Roberts said he needed to get something from his hotel room and she told him to just take her home. Mr. Roberts drove to his hotel (the Shilo Inn) instead and said it would only take a minute. Ms. Jackson-Mitchell told him she would wait in the car, and he told her to just go in with him. She said she told him a few times she would wait for him in the car but he just opened her door and told her to get out of the car. Ms. Jackson-Mitchell said Mr. Roberts tone was firm and intimidating. Once inside the hotel, they went up the elevator and she said she had a sense that something was going to happen. She said when they got to his room, she told him she would wait in the hallway for him. He told her to come into his room and she did. Ms. Jackson-Mitchell said she was standing by the door when Mr. Roberts came over and told her something to the effect of that she was not leaving the room until he had a "taste" of her. Mr. Roberts kissed her and began taking her clothes off. Ms. Jackson-Mitchell said she wasn't being treated poorly like the other times in her life when she had been raped and assaulted. She said he had been very complimentary to her all night, unlike the men in her past who had assaulted her. Ms. Jackson-Mitchell said she "left her body" once Mr. Roberts told her to get on the bed and she estimates they had sexual intercourse and oral sex over the course of an hour and a half. She said at some point during the night he told her he was going to teach her how to please a man. She said she told him her mom was going to wonder where she was so he drove her home.

Mr. Roberts told her that nobody could find out about their "affair." Ms. Jackson-Mitchell recalls Mr. Roberts telling her several times how the case against Franklin could end up in a mistrial if anyone found out about the two of them and their "affair." She says she remembers being scared "to the core" about the case against Franklin getting dropped, so she didn't tell anyone about the relationship other than her close friend (and witness at the trial) Karma Jones. When Ms. Jackson-Mitchell told Ms. Jones what had happened, Ms. Jones was upset about their sexual affair. Ms. Jackson-Mitchell had to beg Ms. Jones not to tell anyone. While the time frame of when she disclosed the affair to Ms. Jones is not exact, both Ms. Jackson-Mitchell and Ms. Jones suggest that it was before the trial began.

After the first night when they had sexual intercourse, Ms. Jackson-Mitchell said they would get together almost every night (usually to have dinner) and then end up at his hotel and would have sex. She specifically recalls being with Mr. Roberts in his hotel the evening of the day she testified, as a story about the case was on television.

Ms. Jackson-Mitchell further recounted that after the trial ended, Mr. Roberts went back to Washington, D.C. But he called her, and they continued to talk. She said at first he called every other day, then it was two to three times a week, and tailed off to once a month. Ms. Jackson-Mitchell started dating a man who would become her husband, and her mom would tell her that

Mr. Roberts had called. Ms. Jackson-Mitchell told her mom she didn't want to talk with him. The calls stopped coming from Mr. Roberts.

In 1985, Ms. Jackson-Mitchell had married and moved to Virginia and had her first child. She was talking with her mom, who told her that Mr. Roberts had called asking about her. She said her mom told him where she lived, and Ms. Jackson-Mitchell decided to call him. She made the call, but she and Mr. Roberts didn't talk very long. Once she told him that she was married and had a child, he seemed uninterested.

Sometime after 2000, during the time when Franklin's execution was being set (for another murder he had committed in Missouri), a person writing a book about Franklin had contacted her and told her Mr. Roberts had asked for her telephone number. She said this was around the year 2000, and she decided to provide her number, thinking maybe Mr. Roberts wanted to see how she was doing. She said it seemed like the very same day she provided her number to the writer, Mr. Roberts called to talk with her. She said they had a short conversation. Whenever he would ask about what she had been doing with her life and she would answer him, it seemed like he would talk over her. She said during their conversation, he asked her a few times, "We're good, right?" Ms. Jackson-Mitchell didn't think anything of it at the time and replied that things were good and everything was fine. She said it seemed weird for him to ask that question more than once and she just answered that everything was fine without thinking anymore about it.

During her interview with the Special Agents, Ms. Jackson-Mitchell explained how she has suffered from migraines and PTSD symptoms for years. She believes the traumatic events in her life, especially during 1980-81 (when the shooting and trial occurred), have something to do with it. She said she started taking college classes, including classes on race and ethnicity, and art courses to help her work through her feelings about the events in her life. She said part of the healing process was trying to understand the relationship that she had with Mr. Roberts and her fear of a mistrial if she ever said anything about it. Mr. Roberts had warned her of a possible mistrial many times during 1981. As part of her search for understanding, she sent him an email on June 24, 2014. Mr. Roberts had become the Chief Judge of the U.S. District Court for the District of Columbia. Ms. Jackson-Mitchell had his email address from when he sent her an email containing a link to a news story about Franklin's execution (which occurred in November 2013). Her email to Mr. Roberts explained her history of night terrors and migraines and told him about the history of being raped and abused by many men from the age of four until they had met. She explained how she could see why she was attracted to his energy at the time they became involved, and she questioned why he was attracted to her.

Within minutes of Ms. Jackson-Mitchell sending the email to Mr. Roberts, he called her. She was prepared with a recorder and recorded the conversation<sup>3</sup> She said during their conversation, she brought up the fact they had a physical relationship at the time of the trial when he was in Utah. During the conversation, Ms. Jackson-Mitchell talked about their physical relationship and the time she recalled watching a news story about the trial with Mr. Roberts while they were lying in bed together. Mr. Roberts replied that he did not remember it that way. He

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<sup>3</sup> Utah is a "one party consent" state and allows one-party to a telephone call to record the other party without disclosing that fact to the other party.

acknowledged a relationship, but stated 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.”

Ms. Jackson-Mitchell provided Special Agent Minchey with the original device containing the audio recording of her phone call with Mr. Roberts. The original recording was booked into evidence, along with a copy of the file in different formats for transcribing. Ms. Jackson-Mitchell also provided her printed phone records for the day Mr. Roberts contacted her, as well as the email correspondence between her and Mr. Roberts. The recorded conversation follows the email Ms. Jackson-Mitchell sent to Richard Roberts at the email address Richard\_W\_Roberts@dcd.uscourts.gov, dated June 24, 2014, at 0923 hours. The phone records show an incoming call from a number linked back to the U.S. District Court in Washington, D.C., on the same day at 0944 hours.

Ms. Jackson-Mitchell has been attending therapy to help herself with some of the things that occurred in her life and she said she has also started writing a book, which has helped her deal with all of this. Ms. Jackson-Mitchell was also concerned that Mr. Roberts may have acted the same way with others as he did with her and possibly has other incidents where he took advantage of young girls. She wanted to be sure to express her concerns and did that through talking with Attorney Ron Yengich – and then later to the Attorney General’s Office.

#### **B. Summary of other interviews**

After interviewing Ms. Jackson-Mitchell,<sup>4</sup> Senior Special Agent Sperry and Special Agent Minchey followed up with interviews of other witnesses. They met with Carolyn Gentry, Ms. Jackson-Mitchell’s mother, and talked to her about what she recalled about the Franklin civil rights trial. Ms. Jackson-Mitchell had reported that she told her mother about the relationship between her and Mr. Roberts after Franklin’s trial was over and Mr. Roberts left Utah. Ms. Jackson-Mitchell said her mom did not know until recently that the relationship with Mr. Roberts and that initial sexual contact with him was not consensual.

Ms. Gentry told the agents that she remembered taking Ms. Jackson-Mitchell to see Mr. Roberts a lot, but that she thought it must be necessary to prepare Ms. Jackson-Mitchell for the trial. Ms. Gentry recalled taking Ms. Jackson-Mitchell directly to the hotel where Mr. Roberts was staying all under the guise that Mr. Roberts and Ms. Jackson-Mitchell were going to have dinner and go over her testimony. Ms. Gentry thought it was odd about how much time her daughter and Mr. Roberts were spending together, but never questioned it because Mr. Roberts was an important prosecutor and well educated. Ms. Gentry wishes she had said something about her concerns at the time. Ms. Gentry said that her daughter and Mr. Roberts were acting as boyfriend/girlfriend.<sup>5</sup>

The agents also spoke with Karma Jones, who was with Ms. Jackson-Mitchell when Franklin shot their two African-American friends. Ms. Jones recounted that she would talk with

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<sup>4</sup> In addition to the June 24, 2014, interview found in Exhibit A, the agents also interviewed Ms. Jackson-Mitchell on July 14, 2014, and on August 6, 2014. These two later interviews are attached as Exhibits B and C.

<sup>5</sup> A transcript of this interview is attached as Exhibit D.

Ms. Jackson-Mitchell after the shooting by phone and the two were pretty good friends back then. She said she saw how Ms. Jackson-Mitchell and Mr. Roberts were with each other and she thought they were boyfriend/girlfriend. Ms. Jones said Ms. Jackson-Mitchell was under the impression that Mr. Roberts was going to marry her and take care of her. Ms. Jones, however, told Ms. Jackson-Mitchell that Mr. Roberts was just using her. Ms. Jackson-Mitchell responded by becoming very upset, so Ms. Jones never brought it up again. Ms. Jones said she thought a prosecutor would need to meet with her to prepare her testimony for trial, but it never happened. Ms. Jones said she met with the prosecutor, Mr. Roberts, only the day she had to testify. She said it was nothing at all like the time Mr. Roberts was spending with Ms. Jackson-Mitchell. Ms. Jones said Ms. Jackson-Mitchell told her about her "affair" with Mr. Roberts and that the two of them were having sex. Ms. Jones said it made her sick because Mr. Roberts was 28 while Ms. Jackson-Mitchell was only 16. Ms. Jones said she remembers being at Ms. Jackson-Mitchell's house when Mr. Roberts called, and she could see how happy Ms. Jackson-Mitchell was about the relationship. Ms. Jones indicated she knew about their relationship before the trial began. She said Ms. Jackson-Mitchell didn't listen to her about Mr. Roberts just using Ms. Jackson-Mitchell until he had left Utah. She said Ms. Jackson-Mitchell became an emotional wreck once she realized she had been taken advantage of by Mr. Roberts.<sup>6</sup>

The agent also spoke with former FBI Agent Curtis Jensen, who was assigned to the Franklin civil rights case in 1980-81. The agents asked (now retired) Agent Curtis if he recalled anything unusual about the relationship between Ms. Jackson-Mitchell and Mr. Roberts. Agent Curtis said he did not notice anything out of the ordinary between them. He was unaware there was any type of relationship going on other than professional between Ms. Jackson-Mitchell and Mr. Roberts.

Special Agent Minchey spoke with prosecutor Robert Stott, who was the state prosecutor at the time of the Franklin murder trial. Mr. Stott did not recall that he even met the federal prosecutor, Mr. Roberts, but did meet with Steve Snarr, the Assistant U.S. Attorney in Utah at the time. Mr. Stott said he did not get together as a team with the federal prosecutors to strategize the state case.

Special Agents Sperry and Minchey also met with Steve Snarr, the former Assistant U.S. Attorney who prosecuted the federal civil rights case together with Mr. Roberts. Mr. Snarr said he and Mr. Roberts worked the case together and came up with a plan on how they would proceed with the trial. He said they split up the witnesses for trial, and he recalls there being approximately 67 of them. He said Mr. Roberts ended up with both of the girls who were jogging with the two male victims. It didn't raise any red flags, because they were dividing up all of the witnesses and it just worked out that way.

Mr. Snarr said there were never any witness meetings outside of the normal business day (when was 8:00 a.m. to about 5:00 or 6:00 p.m.). If they worked late, it was at the office, not anywhere else. Mr. Snarr did not recall going to dinner with Mr. Roberts or meeting him at the motel where he was staying. Mr. Snarr could not recall the name of the hotel where Mr. Roberts stayed and said the travel was all arranged by Mr. Roberts and the Department of Justice back in

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<sup>6</sup> A transcript of this interview is attached as Exhibit E.

Washington, D.C. He said their offices were located in the old federal courthouse, on 400 S. Main Street in Salt Lake City. (A new federal courthouse building recently opened.) Mr. Snarr said his office was on the second floor, and arrangements were made for Mr. Roberts to use an office on the third floor. He said he never saw Mr. Roberts meeting with anyone and didn't ever hear of Mr. Roberts meeting with anyone outside of the office, other than one witness who lived near the scene of the shooting. Mr. Snarr said that, other than their work together on the case, he did not hang out with Mr. Roberts while he was here in Utah. They each worked on what they were assigned to do in order to prepare for the trial. Mr. Snarr did not have any indication there was any kind of relationship going on with Mr. Roberts and any of the witnesses. He never heard anything come up about any inappropriate behavior displayed by Mr. Roberts. Mr. Snarr said he has had some email communications with Mr. Roberts over the years, but not too much. He said his son went to law school at Georgetown and he had emailed Mr. Roberts about it. Mr. Snarr said his son told him that he had met Mr. Roberts and his wife for dinner one evening. Mr. Snarr said they exchanged an email when Franklin was executed, and other than that he has not talked with him since. Mr. Snarr did not stay with the U.S. Attorney's Office too long after the trial and has not returned to working for the government.

A decision was made not to interview Mr. Roberts about these issues, as that step might best be handled by other agencies or authorities in the first instance. That decision appears to have been a wise precautionary measure.

In December 2014, the Utah Attorney General's Office asked me to serve as independent counsel to review the issues raised by the allegations and provide a report advising how the allegations should be handled.

## II. CRIMINAL IMPLICATIONS

The following sections will address possible criminal, ethical, and constitutional implications arising from the intimate relationship of Mr. Roberts with Ms. Jackson-Mitchell during the Franklin trial. The following discussion will proceed on the assumption that Mr. Roberts had sexual relations with Ms. Jackson-Mitchell *before* she testified in the Franklin case. To be sure, during his June 24, 2014, recorded telephone call, Roberts says that he "remember[s] it differently" – i.e., he remembers that the sexual activity took place after Ms. Jackson-Mitchell had testified. On this point, then, conflicting accounts may exist. Significant evidence has been collected, however, to support Ms. Jackson-Mitchell's memory of the timing.

First, Carolyn Gentry (Ms. Jackson-Mitchell's mother), recalls taking Ms. Jackson-Mitchell frequently to see Roberts to "prepare" for trial and to "go over" her testimony. This makes sense, because it is hard to understand why Gentry would frequently drive her sixteen-year-old daughter to meet with a prosecutor (at night in his hotel) after her daughter's testimony had been concluded. There would be no obvious reason for such a meeting.

Second, Ms. Jackson-Mitchell's friend, Karma Jones, also recalls that the extensive meetings between Roberts and Ms. Jackson-Mitchell were occurring before trial. Ms. Jones is able to place events in some order, because she met with Roberts to prepare her testimony the day of her testimony. She recalls that Mr. Roberts had already spent much more time "preparing" Ms. Jackson-Mitchell.

For purposes of this memorandum, it is enough to conclude that there is significant evidence from three witness – Ms. Jackson-Mitchell, Ms. Gentry, and Ms. Jones – that would support the factual conclusion that Mr. Roberts had sexual relations with a young, sixteen-year-old witness, before he called her as a witness in the case. The remainder of this memorandum will review the possible criminal and ethical consequences of such a fact, including obligations of the Attorney General’s Office to disclose this information to others. It should be noted that many of these obligations would occur if there was a close, personal relationship between Mr. Roberts and Ms. Jackson-Mitchell during the trial, even if sexual relations took place only after her testimony.

Against that backdrop, it is appropriate to turn, first, to potential criminal liability.

**A. Possible Criminal Statutes Involved in these Facts.**

The criminal statutes in place in 1981 were reviewed for applicability in this case. Of the six sex offense statutes in the Utah Code reviewed, the investigation thus far reveals there are only two that may fit these circumstances: (1) Section 76-5-401: Unlawful Sexual Intercourse and (2) Section 76-5-402: Rape. For convenience and the sake of completeness, the six statutes (as codified in 1981) are set forth below:

*76-5-401. Unlawful Sexual Intercourse.*

(1) A person commits unlawful sexual intercourse if that person has sexual intercourse with a person, not that person's spouse, who is under sixteen years of age.

(2) Unlawful sexual intercourse is a felony of the third degree except when at the time of intercourse the actor is no more than three years older than the victim, in which case it is a class B misdemeanor. Evidence that the actor was not more than three years older than the victim at the time of the intercourse shall be raised by the defendant.

*76-5-402. Rape.*

(1) A person commits rape when the actor has sexual intercourse with another person, not the actor's spouse, without the victim's consent.

(2) Rape is a felony of the second degree unless the victim is under the age of 14, in which case the offense is punishable as a felony of the first degree.

*76-5-403. Sodomy – Forcible Sodomy.*

(1) A person commits sodomy when the actor engages in any sexual act involving the genitals of one person and mouth or anus of another person, regardless of the sex of either participant.

(2) A person commits forcible sodomy when the actor commits sodomy upon another without the other's consent.

(3) Sodomy is a class B misdemeanor.

Forcible sodomy is a felony of the second degree unless the victim is under the age of 14, in which case the offense is punishable as a felony of the first degree.

76-5-404. *Forcible Sexual Abuse.*

(1) A person commits forcible sexual abuse if, under circumstances not amounting to rape, object rape or sodomy, or attempted rape or sodomy, the actor touches the anus or any part of the genitals of another, or otherwise takes indecent liberties with another, or causes another to take indecent liberties with the actor or another, with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, without the consent of the other, regardless of the sex of any participant.

(2) Forcible sexual abuse is a felony of the third degree.

76-5-405. *Aggravated sexual assault.*

(1) A person commits aggravated sexual assault if:

(a) In the course of a rape or attempted rape or forcible sodomy attempted forcible sodomy:

(i) The actor causes serious bodily injury to the victim; or

(ii) The actor compels submission to the rape or forcible sodomy by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person.

(2) Aggravated sexual assault is a felony of the first degree.

76-5-406. *Sexual offenses against the victim without consent of victim -- Circumstances.*

An act of sexual intercourse, sodomy, or sexual abuse is without consent of the victim under any of the following circumstances:

(1) When the actor compels the victim to submit or participate by force that overcomes such earnest resistance as might reasonably be expected under the circumstances; or

(2) The actor compels the victim to submit or participate by any threat that would prevent resistance by a person of ordinary resolution; or

(3) The victim has not consented and the actor knows the victim is unconscious, unaware that the act is occurring, or physically unable to resist; or

(4) The actor knows that as a result of mental disease or defect, the victim is at the time of the act incapable either of appraising the nature of the act or of resisting it; or

(5) The actor knows that the victim submits or participates because the victim erroneously believes that the actor is the victim's spouse; or

(6) The actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without his or her knowledge; or

(7) The victim is under 14 years of age.

Of course, the events at issue in this report all took place several decades ago. This raises the obvious issue of statute of limitations. But there are exceptions to the statute, particularly for sex offenses involving minors. This Report simply assumes that the offenses could be prosecuted, despite the passage of time, and addresses whether the statutes apply. This approach also seems appropriate, because even if a crime could not be successfully prosecuted due to the passage of time, it might still be appropriately considered in a legal ethics inquiry. Of course, the passage of time might well create difficulties in proving the existence of events that took place long ago. This

evidentiary issue is discussed below where relevant.

## **B. Summary of Criminal Implications.**

The two statutes that seem closest to the factual circumstances of this case are unlawful sexual intercourse (i.e., sex with an underage minor) and rape. Turning to the unlawful sexual intercourse statute – i.e., Utah Code § 76-5-401 (as codified in 1981), the pivotal issue would be whether Ms. Jackson-Mitchell was under the age of 16. She describes herself as being 16 at the time of sexual activity with Mr. Roberts, and so far as can be determined by rough calculation of dates, that age appears to be correct. Moreover, because this statute revolves so directly around the age of the victim, any prosecution would need to rest on a firm foundation about the victim's age. Given the passage of time, that would not be possible. Accordingly, clear evidence that Mr. Roberts committed a crime under this statute is unavailable, and any attempt to prosecute would be inappropriate.

The remaining statute worth discussing is rape, which would require proof that Robert had “sexual intercourse [with Ms. Jackson-Mitchell] . . . without [her] consent.” Utah Code § 76-5-402. There is some limited evidence that would theoretically support a prosecution under this statute. On the first night that they had sex, Ms. Jackson-Mitchell described Mr. Roberts as being “firm and intimidating” in directing her to go into the hotel. He also directed her to go into his room, arguably with the same “intimidating” manner. After that, sexual activity took place – activity which Ms. Jackson-Mitchell described as not being treated poorly, as she had (obviously) been when she had been raped and assaulted by others. She went home that day, but continued to return and engage in further sexual activity with Mr. Roberts on later days.

In some theoretical sense, this description of the events on the first day could arguably fit the elements of the crime of rape – taking the evidence in most favorable light to a prosecutor. But in terms of a real world criminal prosecution, the case would be impossible to prosecute. Realistically speaking, the defense would be able to raise many reasonable doubts about whether the sexual activity was non-consensual – particularly in light of the fact that Mr. Roberts will presumably point to the fact that, after the first night, the two had additional sexual activity that was clearly consensual. And it is worth remembering that Mr. Roberts' version of the events remains to be collected and considered. He reports that he recalls things “differently” from Ms. Jackson-Mitchell with regard to the timing of their sexual activity, and no doubt would strenuously contend that their relationship was entirely consensual. Accordingly, for purposes of this Report, it is enough to note that it does not appear that the existing evidence provides probable cause to support the filing of a rape charge. And certainly no such charge should be filed given a prosecutor's ethical responsibility to only pursue conviction where a realistic prospect of success exists.

## **III. ETHICAL IMPLICATIONS**

Mr. Roberts's sexual relationship during trial preparation with Ms. Jackson-Mitchell, a witness and a minor, very likely constituted a violation of multiple provisions of the Rules of Practice governing lawyers appearing in the federal district court in Utah and the Standards of Conduct for Justice Department employees codified in the Code of Federal Regulations.

**A. Rules of Practice of the United States Courts for the District of Utah.**

Mr. Roberts's failure to disclose his sexual relationship with a trial witness probably violated of the Rules of Practice of the United States District Court for the District of Utah – rules that applied to Mr. Roberts by virtue of his pro hac vice admission to practice before that court. In December of 1979, the United States District Court for the District of Utah adopted the Civil Rules of Practice of the United States District Court for the District of Utah.<sup>7</sup> These local rules went into effect on February 1, 1980,<sup>8</sup> and adopted the Utah Code of Professional Responsibility as the rules governing all attorneys including “non-resident government attorneys . . . admitted to practice” in the district court “in a particular case.”<sup>9</sup> Moreover, these rules expressly condition admission pro hac vice on “consent[] to the exercise of disciplinary jurisdiction” by the federal district court.<sup>10</sup>

Mr. Roberts likely violated disciplinary Rules 1-102, 1-103, 7-103, and 7-109 of the Utah Code of Professional Responsibility, incorporated as the standard of conduct governing lawyers appearing in the United States District Court for the District of Utah. In 1980, the disciplinary rules of the Utah Code of Professional Responsibility and those of the Model Code of Professional Responsibility were identical with respect to disciplinary rules 1-102, 1-103, 7-103, and 7-109.<sup>11</sup> This is relevant here, as the Department of Justice incorporated the Model Code as the standards of conduct governing its lawyers. With respect to these rules, there are no advisory opinions or comments clarifying the meaning of the following rules that Mr. Roberts likely violated. But, the plain language of the rules themselves and their logical application to the facts likely establish a violation. Each disciplinary rule at issue will be addressed in turn.

*Misconduct*

The first disciplinary rule at issue is misconduct, which provides:

DR1-102 Misconduct.

(A) A lawyer shall not:

(1) Violate a Disciplinary Rule

...

...

(4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

(5) Engage in conduct that is prejudicial to the administration of justice.

(6) Engage in any other conduct that adversely reflects on his fitness to practice law.<sup>12</sup>

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<sup>7</sup> Order Promulgating Rules, United States District Court for the District of Utah (1979).

<sup>8</sup> *Id.*

<sup>9</sup> D.U. Civ. R. 1(g) (1980).

<sup>10</sup> DUCivR 1(c) (1980).

<sup>11</sup> See M.L. Proctor & Robin Alexander-Smith, National Center for Professional Responsibility, *Code of Professional Responsibility By State* iv–v, ix tbl.1 (1980).

<sup>12</sup> *Model Code of Prof'l Responsibility* DR 1-102(A)(1), (4)–(6) (1980); see also *Utah Code of Prof'l Responsibility* DR 1-102(A)(1), (4)–(6) (1977).

Mr. Roberts likely violated at least one of the four provisions just articulated. First, a finding that Mr. Roberts violated any of the provisions that follow would likewise constitute a violation of 1-102(A)(1). Second, the nature and context in which Mr. Roberts's relationship with Ms. Jackson-Mitchell arose involved deceit or misrepresentation to Ms. Jackson-Mitchell, her mother, and the courts. Although this investigation does not have the benefit of Mr. Roberts's full perspective on the issues, Ms. Jackson-Mitchell's account of the evening that started the sexual relationship expressly involved deceit and misrepresentation in setting up the situation that led to the sexual activity with Ms. Jackson-Mitchell at the hotel. This was followed up by clear misrepresentations to Ms. Jackson-Mitchell's mother with respect to the subsequent "witness preparation" sessions that followed leading up to the trial. Third, even if Mr. Roberts's failure to disclose the sexual relationship he had with Ms. Jackson-Mitchell does not ultimately satisfy the materiality standard under *Brady* (a subject discussed below), it was almost certainly prejudicial to the administration of justice in the case. At a minimum it would have tainted the public's confidence in the judiciary. And, had it been disclosed at the time of the trial, it may have resulted in a mistrial and the associated costs. Lastly, Mr. Roberts's conduct demonstrates a greater interest in individual gratification than in fulfilling his professional obligation to be a minister of justice. Mr. Roberts's exploitation of his position of public trust and power to take advantage of a vulnerable teenager could have been viewed as quite relevant to his fitness to practice law.

### *Reporting*

The next rule at issue requires reporting of potential violations, it states:

DR1-103 Disclosure of Information to Authorities.

(A) A lawyer possessing unprivileged knowledge of a violation of DR 1-102 shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.<sup>13</sup>

Mr. Roberts's violation of this rule is straightforward. His failure to report himself to the bar after violating the rules outlined in this section constitutes a further violation of the standards of conduct governing him as an attorney practicing before the federal bar in the District of Utah.

### *Disclosure of Exculpatory Evidence*

DR7-103 Performing the Duty of Public Prosecutor or Other Government Lawyer.

...  
(B) A public prosecutor or other government lawyer in criminal litigation shall make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence, known to the prosecutor or other government lawyer, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment.<sup>14</sup>

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<sup>13</sup> *Model Code of Prof'l Responsibility* DR 1-103(A); *see also Utah Code of Prof'l Responsibility* DR 1-103(A) (1977).

<sup>14</sup> *Model Code of Prof'l Responsibility* DR 7-103(B); *see also Utah Code of Prof'l Responsibility* DR 7-103(A) (1977).

This disciplinary rule implicates the same kind of obligation to disclose exculpatory evidence as *Brady*. The key difference, however, is that the information need not be materials. So long as it “tends to negate” guilt, mitigate the offense, or reduce punishment, it must be disclosed. As discussed below, failure to disclose this impeaching information to the defense would appear to be inconsistent with a prosecutor’s ethical obligations.

### *Contact with Witnesses*

DR7-109 Contact with Witnesses.

(A) A lawyer shall not suppress any evidence that he or his client has a legal obligation to reveal or produce.<sup>15</sup>

This provision like several of the others already addressed turns on either Mr. Roberts’s obligation under *Brady* or these rules of conduct to disclose his relationship with counsel for Mr. Franklin and the court. If any of his legal duties required disclosing this evidence, which as discussed below the *Brady* doctrine did, then Mr. Roberts violated this provision because the evidence arises from his sexual contact with a witness.

### **B. Department of Justice Standards of Conduct codified in the Code of Federal Regulations.**

The Standards of Conduct for Department of Justice Employees are codified at 28 C.F.R. Pt. 45.<sup>16</sup> The standards changed significantly sometime in 1981. The following will first address the rules as codified in the 1980 Code of Federal Regulations, those that most likely governed the conduct at issue. And, next, it will address the changes made in 1981.

#### *1. Justice Department Standards of Conduct in 1980*

In 1980, the Standards of Conduct expressly provided that “attorneys employed by the Department [of Justice] are subject to the canons of professional ethics of the American Bar Association.”<sup>17</sup> Under this provision, Mr. Roberts would be subject to Justice Department discipline for each of the violations just analyzed under the Utah/Model Rules of Professional Conduct. Additionally, the standards of conduct provided several independent standards that Mr. Roberts likely violated by engaging in a sexual relationship with Ms. Jackson-Mitchell.

First, the regulations provide that employees shall “[c]onduct themselves in a manner that creates and maintains respect for the Department of Justice and the U.S. Government. In all their activities, personal and official, they should always be mindful of the high standards of behavior expected of them.”<sup>18</sup> Engaging in a sexual relationship with a sixteen-year-old victim and trial

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<sup>15</sup> *Model Code of Prof'l Responsibility* DR 7-109(A); see also *Utah Code of Prof'l Responsibility* DR 7-109(B) (1977).

<sup>16</sup> See generally 28 C.F.R. Pt. 45 (1980).

<sup>17</sup> 28 C.F.R. § 45.735-1(a) (1980).

<sup>18</sup> *Id.* § 45.735-2(a).

witness in a high profile federal civil rights case undoubtedly does not promote respect for the Department of Justice or the federal government. Moreover, the facts clearly reflect Mr. Roberts using purported official business as a means of creating opportunities to have sex with Ms. Jackson-Mitchell, an obvious violation of the regulation. But even if it the events involved no use of his office whatsoever, Mr. Roberts had a duty to conduct his personal life in a manner conducive to his office. And, having sexual relations with a sixteen-year-old witness while he was prosecuting a case with which she was involved is not indicative of personal conduct in harmony with this regulation.

Second, the regulations provide that employees shall “[a]void any action which might result in, or create the appearance of . . . [l]osing complete independence or impartiality.”<sup>19</sup> By being involved in a sexual relationship with a victim and witness in a federal prosecution, Mr. Roberts undoubtedly lost some independence and impartiality. The extent to which he lost impartiality and independence is not completely clear from the facts uncovered in this investigation. But, Mr. Roberts’s sexual relationship with a witness in a case he was handling inherently undermines his appearance of impartiality and independence.

Third, employees shall “[a]void any action which might result in, or create the appearance of . . . affecting adversely the confidence of the public in the integrity of the government.”<sup>20</sup> Mr. Roberts violated this provision for the same reasons as many of the foregoing. Mr. Roberts’ use of his position and the guise of his official responsibilities to coerce a teenager into a sexual relationship leading up to and during the trial no doubt would adversely affect the public confidence in the integrity of the government.

Finally, the regulations provided that “[n]o employee shall engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government.”<sup>21</sup> This catchall provision certainly captures the conduct of Mr. Roberts on multiple levels. An independent analysis of this provision is unnecessary given all of the foregoing.

## *2. Justice Department Standards of Conduct in 1981*

On October 27, 1981, the standards of conduct for federal prosecutors significantly changed. Although the trial and sentencing of Franklin took place before this date, it is possible that some lingering events pertaining to the case were covered by these rules. Accordingly, it is worth briefly discussing each of the changes and its potential impact on the foregoing analysis.

At the outset, the 1981 amendments changed the language regarding the application of the Model Code of Professional Conduct. Rather than being “subject to” the canons, the 1981 amendments provide that “attorneys employed by the Department [of Justice] should be *guided* in their conduct by the Code of Professional Responsibility of the American Bar Association.”<sup>22</sup> This change appears to weaken the degree of application of the disciplinary rules to Justice Department

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<sup>19</sup> *Id.* § 45.735-2(c)(4).

<sup>20</sup> *Id.* § 45.735-2(c)(6).

<sup>21</sup> *Id.* § 45.735-18.

<sup>22</sup> 28 C.F.R. §45.735-1(b) (1981) (emphasis added).

employees. But, it is important to note that the date of the Executive Order changing this section is October 27, 1981<sup>23</sup> — after the alleged misconduct. Moreover, given Mr. Roberts’ substantial variance from the Model Code provision outlined earlier, it is hard to say that Mr. Roberts’s conduct was “guided by” these standards. His conduct still likely violated the amended version.

Moving to the other sections noted, the 1981 regulations still states that employees shall “[c]onduct themselves in a manner that creates and maintains respect for the Department of Justice and the U.S. Government. In all their activities, personal and official, they should always be mindful of the high standards of behavior expected of them.”<sup>24</sup> Consequently, the foregoing analysis of this section would be applicable regardless of whether the conduct was governed by the 1980 or 1981 standards of conduct.

The next two provisions involving the appearance of impartiality and independence as well as avoiding adversely affecting the public confidence were entirely omitted in the regulations as amended in 1981.<sup>25</sup> But, the date of this amendment was also October 27, 1981,<sup>26</sup> after the conclusion of the conduct at issue in this case. Consequently, Mr. Roberts was more than likely governed by the 1980 provisions in spite of the change later in 1981.

Finally, the amended version also omits the catchall provision. And, unlike the other areas where the date of amendment is noted after the section, the code merely lists this section as reserved.<sup>27</sup> None of the reserved sections list a date, but all of the provisions that were amended have one of the following dates of amendment: April 18, 1980;<sup>28</sup> May 5, 1980;<sup>29</sup> May 14, 1980;<sup>30</sup> June 30, 1981;<sup>31</sup> and October 27, 1981.<sup>32</sup> Mr. Franklin’s trial and sentencing on the federal charges had concluded before earliest date of amendment. So more than likely even the omitted catchall provision was still in effect at the time Mr. Roberts was sexually involved with Ms. Jackson-Mitchell. In short, even under the amended Department of Justice Standards of Conduct, Mr. Roberts was almost certainly in violation of several applicable provisions.

#### IV. CONSTITUTIONAL IMPLICATIONS REGARDING IMPEACHING EVIDENCE

The next issue to consider is whether Mr. Roberts conduct potentially violated any constitutional obligations to disclose exculpatory or impeaching evidence to the defense – i.e., to attorneys defending Franklin. Prosecutors have a constitutional obligation to provide exculpatory evidence to the defense – i.e., so-called “*Brady*” material reflected in the Supreme Court’s decision

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<sup>23</sup> *See Id.*

<sup>24</sup> *Id.* § 45.735-2(a).

<sup>25</sup> *See id.* § 45.735-2 (omitting subsection §45.735-2(c) entirely).

<sup>26</sup> *See id.*

<sup>27</sup> *See id.* § 45.735-18.

<sup>28</sup> *See id.* § 45.735-7.

<sup>29</sup> *See id.* § 45.735-12.

<sup>30</sup> *See id.* § 45.735-7a.

<sup>31</sup> *See id.* §45.735-22.

<sup>32</sup> *See id.* § 45.735-1 to -3, -5, -9, -12, -14 to 14a, -19, -21 to -22, -26.

in *Brady v. Maryland*.<sup>33</sup> Later decisions of the Supreme Court have expanded the prosecutor's obligations to include providing information that might be used to impeach a prosecution witness – i.e., so-called “*Giglio*” material reflected in the Supreme Court's decision in *Giglio v. United States*.<sup>34</sup>

Under both the law applicable in 1980–81 and current law, Mr. Roberts likely had a constitutional duty to disclose to the defense his sexual relationship with Ms. Jackson-Mitchell as *Giglio* evidence – i.e., evidence potentially showing bias towards answering questions in way that favored Mr. Roberts' position. Because Ms. Jackson-Mitchell was a witness at both the federal civil rights trial and the later state murder trial, this section will discuss the *Brady* and *Giglio* implications of Mr. Roberts's failure to disclose his sexual relationship with Ms. Jackson-Mitchell, first under federal law and then under Utah law.

#### **A. The Constitutional Obligation of Federal Prosecutors to Disclose a Sexual Relationship.**

At the time of Franklin's trial, federal law defined exculpatory evidence as “evidence favorable to the defense and affecting the credibility of a key prosecution witness . . . .”<sup>35</sup> Mr. Roberts's failure to disclose his sexual relationship with Ms. Jackson-Mitchell to the defense would have qualified as evidence favorable to the defense for the purpose of impeaching the testimony of Ms. Jackson-Mitchell. The fact that Ms. Jackson-Mitchell was having sexual relations with the prosecutor who was asking her questions at trial would have given her ample reason to provide favorable answers that he wanted to hear. As in *Giglio*, this close relationship “would be relevant to [her] credibility and the jury was entitled to know of it.”<sup>36</sup>

Not surprisingly, there does not seem to be a developed body of case law regarding prosecutors who have had sexual relations with their witnesses while preparing them to testify. One line of cases, however, confirms what seems to be the straightforward conclusion that providing substantial benefits to a witness (including sexual favors) can create *Brady* obligations. The Seventh Circuit has noted that *Brady* can be invoked even where there is not a direct quid pro quo with a witness, such as where the prosecution had “lavished benefits (sex, free long-distance calls, cash, or what have you) on its witnesses in the hope of making them feel part of the state's team and as a result inclined, out of gratitude, friendship, or loyalty, to testify in support of the prosecution.”<sup>37</sup> In stating this general principle of law, the Seventh Circuit referenced an earlier case, in which prosecutors had allowed prisoners to entertain visitor at the prosecution's offices, where female visitors then had sex with the prisoners and provided them with illegal drugs.<sup>38</sup> The trial court granted a new trial for the Government's failure to disclose these “shenanigans,” noting that the witnesses were receiving “a continuous stream of unlawful, indeed scandalous, favors” from the Government.<sup>39</sup> The Court commented that “[d]isclosure of these benefits, of course,

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<sup>33</sup> 373 U.S. 83 (1963).

<sup>34</sup> 405 U.S. 150 (1972).

<sup>35</sup> See, e.g., *U.S. v. Harris*, 462 F.2d 1033, 1034 (10th Cir. 1972).

<sup>36</sup> *Giglio v. United States*, 405 U.S. 150, 155 (1972).

<sup>37</sup> *Wisehart v. Davis*, 408 F.3d 321 (7th Cir. 2005).

<sup>38</sup> *United States v. Boyd*, 55 F.3d 239 (7th Cir. 1995).

<sup>39</sup> *Id.* at 244.

known to the prosecution (the source of the benefits), would have helped the defendants by undermining the credibility of key witnesses against them.”<sup>40</sup> Mr. Roberts’ consensual sexual activity with Ms. Jackson-Mitchell<sup>41</sup> was the same sort of “scandalous” favors from a prosecutor that should have been disclosed to the defense.

The exculpatory nature of the sexual relations appears to have been recognized by Mr. Roberts at the time. According to Ms. Jackson-Mitchell, Roberts told her several times that the case could end up in a mistrial if anyone found out about their “affair.” Presumably this was a reference to *Brady* and similar implications that would stem from failure to disclose the relations. The relationship clearly should have been disclosed to the defense.

A separate issue arises as to whether the failure to disclose this information would have been grounds for a new trial for Franklin. At the time of Franklin’s federal civil rights trial, the issue of a new trial for failure to disclose *Brady* material depended on which of three sets of circumstances applied.<sup>42</sup> *Brady* doctrine provided the possibility of a new trial where (1) a prosecutor knowingly introduced perjured testimony, (2) failed to turn over exculpatory evidence specifically requested, or (3) failed to turn over exculpatory evidence in the absence of a request or where only a general request had been made.<sup>43</sup> In this case, there is no indication that either of the first two situations occurred – i.e., there is no evidence of knowing perjury and it appears no specific request for information regarding Roberts’s sexual relationship with a witness was made. Consequently, any new trial assessment would have arisen under the standard applicable to the third category of cases. Where only a general request for exculpatory information or no request at all has been made, courts inquired whether the prosecutor’s “omission deprived the defendant of a fair trial . . . .”<sup>44</sup> Where the prosecutor’s failure to disclose such “evidence creates a reasonable doubt that did not otherwise exist, constitutional error has been committed.”<sup>45</sup> In making this determination “the omission must be evaluated in the context of the entire record. If there is no reasonable doubt about guilt whether or not the additional evidence is considered there is no justification for a new trial.”<sup>46</sup> By contrast where “the verdict is already of questionable validity, additional evidence of relatively minor importance might be sufficient to create a reasonable doubt.”<sup>47</sup>

Mr. Roberts’ failure to disclose evidence of his sexual involvement would clearly not have created a reasonable doubt about Franklin’s guilt. While I have not reviewed the entire trial record, I am generally familiar with the evidence produced at trial. The Government’s case at trial did rely on circumstantial evidence that Franklin was the shooter, as no weapon was ever found. But Ms. Jackson-Mitchell’s testimony does not appear to have been a key strand in the web of

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<sup>40</sup> *Id.*

<sup>41</sup> To the extent any of the activity is viewed as non-consensual, this fact would only *increase* the duty to disclose.

<sup>42</sup> *U.S. v. Jackson*, 579 F.2d 553, 559–60 (10th Cir. 1978).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 560 (quoting *U.S. v. Agurs*, 427 U.S. 97, 108 (1976)).

<sup>45</sup> *Agurs*, 427 U.S. at 112.

<sup>46</sup> *Id.* at 112–13.

<sup>47</sup> *Id.* at 113.

circumstantial evidence. She was jogging with the victims at the time they were gunned down by a sniper with a high-powered rifle. She did not identify the defendant as being present at the scene. The Government's case on that point rested on other witnesses. Accordingly, nothing in the present investigation even remotely suggests that Franklin was actually innocent of the crimes of which he was convicted. Instead, what the investigation suggests is that Mr. Roberts potentially behaved improperly by failing to disclose his relationship to the defense. Put another way, Mr. Roberts' failure to disclose the sexual relationship appears to have violated constitutional obligations that existed at the time to disclose evidence to the defense. But this violation was clearly harmless error beyond any reasonable doubt.

With respect to the elements of a *Brady* violation and whether impeachment evidence qualifies as *Brady* material, the law has not changed in any significant way since Franklin's trial.<sup>48</sup> Nonetheless, the fact that Franklin has now been executed raises new questions about whether the Government's has some continuing responsibility to disclose this *Brady* information, perhaps to Franklin's estate or defense counsel. Although there is no case law specifically addressing a case where the defendant is deceased when the prosecuting authority becomes aware of exculpatory evidence, current case law describes the prosecutor's *Brady* duty as an "ongoing" one.<sup>49</sup> Even after a trial, *Brady* evidence can form the basis of a habeas corpus petition or other post-conviction relief.<sup>50</sup> Currently petitions involving a posthumous pardon or other sentencing adjustment are not processed by the Department of Justice,<sup>51</sup> but there is no bar on filing such a petition. Moreover, past Presidents have granted posthumous pardons in a few rare cases.<sup>52</sup> Here, there is no realistic chance that any President would pardon Franklin given the heinous circumstances of his crime and overwhelming evidence of guilt, but the legal possibility of a posthumous pardon supports a continuing duty of the prosecuting authority to disclose exculpatory evidence where the defendant's death predates the discovery of the exculpatory evidence. Ultimately, though unlikely to succeed for procedural — and in this case factual — reasons, it is possible that the estate or heirs of Franklin might have a continuing interest in any available civil rights suit for the misconduct of Mr. Roberts in concealing *Brady* evidence.<sup>53</sup>

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<sup>48</sup> See, e.g., *U.S. v. Reese*, 745 F.3d 1075, 1077–78, 1082–83 (2014).

<sup>49</sup> See, e.g., *Pennsylvania v. Ritchie*, 480 U.S. 39, 60 (1987) (“[T]he duty to disclose is ongoing; information that may be deemed immaterial upon original examination may become important as the proceedings progress, and the court would be obligated to release information material to the fairness of the trial.”); *Douglas v. Workman*, 560 F.3d 1156, 1173 (2009) (“We emphasize that the duty to disclose such information continues throughout the judicial process.”).

<sup>50</sup> See, e.g., *Douglas*, 560 F.3d at 1159–60.

<sup>51</sup> *Posthumous Pardon Applications*, Dep't of Justice, <http://www.justice.gov/pardon/policies.htm> (last visited Dec. 15, 2014) (“It is the general policy of the Department of Justice not to accept for processing applications for posthumous pardons for federal convictions.”).

<sup>52</sup> See Stephen Greenspan, *Posthumous Pardons Granted in American History 11–13* (March 2011) (unpublished manuscript), available at <http://www.deathpenaltyinfo.org/documents/PosthumousPardons.pdf>.

<sup>53</sup> See, e.g., *Limone v. United States*, 579 F.3d 79 (1st Cir. 2009) (awarding estate damages in malicious prosecution suit); *Diamen v. United States*, 604 F.3d 653 (D.C. Cir. 2010) (rejecting estate's suit for certificate of innocence and statutory damages).

## **B. The Constitutional Obligation of State Prosecutors to Disclose the Sexual Relationship.**

Under Utah law both at the time of the trial and today, the Salt Lake County prosecutors in Franklin's murder trial would have had an obligation to disclose the sexual relationship of Mr. Roberts – in the unlikely event they were aware of it. As with the Tenth Circuit, the Utah Supreme Court recognized three categories outlined in Supreme Court cases imposing disclosure obligations on prosecutors.<sup>54</sup> And, not surprisingly, the Utah Supreme Court acknowledged the same standard of materiality as federal courts with respect to undisclosed evidence not specifically requested by the defense.<sup>55</sup> Nonetheless, the Utah Supreme Court may have arguably been stricter in its application of the materiality test than the Tenth Circuit, emphasizing that

[b]alanced against [the interest in doing justice] is the burden on the prosecutor to anticipate the usefulness of the evidence contained in his files. Even the most conscientious prosecutors may sometimes fail to appreciate the significance of some evidence in the hands of a skilled defense counsel or may forget that it exists when an unexpected development in the trial gives it new importance.<sup>56</sup>

Before concluding that the undisclosed impeachment information was not material, the court stated “we are unwilling to adopt a rule that permits defense counsel, by withholding a request for available evidence, to in effect corrupt a trial and thereby obtain a retrial.” In sum, the Utah recognized the same test as the Tenth Circuit for undisclosed exculpatory evidence not specifically requested. But in applying the materiality standard, the Utah Supreme Court placed particular emphasis on the burden on prosecutors of identifying all potentially exculpatory evidence and further expressed an unwillingness to disrupt finality where the defense could have specifically requested the information.

In the context of the State's murder case against Mr. Franklin, failure to disclose Mr. Roberts' relationship with Ms. Jackson-Mitchell who also testified at the state trial remains potentially exculpatory impeachment evidence. Ms. Jackson-Mitchell would have had pressure to mirror her testimony in federal court even if that testimony had been improperly influenced by her relationship with Mr. Roberts.

Current Utah law is similar to federal law on whether disclosure obligations continue. Like the Tenth Circuit, Utah law recognizes that “the prosecution is under a continuing duty to disclose evidence . . . .”<sup>57</sup> As noted, with respect to unrequested information this duty is limited to “obviously exculpatory evidence and evidence that is so clearly supportive of a claim of innocence that it gives the prosecution notice of a duty to produce.”<sup>58</sup> Moreover, the evidence must be “material” to implicate the continuing duty to disclose.<sup>59</sup> But as with federal law, there is no

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<sup>54</sup> See *State v. Jarrell*, 608 P.2d 218, 224–25 (1980).

<sup>55</sup> See *id.*

<sup>56</sup> *Id.* at 225.

<sup>57</sup> *Medel v. State*, 2008 UT 32, ¶ 24, 184 P.3d 1226.

<sup>58</sup> *Id.* (internal quotation marks omitted).

<sup>59</sup> *Id.* ¶ 25.

indication of the temporal limitations on the continuing duty to disclose. And, though Utah has never granted a posthumous pardon,<sup>60</sup> Utah law does not foreclose the possibility of posthumous pardon.<sup>61</sup> As a result, it is no less likely that a court in Utah would recognize a continuing duty on the prosecuting authority to disclose new material exculpatory evidence even after the death of the defendant. As a result, upon discovering the impeachment evidence that Mr. Roberts was in a sexual relationship with Ms. Jackson-Mitchell during Mr. Franklin's federal civil rights trial, the Salt Lake District Attorney's Office may have a duty to disclose this information even though Mr. Franklin has already been executed. At a minimum, the office may have a duty to investigate and make a determination whether this impeachment evidence would have "undermine[d] confidence in the verdict or sentence" against Mr. Franklin – although it seems obvious that the information did not materially alter the strength of the State's case.<sup>62</sup>

## V. RECOMMENDATIONS

This report has discussed the criminal, ethical, and constitutional implications of Mr. Roberts' failure to disclose his sexual relationship with Ms. Jackson-Mitchell during the federal civil rights prosecution of Franklin. Your Office has also asked me to provide advice on how best to proceed in light of these implications. Accordingly, I offer the following recommendations for the Attorney General's Office's consideration.

### A. Further Steps Regarding Criminal Prosecution.

As discussed above, it does not appear that any viable criminal prosecution could be launched against Mr. Roberts or, indeed, whether any criminal conduct occurred. Accordingly, my recommendation is that the Attorney General's Office not take any steps towards a criminal prosecution.

### B. Further Steps Regarding Possible Ethical Violations.

As a licensed attorney in the State of Utah, it appears that the Attorney General has an obligation under the Utah Rules of Professional Conduct to report certain known ethical violations to "the appropriate professional authority."<sup>63</sup> Specifically, where the Attorney General "knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects [the Attorney General] shall inform the appropriate professional authority."<sup>64</sup> The conduct at issue in this case and Mr. Roberts's failure to disclose it raise substantial questions of honesty,

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<sup>60</sup> See generally Stephen Greenspan, Posthumous Pardons Granted in American History 11–13 (March 2011) (unpublished manuscript), available at <http://www.deathpenaltyinfo.org/documents/PosthumousPardons.pdf> (comprehensively listing posthumous pardons and not listing any in Utah).

<sup>61</sup> See Utah Administrative Code R671-315-1(E) (2014) (appearing to require the individual seeking pardon to file the application but providing that "[t]he Board may dispense with any requirement created by this rule for good cause")

<sup>62</sup> *Tillman v. State*, 2005 UT 56, ¶ 31, 128 P.3d 1123 (internal quotation marks omitted).

<sup>63</sup> Utah Rules of Prof'l Conduct r. 8.3(a).

<sup>64</sup> *Id.*

trustworthiness, and even fitness to practice law, for the reasons fully addressed above. There are two proper professional authority's to whom the Attorney General appears to have a responsibility to report Mr. Roberts's unethical conduct: (1) the U.S. District Court for the District of Utah, before whom Mr. Roberts prosecuted the federal civil rights case; and (2) the U.S. Department of Justice, his supervising employer during the prosecution.<sup>65</sup>

*1. Reporting to the United States District Court of Utah.*

Related to enforcing its own standards of conduct, the United States District Court for the District of Utah has rules governing the investigation and prosecution of violations of its standards of conduct.<sup>66</sup> The facts I've recounted here suggesting that it may be appropriate for such investigation to occur, because Mr. Roberts's apparent unethical conduct was directly tied to the prosecution of Franklin in the U.S. District Court. Of course, any determination as to how best to proceed would be entirely within the discretion of the judges of Utah's federal court. But the Attorney General's Office should provide the information contained in this Report to the United States District Court for the District of Utah, as an "appropriate professional authority," so that the court can make its determination of how best to proceed. Accordingly, I recommend that the Attorney General provide the information to Chief Judge David Nuffer of the U.S. District Court for the District of Utah. Because the information relates directly to a case handled by Judge Bruce Jenkins, it would appropriate to also provide the information directly to him as well.

*2. Reporting to the U.S. Department of Justice.*

Like the federal district court, the Department of Justice also has rules governing the investigation and discipline of its lawyers.<sup>67</sup> Specifically, the Justice Department maintains an Office of Professional Responsibility (OPR), which has authority to "[r]eceive, review, investigate and refer for appropriate action allegations of misconduct involving Department attorneys that relate to the exercise of their authority to investigate, litigate or provide legal advice . . . ."<sup>68</sup> Because my investigation suggests that Mr. Roberts likely violated not only ethical provisions of the model code but also several additional standards of conduct governing Department of Justice lawyers, my recommendation is that the Attorney General's Office provide the information in this report to OPR. Of course, any determination as to how best to proceed would be up to the discretion of OPR and others within the Department of Justice.

**C. Further Steps Regarding Possible Constitutional Obligations.**

In light of the possible *Brady* violations connected with Mr. Roberts's sexual relationship with Ms. Jackson-Mitchell, it is recommended that the Attorney General take two steps.

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<sup>65</sup> See Utah Rules of Prof'l Conduct r. 8.3 cmt. 3 ("A report should be made to the bar disciplinary agency *unless some other agency, such as a peer review agency, is more appropriate in the circumstances.*").

<sup>66</sup> See DUCivR 83-1.5 (2014). Similar rules existed in 1981.

<sup>67</sup> See 28 C.F.R. § 0.39a (2013); *About the Office and OPR Policies and Procedures*, Dep't of Justice (Sept. 2013), <http://www.justice.gov/opr/about-opr.html#2>.

<sup>68</sup> 28 C.F.R. § 0.39a(1).

1. *Reporting to the U.S. Department of Justice.*

With respect to the possible *Brady* violations by Mr. Roberts, I recommend that the Attorney General's Office turn over the evidence gathered in this report to the U.S. Department of Justice – including both the local U.S. Attorney's Office here in Utah and the Civil Rights Division in Washington, D.C. The Supreme Court has identified the prosecuting authority as the entity owing the duty under *Brady* to ensure that exculpatory information is disclosed to the defendant.<sup>69</sup> But the Utah Attorney General has an overarching responsibility to “support, obey and defend the Constitution of the United States” and to “discharge the duties of . . . office with fidelity.”<sup>70</sup> Turning over the information to the local U.S. Attorney's office and the Department of Justice would satisfy this obligation, as both offices were involved in the prosecution of Mr. Franklin. Moreover, following this recommendation would provide the prosecuting authorities with an opportunity to conduct their own investigation and properly make the ultimate determination as to how potential *Brady* obligations in this case. Proceeding in this fashion would fully satisfy the Attorney General's Office's ethical responsibilities and uphold the highest possible standards, while at the same time placing the relevant information in the hands of the prosecutors best able to sort through the precise constitutional implications.

2. *Report to the Salt Lake District Attorney's Office.*

For similar reasons, I recommend that the Attorney General's Office should provide the information from this report to the Salt Lake District Attorney's Office, with a request to confirm that its office complied with its *Brady* obligations at the time of the murder trial. Nothing in the information collected in this Report suggests any awareness by that Office of the misconduct of Mr. Roberts in the separate, federal prosecution. But a final determination of that issue is ultimately best made the District Attorney's Office.<sup>71</sup> The Office, led by District Attorney Sim Gil, has a strong commitment to ethical conduct and will no doubt take appropriate steps to review the situation. A referral to the District Attorney's Office of this information is appropriate based on the Attorney General's general supervisory authority, pursuant to Utah Code § 67-5-1.<sup>72</sup> Moreover, there is a possibility that having supervisory authority over the District Attorney's Offices the Attorney General might be considered connected to the local prosecuting authority such that he has a duty to ensure that all material exculpatory evidence of which he is aware is timely disclosed. But such questions are best handled, in the first instance, by the Office that actually handled Franklin's murder prosecution. Accordingly, referring the information there seems the appropriate way to proceed.

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<sup>69</sup> *Kyles v. Whitley*, 514 U.S. 419, 437 (1995).

<sup>70</sup> Utah Const. Art. IV § 10.

<sup>71</sup> In the interest of full disclosure, my wife is currently a prosecutor in the District Attorney's Office. Given her current assignments, I do not believe that she would handle any issues related to this case if the matter were referred to the District Attorney's Office.

<sup>72</sup> Utah Code Ann. § 67-5-1(6) (West 2014) (“The attorney general shall . . . exercise supervisory powers over the district and county attorneys of the state in all matters pertaining to the duties of their offices, and from time to time require of them reports of the condition of public business entrusted to their charge.”).

#### **D. Reporting to Congress.**

The foregoing reports would appear to satisfy the Attorney General's ethical obligations as an attorney. It is also worth noting, however, that Mr. Roberts' actions may have had other harmful ramifications. In particular, just as Mr. Roberts would have had an obligation to disclose his relationship with Ms. Jackson-Mitchell to Franklin's defense attorneys, he may have later had an obligation to disclose the matter to Congress, and particularly to the Senate during his 1998 confirmation process to become a federal judge. As part of the process of obtaining his judgeship, Mr. Roberts appears to have completed various questionnaires and related paperwork, which he submitted to the Senate Judiciary Committee. Some of the questions may have required Mr. Roberts to inform the Committee of his inappropriate actions with the witness during the Franklin prosecution. Unfortunately, I do not have access to all of these questions (some of which appear to be unavailable in the public record) to determine whether any of them called for Mr. Roberts to make such a disclosure. I assume that he did not make any such disclosure, given the fact that Mr. Roberts apparently is proceeding on the assumption that his relationship with Ms. Jackson-Mitchell remains confidential today.

While the Attorney General's Office may not be legally required to disclose the information in this report to the Senate, I would advise doing so to permit the Senate to make its own independent evaluation of (among other things) whether Mr. Roberts should have disclosed this information during the confirmation process. Accordingly, I would advise providing the substance of the information in this Report to Senator Grassley, Chairman of the Senate Judiciary Committee, and to Senator Leahy, Ranking Member of the Committee.

It may also be relevant to note that Senator Hatch – from Utah – was the Chairman of the Judiciary Committee during Mr. Roberts' 1998 confirmation process (and, Senator Leahy was the ranking member of the Committee at that time). Because the issues here go the confirmation process that was under the direction of Senator Hatch (and Senator Leahy) at the time – and also involve an important criminal prosecution in Utah – disclosure of this information to Senator Hatch (and Senator Leahy) would also appear to be appropriate for this reason as well.

The House of Representatives played no direct role in Mr. Roberts' confirmation process. Nonetheless, it may well have a legitimate interest in the issues discussed in this report. Mr. Roberts' apparent misconduct could bear on issues regarding his conduct as a judge – i.e., a continuing failure to disclose this information even while sitting as a judge. It also could bear on issues regarding the performance of the Civil Rights Division of the U.S. Department of Justice. In theory, some of the issues discussed here could even be possibly grounds for the House to consider whether to begin an impeachment investigation.

It is not possible, from this distance, to determine exactly what the House of Representatives would do with the information in this report, if anything. Out of an abundance of caution, however, the wisest course of action would appear to be to provide the information the House to permit it to make its own assessment of the situation. Accordingly, I recommend that you provide the information to the Chairman of the House Judiciary Committee, Bob Goodlatte, and to the Ranking Member of the Committee, John Conyers, Jr. They would appear to be best situated to determine whether the House would want to take any further action based on the information contained in this Report.

In making a disclosure to members of Congress, I would advise alerting them to the fact that other disclosures are being made concurrently to others. Congress would presumably want to avoid releasing this information publicly until any further investigation has been completed by the Justice Department and other investigators.

I would also advise reminding Congress (and all other persons to whom disclosure is made) that the information contained in this report reveals the identity of sexual assault victim, who was a minor at the time of the events in question. The information in this report should accordingly be handled with great care to avoid any inappropriate disclosures of her identity.

### CONCLUSION

The information reviewed in this report is disturbing. While Mr. Roberts appears not to have committed any crimes, he quite clearly appears to have acted unethically in having sexual relations with a young, sixteen-year-old witness in a serious federal prosecution he was handling. His actions now create complicated ethical and constitutional disclosure obligations for the Attorney General's Office.

To be clear, nothing discussed in this report suggests any doubt that Franklin was in fact guilty of the terrible crimes he committed in Liberty Park on August 20, 1980. But now time and energy must be devoted to unraveling the implications of Mr. Roberts' misbehavior. With regard to possible violations of the rules of ethics, the Attorney General's Office should provide the information in this Report to the U.S. District Court for the District of Utah, as well as to the Office of Professional Responsibility of the U.S. Department of Justice. With regard to possible obligations to disclose this information to the defense, the Attorney General's Office should provide the information in this report to the U.S. Department of Justice (both the local U.S. Attorney's Office and the Civil Rights Division in Washington, D.C.) and to the Salt Lake County District Attorney's Office for their assessment of further reporting requirements. Because of possible ramifications for Congress, the information should also be provided to the current (and 1998) Chairmen and Ranking Members of the Senate Judiciary Committee, as well as to the current Chairman and Ranking Member of the House Judiciary Committee. Hopefully taking these steps will begin to repair some of the damage that Mr. Roberts has done to the integrity of the important federal prosecution that he handled.

Exhibit A –

Transcript of Interview with Terry Jackson-Mitchell  
(June 24, 2014)

Phone Call Between Terry Jackson-Mitchell and Richard Roberts  
June 24<sup>th</sup> 2014 - 0944 Hours  
Case # 14-673  
Transcribed by Teri Savage

Richard Roberts: (Inaudible) all that you had gone through and I wanted to make sure to call you the first opportunity. I don't know if this is a good time for you to talk?

Terry Jackson-Mitchell: It is.

Richard Roberts: But I thought it was much better for me to, to hear my voice and I hear your voice.

Terry Jackson-Mitchell: Uh huh (affirmative).

Richard Roberts: Is this okay?

Terry Jackson-Mitchell: Yes, I am alone and I am really, it was really hard for me to send you that letter to be honest with you and I, sorry if I sound like weird or I cry.

Richard Roberts: Oh, that's really okay and uhm, I've got to tell you it's, it's uh, in one sense very good to hear from you, uh, in another sense it's so painful because I never really knew the depth of all that you went through. And uhm, I think you were right to try to come to grips with all that you went through to try and purge yourself of any of the pain that you said that you feel to try and get some understanding about how someone like Franklin had done what he did. Uhm, and try to come to some point where you could, you know, reach forgiveness. Uhm, but so I praise you for doing all that and I wish I had better knowledge about the depth of all that you have been through in your life, but I admit, uhm, that I want you to know that as soon as I read this, I said I had to reach out to you and call you.

Terry Jackson-Mitchell: Uh.

Richard Roberts: And talk to you.

Terry Jackson-Mitchell: I'm glad cuz I would rather talk to you than uhm, sorry if I cry.

Richard Roberts: That's okay. It's okay, I've, I tend to do that sometimes in my old age, when you turn my age.

Terry Jackson-Mitchell: (Laughter)

Richard Roberts: Uh, I had a birthday on Saturday.

Terry Jackson-Mitchell: Oh, happy birthday. I remember that your birthday was in May and you were a Gemini.

Richard Roberts: Yep, well actually that was May is the beginning of Gemini and June is end of Gemini.

Terry Jackson-Mitchell: Oh, that's right.

Richard Roberts: Or is it vice versus, wait a minute.

Terry Jackson-Mitchell: No, you're right, you're right.

Richard Roberts: Is that right? I am the last day of the Gemini month or the first day. I forgot which.

Terry Jackson-Mitchell: You're the last. You're on the cusp, though.

Richard Roberts: I am on the cusp. That is true.

Terry Jackson-Mitchell: Yeah.

Richard Roberts: And uh, anyway, I had, family came out and it was very emotional and tears came to my eyes, too, so I am just warning you when you get older it's going to be not easier.

Terry Jackson-Mitchell: (Laughter)

Richard Roberts: Crying is fine. I mean it's, it expresses, it lets stuff out and it also expresses positivity.

Terry Jackson-Mitchell: Yeah, I agree.

Richard Roberts: I just had to reach out to you cuz after I read what you wrote. I didn't want to have a minute pass without you knowing uh, that I care. And I was a little surprised when you asked well how, why would you feel attraction to me.

It's my God you are, you are so smart, you are strong, you are, you had no barriers all the time Franklin had you, you know, you know, I was a young guy, good looking, always does something, uhm, but. You also had such energy yourself. Uh, so I was a little surprised that you'd be, surprised that anybody, uh, would find you as we found you. But, uhm, I know that's a question that you asked, but and I wanted to be honest with you. Uh, you know you, you had qualities that were attractive and still are, uhm, but I don't know if you need more of an answer than that, but I was, you should never be surprised that anybody sees in you or saw in you, those kind of characteristics. Uhm, I mean you are, you are a valued and valuable person. And it is painful to see that people took advantage of you so violently and I never knew the depth of that. And I guess I should apologize for not having dug deeper into you and your pain.

Terry Jackson-Mitchell:

Well did I ever talk to you, I am just trying to, so I am creating an exhibit right now that uhm, really kind of goes there, at that time in my life because there are years that I just don't remember and they are coming up as I have been taking, you know, art classes and going to counseling but I, what was I like when you met me? Because every single person that I ask from back then, they say that I was just so withdrawn and quiet and I remember like being that way. But I don't remember being that way with you. I don't remember, I mean maybe initially, I remember when we met like that day that we met, I was immediately, I feel like we were both drawn to each other. And I don't know if it's just because you were so charming and you know, you were handsome of course, and you still are, I am sure, but I just, what was I like? Cuz I feel like I don't even know who I was then. Like I was just, this ghost or somebody I don't know. I know this sounds so weird to ask you.

Richard Roberts:

Well it sounds different from what I remember because I think when we first met it was in Steve Snarr's office or the US Attorney's office there when I and they had set up an interview so that, you know, these Washington people could come out. I walked in the door of the office, you were leaning in a chair up against a window and I walked in and uh, I guess we were introduced or you saw me coming in. I know you were one of the victims that I would be talking with and I do remember, I think, when we saw each other our eyes, I think both sort of lit up. I didn't

know if you were lighting up, your eyes were lighting up because this was your opportunity to convey to, you know, the Washington people, who were going to put together this case, uh, what you had been through or something else. But I, I seem to remember your eyes sort of lighting up. I saw that, I held that. I wasn't certain, you know, of what was transpiring and I was quite anxious and interested in this person that I saw who seemed very composed. Not at all quiet, not at all shy but we sat down to speak and you were quite open. You were quite detailed, descriptive. The last thing in my mind, it never came to my mind, that you were something of a shell and was withdrawn. I knew you had gone through pain, your good friends had been murdered, you had, you know, you suffered your own physical injury. You had gone through emotional trauma; all that I knew about just from the event. Uhm, and to see someone with the strength and resolution that you had, uh, was extraordinary. Not even close in my mind to say that you seemed like an empty shell. That's not even.....

Terry Jackson-Mitchell:

Hmmm.

Richard Roberts:

I, I don't, that's not even close to what I remember. That has, that never was a description that I would ever could of, made if anyone asked me what's she like.

Terry Jackson-Mitchell:

Oh, that makes me feel good to know that because I wonder if my mom just remembers the worst of it, the very beginning. We know that, I just am trying to understand when I got to the point that I just, you know, moved past how horrible it was. Cuz it was really quite horrible. I guess I, well I'm glad that, that I didn't seem that way to you and it's funny when I remember that time in my life I, I, I've felt like being around you I felt less fearful and I felt like something was going to get done. I was concerned, I remember, back then that he was just going to walk because of the way things were, you know, at that time. Not that they are much different now, but, you know, I just was scared he was going to walk from that and I felt like I trusted, I don't know why, but I really did trust you would take care of it. So.....

Richard Roberts:

Well, we would, I may have shared with you some legal wrangling's that were going on that might have given you some of that fear. Uhm, the Federal government tried not to be, what, you know at the time, we were trying to be sort

of the big brother who could tell everybody what to do. This was also a local or state offense we had been working and I don't know quite how much I had told you back then but we were working to persuade the local prosecutor, the State's Attorney for Salt Lake City, to take the lead in the investigation. Not the investigation, but in the prosecution. To take the lead in bringing charges and to take the lead in bringing this guy to justice so it wouldn't look like the big bad feds are come in taking over a local or state law enforcement responsibility. And unfortunately we were, well, we were unsuccessful in persuading the State's Attorney to go to the Grand Jury and put the evidence before their Grand Jury and to ask for an indictment from the local Grand Jury. Uh, I may have shared some of that with you and that might have contributed to your fear that you know that Franklin was going to walk. I would never, ever have let that happen because, you know, we had our own Federal jurisdiction that we could have used and we ended up having to use it because it was just unacceptable to have it say prosecutors say no we can't, we don't think there is enough evidence to go to the Grand Jury and part of what we had was your very clear, uh, recounting of what you all did, where you were, what you recognized, what you saw, what happened and all that. So, in addition to the investigation that we did to come up with all the other evidence, you know, unfortunately we couldn't persuade the State's Attorney to take that to his Grand Jury and we said, well okay if we can't persuade you we will just go forward with ours. And uh, we did.

Terry Jackson-Mitchell: Uh huh (affirmative).

Richard Roberts: And so some of that might be what you remember in fearing that Franklin was going to walk but I hoped we had also conveyed sufficiently to you that was never something we would accept. We were not going to accept him not being charged or him just walking with no charges.

Terry Jackson-Mitchell: Well, I don't think that that is what I was confused about. What I was confused about was, you know, us, our relationship that we had, if anybody would have found out that we were, you know, having sexual relations, then that could have changed everything as far as a mistrial was concerned and I just didn't want, I don't know, that's how I think my 16 year old mind worked. Like if anybody, I remember, you know we talked about it and if anybody

ever found out that a mistrial could happen and I, I think that scared me to the core at that time.

Richard Roberts: Well, the one thing when you talk about mistrial remember the timing was, that I was quite insistent in my own mind and perhaps with you, I don't know if talked to you about it, that nothing happened until after the trial was over so there wouldn't have been a mistrial. It might have been, you know, later on someone bringing up something about seeing it happen after the trial and the verdict was already rendered. You know we made sure, made sure and in my own professional requirements and responsibilities that that never happened during, before any verdict was rendered.

Terry Jackson-Mitchell: No, remember we were watching it, like we were watching TV and watching the news one day, like right after I had testified, we were, when we were in bed together, we were watching the news about it. Don't you remember?

Richard Roberts: I remember it differently.

Terry Jackson-Mitchell: Oh, I see.

Richard Roberts: Uh, I remember it differently.

Terry Jackson-Mitchell: Okay.

Richard Roberts: Yeah, in part because the issue about mistrial really would have been it's called, like a 2255 Motion after a trial, uh, to bring some issue like that forward. But I thought I was very careful about making sure that, uh, uh, you know, your testimony happened and nothing, you know, physical went on until after you had finished your testimony.

Terry Jackson-Mitchell: Oh.

Richard Roberts: Now, maybe that was, maybe what you are saying is that the verdict had not come in but the testimony was all over. Uh, I made sure, I made sure that your testimony, direct and cross-examination and all that was all over. It happened before you got on the stand.

Terry Jackson-Mitchell: Well either way at least it's over and it's done and I appreciate you calling me back and uhm, touching base with me on this. It helps me like get clear, I guess and.....

Richard Roberts: Uh huh (affirmative).

Terry Jackson-Mitchell: And uhm.....

Richard Roberts: Well, I am here for you Terry, if you are, uh, you know, in need of further clarity or you just need to talk.

Terry Jackson-Mitchell: Well, I appreciate that, thank you. I don't want to bother you with this though, it's just, I'm just.....

Richard Roberts: Well, Terry.

Terry Jackson-Mitchell: Hoping to be done with it.

Richard Roberts: Terry, it is not a bother. This is not a bother. This is help. This is help for someone who has been nice to me, someone who has been a good person, someone who's entitled to have help. I don't know how much help I can be, but I am here to offer it.

Terry Jackson-Mitchell: Well, I appreciate it.

Richard Roberts: And I think you did a brave thing to uhm, you know, try to do what you have done to come to grips with all that you have been through. And I admire that and I respect that.

Terry Jackson-Mitchell: Well, thank you, I .....

Richard Roberts: I do.

Terry Jackson-Mitchell: I appreciate that.

Richard Roberts: You know it's a, it is frankly not a surprise uh, that you have shown the strength and the courage and attempted to get the clarity that you are doing now because I think, you know, those are characteristics I saw, what is it now 30 years, 30 something years ago.

Terry Jackson-Mitchell: Yeah, 34 or something, yeah 34 years ago, geez.

Richard Roberts: Yeah, yeah. But uhm, I do see from that you've gone forward into the real estate business and got your own stuff going.

Terry Jackson-Mitchell: Oh, yeah, I have been doing that for 23 years now.

Richard Roberts: My goodness.

Terry Jackson-Mitchell: Yeah.

Richard Roberts: My goodness. Is it fun?

Terry Jackson-Mitchell: It's fun to help people find a sanctuary. I just adore that part and it's so funny the, the commissions that are the least amount tend to be the most rewarding. You know, there's often been times when I've donated a great portion of my commission to a family that can't afford the complete down payment or whatever. But it's just, I don't know why, it just makes me feel really good to be able to help people that way.

Richard Roberts: Good. Well, you know, I think I saw some of that too, 30 something years ago.

Terry Jackson-Mitchell: (Laughter).

Richard Roberts: You know when, as I say, I was a little surprised in your message asking well, what could you have seen in me? Are you kidding? What could I have seen in you? The list could go on.

Terry Jackson-Mitchell: (Laughter).

Richard Roberts: Uh, and you know, to see that you couldn't see it, or can't see it, I wanted to make sure that, you know, somebody is here to tell you, oh ho, come on, there is plenty there to tell you about. That's one of them. That's one of the things I saw 30 something years ago.

Terry Jackson-Mitchell: Well, thank.....

Richard Roberts: Helpfulness, caring, you know, concern for others. Uh, I mean I could go on, but....

Terry Jackson-Mitchell: Well, I appreciate that and I wasn't. it is just so weird to hear from other people's mouths their point of view of who I was then because you know, I didn't realize it at the time. I think when you are a child you are resilient and you find a way to bounce back that I think when you came, when the beginning of the trials began I started to believe that, this, you know we could do something to stop this man from ever hurting anybody again and it gave me something else

to focus on, I think, in a positive way. So, you know, I think that this really messed with my head that whole time.

Richard Roberts:

Uh huh (affirmative).

Terry Jackson-Mitchell:

It's been really weird, Richard, like one of the reasons I went back to school, uhm, is because I just, I would be talking to people and I would not be able to understand the words that they were saying for like a full two minutes or and I would think am I having a stroke? What is going on? I, you know, like it was kind of scary and uhm had all these tests done and my brain is normal and everything but PTSD, I guess affects you that way sometimes. And so, I decided I've got to learn more, cuz I didn't believe I had PTSD. I thought it was just this random things that people say when bad things happen to you and that it wasn't applicable to me. And then when all that started happening, you know, when I couldn't understand what people were saying or I would have memory losses that were just very recent things that there's no reason that I didn't remember it. You know, like my birthday and things like that. Like two months after my birthday I couldn't even remember what we did or if anything. And so I decided to go back to school and one of the things that I thought is at least if I keep my mind active then maybe that will help and I decided my first semester to take a race and ethnicity course because I had left a crystal, a candle and a note on the memorial for Ted and Dave and somebody found it and all this really awesome things happened like their families came back to Utah, uhm, and we did a ceremony in the park to honor them and it was the first time that those families ever were kind to me. They were horrible to me. I wasn't allowed to go to the funerals. They blamed me and my father showed up and there was just so much feeling that I went to school and then I went into this class because I thought, you know, I'll learn more about how to heal this. And I didn't. I kept thinking none of this applies to me cuz my mom is Mexican and I am white and my children are half black and you know none of this applies to me. And then I was asked to require, I was required to make a paper about my race and ethnicity and I was really angry and I was really upset and I thought uhm, well I'll just go with white or with Hispanic because my mom's family mostly raised me. And every single statistic was true. There wasn't one that wasn't true and it really blew my mind and I thought well if that is true what about

PTSD? Is that, is that real? And so I started looking into that and I've been trying to find ways to heal it because so many people have it that don't know it or don't accept it.

Richard Roberts: Yeah.

Terry Jackson-Mitchell: And so, I don't know, I don't know where it is leading. I don't think I will be doing real estate much longer cuz I am just nervous about the memory challenge that I have. Uhm, but I don't know, I am just seeing where it leads and I keep bumping into wonderful people that want to be a part of it and I've been thinking about creating a non-profit that goes to schools and prisons and does art therapy cuz we know there are some schools, at least here, and I'm sure other places, where the children really need that. There's, I, I think there is a lot of children living with PTSD and their families don't even know it. So, I was hoping to possibly get that going. That's one of the things I was going to talk to my school today about. How do I get a non-profit organization going and I've actually have several teachers and counselors and people that would be on board with helping me if I can get it done. So, cross your fingers. (Laugh)

Richard Roberts: Well, you know Terry what my initial reaction is?

Terry Jackson-Mitchell: Hmm?

Richard Roberts: Do you hear yourself? Do you hear the courage? Do you hear the resiliency? Do you hear the spunk?

Terry Jackson-Mitchell: (Laughter).

Richard Roberts: It's not surprising at all to me, but it is what I saw 30 something years ago. It's just phenomenal.

Terry Jackson-Mitchell: Well, thank you. I.....

Richard Roberts: And, and you know, listening to you, uh, I guess it raises up again well how could he (inaudible) what I saw, but I praise you for that. I praise you for that spunk. I praise you for that resiliency. I praise you for the courage to confront and to try to get to the bottom of things. I mean a lot of people cannot or won't do it. You're doing it. I don't know if you hear yourself but that's what I hear.

Terry Jackson-Mitchell: Well, I'm trying to. I don't know if I'm actually doing it, but I'm trying to. We'll see.

Richard Roberts: You know what, you'll never get there unless you take the first step.

Terry Jackson-Mitchell: Yeah.

Richard Roberts: And that is what you have done. I think you are well beyond the first step. I mean you're determined and that determination is praise worthy. Uhm, and I sort of regret that I didn't know the depth of what you went through and wasn't perhaps there for you for the early years when healing was important but to the extent that, you know, you are doing the healing now and want to get the healing done now and you think I should be a part of it, you feel free at any time uh, to let me know that, you know, we should talk more.

Terry Jackson-Mitchell: Well, I appreciate that.

Richard Roberts: I am there for you.

Terry Jackson-Mitchell: Thank you, I appreciate that. Well, I'll email you. I just feel weird constantly reaching out for you cuz I know you are really busy and I don't want to bother you. Like this was such a long time ago and I don't know, I just feel weird about reaching out to you because I know you are busy. But.....

Richard Roberts: Well, uh, you know I am busy but there are also good people in my life for whom I stop and I talk and I want you to put yourself in that column if you think I could be helpful with this ongoing process of healing. You are in that column and I'll, you know, you are important.

Terry Jackson-Mitchell: Well, I appreciate that, thank you.

Richard Roberts: Okay, yep.

Terry Jackson-Mitchell: You have.....

Richard Roberts: You said you've got kids. Tell me, I think you may have mentioned, how many do you have and how old are they and?

Terry Jackson-Mitchell: Jennifer is 28.

Richard Roberts: Oh, my goodness.

Terry Jackson-Mitchell: I know and she just got her degree in design and uhm, she is just so, you know what, I think having Jennifer saved my life because it gave me something else to think about. I had her when I was a month away from being 21 and we moved to Virginia right after that because my husband was in Quantico. He is a marine. And uhm, I was so afraid of the racism that we would have to deal with there, you know cuz in Utah you hear about the South and you think they're so bad, but not like Utah is any better. Did you know that Franklin came to Utah because he was Mormon? By the way?

Richard Roberts: That, that, that might have (inaudible) that might have been.

Terry Jackson-Mitchell: Oh my God, the conversations I had with him. One of these days when you have time, I've got to let, share with you some of the stuff he told me. It was just stunning. But anyway.

Richard Roberts: That was stunning just to read that you had spoken to him.

Terry Jackson-Mitchell: Yeah, yeah, it was, so I created this piece, I don't know if I sent it to you, but I read, so I got all these old articles from when that happened and when I created that last exhibit and I uh, created this piece for him because I loved this one statement and it just brought me to tears. And it said that his Aunt, cuz it was something like "How", "How Does a Monster Like This Get Created?" or something like that. And this Aunt of his said, "We knew he was being abused. We knew he was being starved. We knew he was, you know, being neglected, but it wasn't we didn't want to rock the boat and it wasn't polite to talk about it. And I just thought God, if that woman or anybody that knew about it would have stepped up and tried to protect that child hundreds, thousands of lives would be different.

Richard Roberts: Uh huh (affirmative).

Terry Jackson-Mitchell: And so I just thought of him, like I literally, the child victim in me saw the child victim in him and I created this

piece for him and it won an award. I couldn't even believe it.

Richard Roberts: Oh my goodness.

Terry Jackson-Mitchell: But, I, I did the newspaper articles after he was convicted of, I think it what you, what your conviction got, I think two life sentences. Was total of what he got. And so I thought his life sentences were really my life sentences too and karmas and all the people that loved the people he murdered. You know everybody. And so I created this piece, I'll send you a link so you can see it but it was a little boy looking out, like the child looking out the window with barbed wire wrapped around it.

Richard Roberts: Uh huh (affirmative).

Terry Jackson-Mitchell: And it is on the newspaper articles. It turned out really good, but it didn't feel like I was doing it. It felt like through that exhibit the means that I created, that I was just a conduit and like what I am doing now is, it's all multimedia except for a couple. And I love painting but multimedia seems to wake people up.

Richard Roberts: Uh huh (affirmative).

Terry Jackson-Mitchell: And I've, I've got another exhibit coming during the time that Ted and Dave, you know, like the anniversary of their deaths. Uhm and I, I'm just trying to, like the weird thing Richard and I think you probably know this more than a lot of people do because it seems like a lot of criminals were victims as children that just fell through the cracks.

Richard Roberts: Uh huh (affirmative).

Terry Jackson-Mitchell: And so I was, I had this weird dream where I was trying to swim across this red river, like blood, and I was trying to take my sisters with me to the other side but we were drowning. Every time I tried to help they were fighting me and so I had to send them back and just swim across. And I, I kept thinking how do I get them to this side, cuz my sisters lives is so messed up and uhm, I, I saw myself creating this bridge but I was painting the bridge and then I painted this boat and went and followed this blood of water, this river of blood and it led me to a prison and the doors opened and when I jumped in the river and I came

out I was like gold. And I started handing all these art supplies to the prisoners and they started painting like outdoor things. Like they jungles and forests and all of a sudden all the walls of the prison just, just disappeared and everything was nature and it was beautiful and I thought, when I woke up it was so real, I thought it was like a prophetic thing, you are supposed to help the victims but are here because it is both sides. It is not just victim and perpetrator. Many of the perpetrators were victims too.

Richard Roberts: Uh huh (affirmative) Uh huh (affirmative). I found that. Yeah.

Terry Jackson-Mitchell: So, yeah, and so I would like to see if there is a way to heal that. I think of so many, you know, single parent families that are divided over this kind of stuff and one is in prison and one is just barely making it and Salt Lake is like the capital of meth use and most of the people using it and that are in jail are women. And most of the people in jail are using that or heroin in Utah. Like the girls, the women and I just keep thinking even if I just help them, even if I just focus on them because they have the children, they effect so much of, you know, their family's quality of life, not that men don't, but if they're not there and the woman is the one that's only there it seems logical to do that. It seems like such a huge endeavor and it gets overwhelming but I know that this is something I should be doing because it helps me and I'd like to help other people. Hate the thought of other people living in that forever, so anyway, that is what I am going to do.

Richard Roberts: Well, you know it's very impressive. You have reached sort of a level of understanding that some people have to spend their whole lives struggling to reach. Uhm, and it is damn impressive. And I hope, I hope you realize that because if you are still questioning, you know, sort of your self-value, boy I hope you realize that.

Terry Jackson-Mitchell: Well, thank you.

Richard Roberts: Very impressed.

Terry Jackson-Mitchell: Thank you.

Richard Roberts: Well, I don't, I am the one I don't mean to take up all your time cuz I know you've got stuff to do but, uh, uh, please

know that even though it's, I don't know, thirty something years late for me to be of some help for you and that process of moving forward and healing, I am here for you.

Terry Jackson-Mitchell: Thank you, you have a great day.

Richard Roberts: Terry be well, good talking to you.

Terry Jackson-Mitchell: Nice talking to you, too.

Richard Roberts: Okay.

Terry Jackson-Mitchell: Bye, bye.

Richard Roberts: Bye.

END OF PHONE CALL

Exhibit B –

Transcript of Interview with Terry Jackson-Mitchell  
(July 14, 2014)

Interview of Terry Jackson-Mitchell  
Interviewed by Special Agent Tina Minchey and Special Agent Steve Sperry  
July 14<sup>th</sup> 2014  
Case # 14-673  
Transcribed by Teri Savage

Craig Barlow: Let's make sure that you are okay with, just okay with these guys and then I am going to.....

Terry Jackson-Mitchell: Go do your thing?

Craig Barlow: Yes.

Terry Jackson-Mitchell: Okay.

Craig Barlow: Uhm, like I mentioned on the phone these are two of the best in our office and I think two of the best in the State and so that is one of the reasons that we selected them to talk with you.

Terry Jackson-Mitchell: Okay.

Craig Barlow: Okay? Uhm, they will have their own schedule. They may need you to come back. They may ask for documents, they may ask for other stuff. Steve has everything that you gave me.

Terry Jackson-Mitchell: Okay.

Craig Barlow: You said you brought the recording, uhm, so anything you need to ask right now?

Terry Jackson-Mitchell: No, not that I can think of.

Craig Barlow: All right.

Terry Jackson-Mitchell: I am just assuming you guys are going to investigate it and then it is just going to go from there?

Craig Barlow: Right. Uhm, we have approval right now to do the investigation.

Terry Jackson-Mitchell: Okay.

Craig Barlow: Once we have that completed then we will probably meet again with, you know, my superior officers and find out, you know, what we are going to do in terms of are we going to file, are we going to do something with the Federal Judicial Conduct Commission, are we going to do both? I mean there may be a number of options.

Terry Jackson-Mitchell: Okay.

Craig Barlow: Uhm, we'll keep you in the loop on all of those but until we get a complete picture of what the investigation discloses we really won't know completely what all of our options are.

Terry Jackson-Mitchell: Okay.

Craig Barlow: So, but you will be in the loop on everything. I was hoping to also have our Victim Witness Coordinator here. She has been ill for the last several days and I checked again this morning and she wasn't .....

Tina Minchey: She is still not feeling good.

Craig Barlow: Wasn't back. But eventually I want you to intro, meet Tammie, cuz she will be a good kind of liaison between Tina and Steve and you and me.

Terry Jackson-Mitchell: Okay.

Craig Barlow: Uhm, and you can call her for stuff, uhm, on co-status of the case and things like that.

Terry Jackson-Mitchell: Okay, sounds good.

Craig Barlow: Kay, all right you are in great hands. Good to see you.

Terry Jackson-Mitchell: Nice to see you too.

Craig Barlow: You take care of yourself.

Terry Jackson-Mitchell: Okay, thank you.

Craig Barlow: Go to it, guys.

Tina Minchey: Thanks Craig.

Terry Jackson-Mitchell: So, I am having hot flashes today, so.

Tina Minchey: Oh, want the fan on?

Terry Jackson-Mitchell: I know that just sounds so weird to hear but I don't even care; I'm not going to be ashamed of it.

Tina Minchey: You're okay. Yeah, if you want to....yeah, let's see.

Terry Jackson-Mitchell: Yeah, I have been up all night with it and then.....

Tina Minchey: Not feeling well, huh?

Terry Jackson-Mitchell: This morning I was so hot that I threw up and I am like, okay.

Tina Minchey: Oh, we could have rescheduled? If you need to?

Terry Jackson-Mitchell: No, I think that it's like, when I have dealt with these issues for some reason this is what happens. I think it is a PTSD thing or you know my body tensing up or I don't know. So.

Tina Minchey: Get anxiety about talking about it?

Terry Jackson-Mitchell: Yeah.

Tina Minchey: Makes you (inaudible).

Terry Jackson-Mitchell: It's ridic, well it's not ridiculous. I'm trying to learn how to like manage it, I guess, so.

Tina Minchey: That's okay. So, if you need a drink or if you need to take a break or you just want to, you know, just whatever, just let us know. We are good with that.

Terry Jackson-Mitchell: Okay, thank you.

Tina Minchey: And if we need to turn that up higher, let me know.

Terry Jackson-Mitchell: (Laugh) Thank you.

Tina Minchey: Okay, so, let's see, July 14<sup>th</sup> already today, right?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Okay, so Terry, just can you give us a little bit of a background about yourself? I mean.....

Terry Jackson-Mitchell: Sure.

Tina Minchey: Tell us about yourself a little bit.

Terry Jackson-Mitchell: So, I am 49, I will be 50 in October. Uhm, I'm a real estate broker. I have been doing that for about 23 years. I was a real estate agent more than a broker.

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: I've been a broker since 2006. I own Utah Living.Com, which is my brokerage, since 2006. Uhm, I have two daughters. One is 28, the other is 25 and I have two granddaughters. I've been married to my husband for about, let me think, since 2006. So it will be eight years. But we were together six years before that, so.

Tina Minchey: Oh, so it's.....

Terry Jackson-Mitchell: And knew each other for five years. I took a really long time to say yes.

Tina Minchey: It's okay, make him, make him come after you a little bit.

Terry Jackson-Mitchell: Yeah.

Tina Minchey: That's okay. So how old are your daughters, again?

Terry Jackson-Mitchell: 28 and 25.

Tina Minchey: Do each one of them have kids or just one?

Terry Jackson-Mitchell: No, just one. The 25 year old.

Tina Minchey: And what is her name?

Terry Jackson-Mitchell: Paige Jackson.

Tina Minchey: What about your other daughter, 28, what's her name?

Terry Jackson-Mitchell: Jennifer Jackson. And their father was in the military. He's retired now. Uhm, he was in the Marine's when we got married and we were together for 10 years about.

Tina Minchey: So that they're not the kids from your marriage right now?

Terry Jackson-Mitchell: No.

Tina Minchey: Okay.

Terry Jackson-Mitchell: No.

Tina Minchey: And what are their father, what's their father's name again?

Terry Jackson-Mitchell: Darrell Jackson. And it is D A R Y E L L.

Tina Minchey: Yeah, I would have never got that one.

Terry Jackson-Mitchell: I know. It's, I always asked his mom, like why did you do that? She said, everyone didn't know how to spell it. And he was stuck with it.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And currently I have been, so this is kind of a weird story. You guys may know it, may not. So in 2010 every year I would go to the Liberty Park, where my friends were murdered and in this particular area there is a little memorial plaque. And so on the anniversary of the murders, every night, you know, that night, I would just go put a crystal, a candle and a note. And I never signed it, sometimes I would put flowers. Uhm, and in 2010 I did it again and somebody had asked a reporter to check it out. By the time she got there the note wasn't there, she put a thing in the paper and said I wonder who wrote this? So, this is on the 30<sup>th</sup> anniversary. Uhm, and since that occurred, like I got online and a friend of mine said, I think they wrote about you in the paper and the reason he knew was because I kind of came out on Facebook of who I was. I really hid .....

Tina Minchey: For a while.

Terry Jackson-Mitchell: This from people for, yeah, 30 years. So, uhm, it changed everything. Like what ended up happening is the parents of the boys that were murdered reached out to me, well reached out to the reporter, who reached out to me. I wasn't allowed to go to their funerals. I was blamed for their murders. Uhm.....

Tina Minchey: Who blamed you?

Terry Jackson-Mitchell: The newspaper, the media, the families, uhm, and then after they found out who really killed them, it was never retracted. Nobody ever apologized. It was just like I was made an example of being a bad white girl for talking to black men. I really, like if you look at the articles back then it is really astounding the victim blaming. I didn't understand what victim blaming was until just recently. So, after the murders occurred I just had to leave Utah because of the death threats and uhm, the people that were really awful to our family. So and it was really, they were scared I was going to get killed. Uhm, and they put our address in the paper, you know.

Tina Minchey: Oh, that was nice.

Terry Jackson-Mitchell: So, the murderer could come find us for 10 days and I, I talked to him, he said he thought about coming for us. So, it was just a really challenging time. I didn't end up going to college. I was an honor student, cheerleader, uhm, always was a very good, you know, girl. But, uhm, when that occurred it kind of screwed everything up and couldn't go back to high school because the kids just bullied me so much and there was, you know, "nigger lover" written all over my locker, people cornering me in the bathroom to beat me up. It was just always trauma, you know, after trauma, after trauma and so I pretty much never talked about that. Like I did the trials, the murders occurred August 20<sup>th</sup> of 1980. I turned 16, October of 1980 and by January of 19, January and February of 1980, I met Richard Roberts. He was the prosecuting attorney for the violation of their civil rights, for Ted and Dave's civil rights. So, it was a very quick, everything happened very quickly. Prior to the murders I was raped. I was kidnapped and raped and held in the desert.

Tina Minchey: When was that?

Terry Jackson-Mitchell: That was like the end of June or beginning of July. I think it was the very end of June of 1980. Uhm, so the courts appointed a counselor for me. Her name was Kathy Adams and she is still around. It's K A T H Y Adams. Uhm, there is a big file on me, you know, because they were helping me.

Tina Minchey:

Uh huh (affirmative).

Terry Jackson-Mitchell:

They were trying to help me. And what occurred with that man that raped me is there were, I kind of get this number confused in my head sometimes, there was an investigator that told me he had 60 women that had come forth and said that he raped her but by the time, you know, back in those days they didn't have victim's rights, so women were more on trial than the perpetrator. So by the time they would get to the point of getting to trial nobody would show up.

Tina Minchey:

Uh huh (affirmative).

Terry Jackson-Mitchell:

So, I am 15 when this happens, and the whole time he was hurting me, I just kept thinking, I am last person you are going to do this to. I don't care what it takes you are going to prison for this. And I don't know how I managed to do this. I still marvel at this but when he got out of the car to go to the other side, he was a very big man. He was like 6'4", 300 pounds, I got his registration out of his car and that led the police to him. So, uh, the week, not even a full week after the boys were murdered I was supposed to, I was scheduled to testify against him. And I don't think that they thought I would show up but I showed up. And they just immediately went inside, I didn't even have to testify, and he pled guilty. But while he was out on bail between the end of, well the middle of July, cuz they waited two weeks to even arrest him, I couldn't believe it.

Tina Minchey:

Wow.

Terry Jackson-Mitchell:

Uhm, which was, I ended up calling them and saying if you don't arrest him, my father is going to kill him. Like, I kind of think the police wanted that to happen. My father was the president of the The Barons, which is a motorcycle club.

Tina Minchey:

Uh huh (affirmative).

Terry Jackson-Mitchell:

Uhm, and what ended up happening is he raped another girl. She was 12.

Tina Minchey:

In between that time?

Terry Jackson-Mitchell:

Uh huh (affirmative).

Tina Minchey: Really?

Terry Jackson-Mitchell: Yeah. And I think he had a pregnant wife. It was just really awful.

Tina Minchey: Who is that?

Terry Jackson-Mitchell: His name was Phillip George and he did go to prison. I think he was sentenced, like they, they lessened the charges from 3 counts of rape and 3 counts of sodomy against me to 1 count of rape and 1 count of sodomy. And I don't know what they did with the girl. But they kind of lumped those two together, was my understanding back then, uhm, those two cases in terms of the sentencing cuz he pled guilty on that. He left like chewed up gum in my pubic hair. He just really beat me up and it was pretty bad. So, I was still kind of, you know, dealing with that.

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: But prior to that, this is really weird to say, so if I cry I am sorry.

Tina Minchey: You're fine.

Terry Jackson-Mitchell: Uhm, I was, my father abandoned us when we were kids and my mother is Mexican. We moved here to be with her family but when we did, uhm, there are a lot of pedophiles in my family and so my mom had these three little girls, eventually four little girls and we were all kind of, you know, at the mercy of the people that were helping us.

Tina Minchey: So her family members?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Is what you are saying?

Terry Jackson-Mitchell: Uh huh (affirmative). So, well it was her stepfather and her brothers. So by the time that rape, by the time I met Richard Roberts I had been raped since I was 4. I had been beaten, starved, we were really poor and my mom would go away to try to get away from these people but my father wasn't helping us and she had all these, you know, these little girls that are one year apart and so uhm, it was really

challenging. So, I was the grown up. I had to be the one to take care of everybody while mom was working. So she worked like 3 jobs generally and she worked at the church at night, the Catholic Church, to clean in there. She worked at Mountain Fuel for like 30 years and waitressed to, sometimes. So.....

- Tina Minchey: What is your mom's name?
- Terry Jackson-Mitchell: Carolyn Gentry.
- Tina Minchey: And what is your dad's name?
- Terry Jackson-Mitchell: Uhm, so his name is Ralph Elrod. E L R O D. But he goes by Teach. He used to be a teacher before he became a biker.
- Tina Minchey: And you said he was the president?
- Terry Jackson-Mitchell: Uh huh (affirmative).
- Tina Minchey: And where did you guys live prior to coming to Utah, then when you said.....?
- Terry Jackson-Mitchell: Oregon.
- Tina Minchey: Oregon?
- Terry Jackson-Mitchell: Uh huh (affirmative).
- Tina Minchey: Is that where he was the .....?
- Terry Jackson-Mitchell: Teacher.
- Tina Minchey: Yeah, where he was based when he joined the Barons?
- Terry Jackson-Mitchell: No, he came here after we came here. So we came here, my mom left him, came to live with her parents till she could get on her feet.
- Tina Minchey: Okay.
- Terry Jackson-Mitchell: And he followed.
- Tina Minchey: Oh really?

Terry Jackson-Mitchell: And then he joined the motorcycle club and he just pretty much, he was I guess, coming and going as he wanted and that's why she kind of just said, I am leaving and he kind of played that, you know, game, where he tried to hurt her through us by not paying for child support or coming around and really just living his fantasy of being Peter Pan forever.

Steve Sperry: So, what was your maiden name?

Terry Jackson-Mitchell: Elrod. E L R O D.

Steve Sperry: Elrod?

Tina Minchey: Do you remember when it was that your mom left? How old were you?

Terry Jackson-Mitchell: Four.

Tina Minchey: You were 4?

Terry Jackson-Mitchell: So, '68.

Tina Minchey: Did they ever get divorced then?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Was that after you guys came to Utah?

Terry Jackson-Mitchell: Yes.

Tina Minchey: And after years or was it just?

Terry Jackson-Mitchell: Very quickly, I think.

Tina Minchey: Was it? But he just still, did he stick around then?

Terry Jackson-Mitchell: Well, he stuck around. Yeah, he would come around like once or twice a year. You know, sometimes he would call but it was pretty rare.

Tina Minchey: Did you reconnect with him over the years?

Terry Jackson-Mitchell: Uh huh (affirmative). Yeah, it was, like we were always ready for him to come and visit us or be with us, but he was just a jerk. You know, I forgave him and then it's all fine

now but like he'd come back to kind of rescue my sister and me because things were getting really bad at my mother's house. There was a lot of physical abuse, like I had my nose broken at 12. I, we were beat up, we were.....

Tina Minchey: By your mom's family?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Her step-dad and the mother?

Terry Jackson-Mitchell: Her mother and her brothers, yeah. It was very, very dysfunctional.

Tina Minchey: So when did you reconnect with him, I guess?

Terry Jackson-Mitchell: With my father?

Tina Minchey: Yeah.

Terry Jackson-Mitchell: Like around 14, when I was graduating from 8<sup>th</sup> grade.

Tina Minchey: Okay.

Terry Jackson-Mitchell: I told him what was going on. I didn't tell him about the molestations, but I did, uh, you know he knew that I was getting beat up a lot and that my sister was getting beat up a lot because we looked like him, so.

Tina Minchey: Okay, so then you were talking about prior to, prior to being raped in June of '80 and when this, the murders had occurred in August, tell us about like school and everything. Everything was fine up until then?

Terry Jackson-Mitchell: Everything was fine. I was getting really good grades, you know, I was engaged. I always was the kid that stayed after school, really to stay from going home, to be honest with you. But, uhm. I was always the kid that tried to help the teachers clean up the rooms and I just didn't want to go home. So, uhm, but I had to because I had to take care of my sisters.

Tina Minchey: And they are younger than you, then?

Terry Jackson-Mitchell: Yeah, I am the oldest, so and my mother, like I said, she worked quite a bit. It's, we weren't Mormon so it was

always a challenge back then, you know. My mom was exceptionally beautiful, uhm, so in the neighborhoods where we lived I have a single mom where the mothers are all concerned their husbands are going to, you know, mess around with her, or whatever and we weren't Mormons so the kids weren't allowed to play with us. So we were kind of isolated, I think, looking back on it, uhm, we were very, we didn't have a lot of resources. So.

Tina Minchey: Okay. So, tell us about the first time that you had met or been involved with the trial then? Let's.....

Terry Jackson-Mitchell: Okay.

Tina Minchey: Tell us about how this all started and if you want to go back to, to when...?

Terry Jackson-Mitchell: Well, I was living in Arizona. My father took me to Arizona after the murders. I think it was in October because it was just so scary.

Tina Minchey: Did he take your sisters or just you?

Terry Jackson-Mitchell: Just me.

Tina Minchey: Okay, so dad took you down there.

Terry Jackson-Mitchell: Uh huh (affirmative) and so I had to be flown to Utah for the initial uh, meeting, of all the attorneys cuz I go into this room and there's, I, I swear there was like 8 or 12 attorneys or men all in the room.

Tina Minchey: Very intimidating, probably, huh?

Terry Jackson-Mitchell: Yeah, it was really intimidating. I was only 16.

Tina Minchey: Yeah.

Terry Jackson-Mitchell: And like I know you know this as a woman when you walk in the room and everybody is just checking you out and looking you up and down and you are like, almost feeling like I should cover, but I was wearing, you know, a corduroy blazer and a silk blouse and uhm, it was just interesting. So, they were all nice to me and Richard was really nice to me and I thought finally they are going to take this seriously. I, I was dead set on making sure that

Franklin went to prison for what he did. There was, whatever they asked me to do I would have done it because I was so afraid he was going to get out and hurt other people uhm, and keep doing it.

- Steve Sperry: You know, now there was actually, there was two trials.
- Terry Jackson-Mitchell: Uh huh (affirmative).
- Steve Sperry: One for the State of Utah and one for the Federal government.
- Terry Jackson-Mitchell: The State of Utah was the second trial.
- Steve Sperry: Okay, so the first trial was the civil rights trial?
- Terry Jackson-Mitchell: Yes.
- Steve Sperry: Okay and that's when you were flown back to meet the attorneys.
- Terry Jackson-Mitchell: Uh huh (affirmative).
- Steve Sperry: Now were there, were the Utah attorneys there too or just?
- Terry Jackson-Mitchell: Yes.
- Steve Sperry: Were they all Federal Prosecutors or just the State?
- Terry Jackson-Mitchell: No, I think it was mostly Utah attorneys.
- Steve Sperry: Were they the same attorneys that prosecuted Franklin?
- Terry Jackson-Mitchell: No.
- Steve Sperry: For the State charges?
- Terry Jackson-Mitchell: I'm not really positive but I don't think so. I think uhm, I can't remember, they have the name, he says the name on one of the tapes of the man that was the head of it in Utah. I want to say Snarr, but when I talked to Ron Yengich, he said no, that is not who it was, but we can listen to the tape and you can hear that.
- Steve Sperry: Okay.

Terry Jackson-Mitchell: But they were, my understanding was that he and maybe one other person represented the Federal government, uhm, in that initial meeting.

Steve Sperry: Okay, so the first trial was the civil rights trial?

Terry Jackson-Mitchell: Yes, and the reason they did that is they didn't know if they would be able to, which is just astounding to consider, that they didn't know if they could get a murder trial to stick, you know, with the evidence that they had. They had the bullets, they had the car, they had, you know, all these witnesses. I don't know why they did it that way but they did. And I think that because they did it that way it helped the murder trial. Uhm, for them to get the conviction.

Steve Sperry: Okay. So when you came back, you met with the attorneys, where did you meet with them?

Terry Jackson-Mitchell: We met at the Federal Court House and then we went to Liberty Park in cars and I showed them, you know, where we jogged and so just little things pertaining to that evening.

Tina Minchey: From right at that first meeting was your dad in there with you, your mom in there with you?

Terry Jackson-Mitchell: Nuh uh (negative), just my dad.

Tina Minchey: Just your dad was in the meeting with you when you met with all the attorneys. And then when you went to the Liberty Park your dad was still with you?

Terry Jackson-Mitchell: Oh, no, I can't remember if he was. I don't think he was in the car with me.

Tina Minchey: Okay. Did you ride with somebody in particular do you recall?

Terry Jackson-Mitchell: I rode with like five, there was five people in the car.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And Richard Roberts was one of them.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And then I flew back home to Arizona. And then they flew me back again and uhm, I just refused to get back on the plane and I just stayed in Utah. I did. I couldn't handle being away from my mother anymore.

Tina Minchey: How long had you been away from, from your mom?

Terry Jackson-Mitchell: Uhm, well from October, like I am saying be away from Utah family. Uhm, from October until probably February. January or February of 1981. So October 1980 and then February of 1981.

Steve Sperry: Is that the first time that you had flown back was February of '81?

Terry Jackson-Mitchell: Uhm, well, no I think that was the second time because the first time I flew and met every body and then I had to go back home.

Steve Sperry: When did you first fly out here, do you remember?

Terry Jackson-Mitchell: It was winter, that's all I can remember. I want to say it was after Christmas because I know I spent Christmas.

Steve Sperry: So it could have been the end of December the first of January?

Terry Jackson-Mitchell: Yeah. It was bitter cold. You know how it gets.

Steve Sperry: Yeah, unfortunately.

Tina Minchey: So when you stayed with your dad in Arizona was it just the two of you?

Terry Jackson-Mitchell: It was with my grandmother.

Tina Minchey: Your grandma?

Terry Jackson-Mitchell: Uh huh (affirmative). My dad had stayed here. Actually I think eventually though he moved up to Montana. Like he just was, so the media really tried to pin the blame on my father, too, because of who he was and it was an awful coincidence that their clubhouse is like on 850 South and about 2<sup>nd</sup> or 3<sup>rd</sup> East. Just blocks from where the murders occurred. So, you know they kept that lingering doubt going in the paper, in the rumors and just all the and so dad

ended up leaving because he just didn't trust that things weren't going to get bad, here.

Tina Minchey: So, he went to Montana?

Terry Jackson-Mitchell: Uh huh (affirmative) and he took my sister with him.

Tina Minchey: One of them?

Terry Jackson-Mitchell: One of them.

Tina Minchey: And then the other one stayed with your mom?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: So when you met with the group of attorneys the first time did they inform you that you were the only witness? What about the other, was there one or two other girls with you?

Terry Jackson-Mitchell: There was one other girl.

Tina Minchey: Did she?

Terry Jackson-Mitchell: She met with them too, I think.

Tina Minchey: Different times but you were, were you in contact with her? Was she a friend of yours?

Terry Jackson-Mitchell: We weren't, uhm, well we were really good friends when it happened, but her father and everybody just kind of kept us apart. Uhm, I don't know if they did that for our own safety. We were just broken, seriously, I mean, a victim blaming to the nth degree and so.....

Tina Minchey: The two of them right.

Terry Jackson-Mitchell: Oh yeah, and her father was card carrying KKK member. He beat her like a man.

Tina Minchey: Wow and what's her name?

Terry Jackson-Mitchell: Carma, well it was Carma Ingersol, she just got a divorce so it might go back to that.

Tina Minchey: Have you kept in contact?

Terry Jackson-Mitchell: Well what's weird is that after that crystal, candle and the note thing, uhm, everyday something really cool would happen. Like a reporter called me and said that Ted and Dave's family wanted to meet me and then she said that Carma called. I hadn't talked to her for like 30 years.

Tina Minchey: Really?

Terry Jackson-Mitchell: Yeah. So, we came back in contact at that time and seriously this is just like a bomb blew up in all of our lives and we just tried to walk away rather than pick up all the pieces, you know. So, Carma and I were in contact with each other, but not like we were before. It was like peppered, you know, sporadically.

Tina Minchey: So they didn't really let you talk to each other or see.....?

Terry Jackson-Mitchell: Hangout, no.

Tina Minchey: Each other? What about like during the trial, I mean was she a significant part of the trial? Like you were?

Terry Jackson-Mitchell: She was the second witness after me.

Tina Minchey: Okay.

Terry Jackson-Mitchell: So I was always the first witness at both trials. I was the first witness. Uhm, and Carma was after me and we did talk to each other like they didn't have cell phones back then but we, like when the parents were at work we would call each other and talk to each other. But, you know, just like teenagers.

Tina Minchey: Yeah, yeah. Okay.

Steve Sperry: Was Carma the same age as you?

Tina Minchey: Uh huh (affirmative).

Steve Sperry: At the time?

Tina Minchey: Yeah, she is like a month older than me.

Steve Sperry: So, she was, and was there another girl also with you?

Terry Jackson-Mitchell: Nuh uh (negative).

Steve Sperry: There was just the two of you?

Terry Jackson-Mitchell: Just us two.

Tina Minchey: Did you ever know if, if she had been prepped for trial by a specific prosecutor?

Terry Jackson-Mitchell: Well, I asked her if Richard was the prosecutor that prepped her and she said she didn't think so. So, it is weird, Richard is, was my only contact when I was a witness. That was it. I did not talk to anybody else.

Tina Minchey: On the civil side?

Terry Jackson-Mitchell: Yeah, yeah, so even at the end of the trial when the trial was won, they had this big dinner over at Dela Fontana, do you remember that restaurant? I don't know if you are from Utah but there was this restaurant called Dela Fontana, it's Ichibonds now, and they had a big celebratory kind of dinner and I was invited to go to that, but Carma wasn't. So, it was all the attorneys and Franklin's ex-wife was there and me. And it was, and Carma wasn't as involved for some reason as I was and I think it was because you know, Richard kind of singled me out.

Tina Minchey: What about during the state trial did you have much contact with one of those attorneys or....?

Terry Jackson-Mitchell: I mean I did but not even nearly the amount of contact that I had with Richard.

Tina Minchey: Who was your main contact on the state trial?

Terry Jackson-Mitchell: I can't even remember, I'm sorry.

Tina Minchey: Okay.

Terry Jackson-Mitchell: It seemed like my counselor was present a lot more than but she wasn't my point of contact for that, so I really don't remember. And it was brief thing, I mean, we went over what they were going to ask me, uhm, you know, went over what happened that night. But it wasn't like I had to talk to them every single day for hours and hours or come to his office, you know, for hours and hours. It wasn't something like that. Completely different.

Tina Minchey: So, who reached out to you initially when you first had the meeting with the group of attorneys when you first flew back?

Terry Jackson-Mitchell: It was my dad that arranged all that.

Tina Minchey: So, okay, so your dad arranged it and you just came over.

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: And then you went back to Arizona and then you flew back in around, is it around February when you came back for the last time?

Terry Jackson-Mitchell: Uh huh (affirmative). Uh huh (affirmative).

Tina Minchey: And was it at that time that you went back to live with your mom and the trial was still going, preparation right?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Okay, so tell us about that, when you came back?

Terry Jackson-Mitchell: Uhm, so what do you mean?

Tina Minchey: Like once you came back did you have another meeting with a group of the attorneys?

Terry Jackson-Mitchell: I never had to meet with a group of the attorneys again, that I can remember.

Tina Minchey: Okay, so after the first one. Okay, so who, did Richard reach out to you, how did that happen?

Terry Jackson-Mitchell: So, this is for the first trial that you are talking about?

Tina Minchey: Right, the civil rights trial, right.

Terry Jackson-Mitchell: So, he started calling and saying, you know, I'd like to have you come in. He had my, our home number. I'd like to have you come in and go over some things. So I would go to his office and it would just be a very long talk, uhm, about, you know, what happened that night, uhm, and what they were going to ask me. And how I was going to deal with it. Which was, you know, didn't take that long, like there wasn't a lot to go over. Uhm, but somehow we would

be there for a long time and talking for a long time. And there would be times that we would be on the telephone for over an hour and we weren't talking about the trial stuff. It was flirtatious, it was charming, it was, you know, him exposing himself as a really good guy. Uhm, not like all the people here in Utah, if I wasn't in Utah then things would be different and uhm, he, he, when I look back on it, I feel like he treated me like he was a senior in high school and I was a freshman. You know what I mean, like I am going to help you learn the ropes and introduce you to this, you know, new life, kind of thing. One of the things that I, I think really he talked about quite a bit was back then that movie Fame came out, it was this.....

Tina Minchey:

Uh uh (affirmative).

Terry Jackson-Mitchell:

Big deal. He went to high school there. He graduated from high school there and he graduated, he told me he was a Rhode Scholar. I had never heard that term before so I didn't really know what that meant and he explained it, that he went to Vassar University, you know, so I felt like this was somebody that I would never meet within my sphere of influence. Where I grew up. There is no way I would have. And to a certain degree over time I would say over the third, after the third time that we met he had become this big deal, you know, uhm, and I felt very small compared to him. But you know just in terms of life experience and that sort of thing. And I felt like he was being very kind to me and he didn't need to be and I didn't understand why he was being so kind to me. But I was grateful because it was a rarity at that point in my life. So, uhm, one day it was like, I don't know like a week before the trial, he asked me to come to the office at seven o'clock at night and I said well mom has to work and I don't have a car, because I didn't drive until I was 18 and uhm, mom drove me there and he told me he talked to my mom and he said I will bring her home and I went into the court house. So he scheduled me to be there at seven, I walked through, they, you know, go through my purse, you know, pat me down and all that stuff, called him and tell him I'm on my up. Okay?

Steve Sperry:

This was at seven at night?

Terry Jackson-Mitchell:

Seven o'clock at night. And I go up through this dark hallway, get there, and he is sitting there with his feet on

the desk and the desk is littered with pictures of boys bloody bodies and uhm, like the t-shirts that they were wearing with all the blood on them and holes in the burns and you know, like how they had to cut them off.

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: Sorry.

Tina Minchey: You're okay. Let me grab some tissue.

Terry Jackson-Mitchell: Thanks. It is so weird, it's like it has been so long but I (inaudible) it bothers me.

Steve Sperry: Yeah. Brings back bad memories.

Terry Jackson-Mitchell: Yeah and it's weird cuz these memories have been kind of pushed away for a really long time so, uhm, I understand why they make me cry, but, so. Thank you. So, I was kind of stunned that he knew I was coming. He's been warned I was coming, why would he leave this stuff on the desk?

Tina Minchey: Yeah.

Terry Jackson-Mitchell: I was, when the boys were murdered, Carma ran like eventually after we tried to pull him to the curb but Ted kept just telling us just to run and so Carma ran, but I froze. When I saw that on the desk I just froze. I just couldn't even form words it was so shocking and he was like, oh sorry Terry and he starts cleaning it up. I really have struggled with that recollection because I am just like, why would he do that? And all I can think is he wanted to bring home like how severe this thing was and that he was going to take care of it. And I do think to a certain degree he was trying to disarm me in a way. That is all I could figure anyway. So anyway we talked for like....

Steve Sperry: Let me back up just a minute. This was a week before the trial, how many times had you, had you met with him prior to that?

Terry Jackson-Mitchell: At night or just met with him prior?

Steve Sperry: Uh huh (affirmative).

Terry Jackson-Mitchell: Probably, not including meeting with all the other attorneys probably two. We talked on the phone quite a bit. But we hadn't uhm, met at night for sure.

Steve Sperry: Okay.

Terry Jackson-Mitchell: And those other times were brief, like less than an hour.

Tina Minchey: At his office?

Terry Jackson-Mitchell: Uh huh (affirmative).

Steve Sperry: Was there other people there at the time?

Terry Jackson-Mitchell: I think there may have been. Yeah.

Tina Minchey: Were they in the evening or not?

Terry Jackson-Mitchell: It was in the daytime.

Tina Minchey: So during the day you would have meetings with him?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: So just to help me put it in perspective time wise, when you came back in February of '81...

Terry Jackson-Mitchell: And it could have been January.

Tina Minchey: Okay just whatever, wintertime or whatever, until the trial, when was the trial?

Terry Jackson-Mitchell: The trial was I think in March.

Tina Minchey: Okay, so we've got until March. So from the time that you got back until March you had met with him how many times at his office prior to the late night one that you were just talking about? About? I mean just (inaudible).

Terry Jackson-Mitchell: The ones prior to meeting him was like two or three times.

Tina Minchey: Okay two or three times.

Terry Jackson-Mitchell: In the daytime.

Tina Minchey: Daytime, okay. And then on the phone you said how often about?

Terry Jackson-Mitchell: Almost everyday.

Tina Minchey: Really?

Terry Jackson-Mitchell: Yeah.

Tina Minchey: Okay so he kept really close contact but you said it wasn't a lot about the trial, it was a lot of just talk.

Terry Jackson-Mitchell: Puffing. Do you know what I? Do you know what puffing is?

Tina Minchey: Yeah. Yeah.

Terry Jackson-Mitchell: Okay, yeah just making him sound like he is just so great and he is going to help me.

Tina Minchey: Was he asking about you and your life?

Terry Jackson-Mitchell: Sometimes, yeah.

Tina Minchey: Okay, so it was.....

Terry Jackson-Mitchell: Oh, I mean he was asking me things that boys ask girls when, you know, they are in high school. He was, he behaved in a way that teenagers behaved. That's all I can, the only way I can describe it. It, silly talk, you know, how do you sit on the phone with a teenager for an hour if you are 28 and they are 16. Seriously, like what are you going to talk about? But there would be times that my mom would say you have to get off the phone now, Terry, who are you talking to? And then he would say, well, I'll just let you go.

Steve Sperry: Hmm. Didn't you or your mother think it was strange to be going to his office at 7 o'clock at night?

Terry Jackson-Mitchell: Well, we've never really been through this before so we were just like trusting that he was going to do whatever, we were, I was going to do whatever it took and if it meant that he was working really late and I had to go during that hour cuz that is what he wanted, we did whatever we were told.

Steve Sperry: Okay.

Terry Jackson-Mitchell: We just tried to be obedient and helpful as much as possible. It's kind of weird when you are in that situation and you have never been through a trial like that or had that kind of experience to even know what is normal. And my mom's education was pretty limited. I mean that she had me when she was 17 so think she finished 9<sup>th</sup> grade.

Tina Minchey: Did mom ever talk to you about meeting with him or talking on the phone with him? Did she ever say you know, that it was odd?

Terry Jackson-Mitchell: She was so busy.

Tina Minchey: Was she? Just with work and the kids and everything?

Terry Jackson-Mitchell: She was just so busy. She worked three jobs.

Tina Minchey: Yeah.

Terry Jackson-Mitchell: She had a full time and two part time jobs and four kids.

Tina Minchey: And once in a while she could sleep, right?

Terry Jackson-Mitchell: Yeah, yeah.

Tina Minchey: So tell us about that meeting that you were talking about that you went at 7 o'clock at night when you walked in and the pictures were there and then what happened?

Terry Jackson-Mitchell: So then I uhm, he cleaned it up and said he was sorry for leaving it out and uhm, he went over the same stuff that we had gone over before like, you know, details about that night, which was just so, like I kept thinking, why are we talking, how many times do I have to bring this, like how many times do I have to say this, you know, but then I thought, I think he said at one point you have to get used to talking about this and you know they are going, this is what the defense is going to bring up. You are, you know, just going into all the things that I did wrong that night I guess and it was a ten-minute conversation, okay? And then he said well I am hungry, are you hungry? What's a good restaurant to go to? Now we're poor, okay? There were days that we didn't have food in our house, so we didn't go to restaurants and I was like, I think the rich people go to

Spaghetti Factory. That's really what I thought. And he said well we are not going to go there and he drove me up 21<sup>st</sup> South and we ate at that Chinese restaurant that's Barbacoa, not Barbacoa now, but Chipotle now. I don't remember the name of that restaurant.

Tina Minchey:

Where is it at?

Terry Jackson-Mitchell:

21<sup>st</sup> south between 9<sup>th</sup>, between 9<sup>th</sup> and 11<sup>th</sup> east. It's Chipotle now, but it was Chinese restaurant with a dragon on the front of it. So we go in there and I sit in a booth with him but I get in and then he sits right next to me and I am up against the wall and I can't, it's a small booth and I am thinking, what, why is he sitting next to me? Why isn't he sitting across from me?

Tina Minchey:

Uh huh (affirmative).

Terry Jackson-Mitchell:

And he is being very flirtatious and like looking back on it now, I was probably being flirtatious back cause I was 16 and 16 year olds do that. But at that point I started feeling scared, like I was not sure what was going to happen and so we ate and I think I even said, don't you won't to sit on the other side so you can see me? And he's like don't you want me to sit by you? And I felt really kind of embarrassed to even say, like in my family there were no, you didn't get to say no. You didn't get to say this makes me uncomfortable. That wasn't even in our vocabulary and if we would have done that we would have got beat for that. It was always about being polite. Always about being obedient and making sure that nobody was uncomfortable so I didn't want to press the issue and I just said well I am just going to eat and we ate and he said, uh, I said, he said I have to go to my hotel room to pick something up and I said uhm, well can't you just take me home? My house isn't very far from there, cuz that was at the Shiloh Inn. I don't know what they call it now but I think it was the Shiloh, where that lady threw her children off the balconies. And we lived on like uhm, like 450 south and about 11<sup>th</sup> west, 12 west. So it wasn't very far for him to just drive me home. It would have taken five minutes. I said why don't you just take me home? I don't live very far from there and he said it will only take a minute. And so we get to the hotel and he gets out and he's like, well come on and he opened the door and I said I'll just wait. And he said it's only going to take a minute, Terry and I

said uhm, I don't want to. I'll just wait. And I kept trying to find, like excuses not to go. I kept, it became this little bickering kind of, you know, oh come on it's freezing outside, you are going to freeze out here. And I said, I have my coat on, I'm used to Utah's weather. Just go in and get your, like at this point, I am just like just go in and get your stuff and I'll wait for you. And then he just said, Terry get out of the car right now. But it was the voice that men use to scare children to do, you know that tone of voice that men use that just, mean.

Tina Minchey: To come across very demanding.....

Terry Jackson-Mitchell: Yes.

Tina Minchey: Very bold, very loud.....

Terry Jackson-Mitchell: Yes. It wasn't.....

Tina Minchey: Was it stern?

Terry Jackson-Mitchell: It was very stern, very stern. Like a father says to a kid when they are about to really be in trouble. So, I uhm, I walked with him and we went in the hotel and like he just rushed me through the lobby to the elevator. And I remember just holding on to the uh, this little piece of metal, cause I just knew this wasn't normal. And I thought about, you know, screaming but then I thought what would happen if I did? Like at this point with this trial being so racially motivated. He was black, Richard Roberts was black and they already had me pinned as a "nigger lover" and they've already decided that it's all my fault. I shouldn't have been with them. If I wouldn't have been with them they wouldn't have been murdered, you know, uhm, and not only that like what would have happened? Nothing good would have happened if I had screamed and I knew that. And uhm, so he opened the door and I said I'll just wait and he said, Terry, get in the room. So I walked in the room and he locked the door and he just started to undress me and kiss my neck and kiss me and told me.....

Tina Minchey: Right away?

Terry Jackson-Mitchell: Right away. He said you are not going to leave this room until I get a taste of you. And then, he wasn't beating me up and he wasn't shouting in my face and he wasn't

spitting on me and he wasn't doing the things that had been done before so in my head it wasn't as bad as the other ones. You know? And the way I dealt with it was I just, you know after he took my clothes off and told me to lay on the bed, I left my body. I just had to. I have become good at that, by that time, so. I think it happened like, like he raped me like twice that night, but again this is the part that I am still like going to counseling over, it was really mind bending for me because it wasn't violent. Like.....

Tina Minchey: Different then what you were.....

Terry Jackson-Mitchell: It was, yeah.

Tina Minchey: Experiencing before.

Terry Jackson-Mitchell: The worst part of that night in my head was that he yelled at me kind of to get out of the car and that I disappointed him by not moving fast enough.

Tina Minchey: Do you remember like how far, how long you rode the elevator? I mean was it a long time? Was there any conversation during that time?

Terry Jackson-Mitchell: (Inaudible) long. Well he was just being super charming. You know, every, the walk from the car to get into the room seemed like the longest walk of my life. Like, you know, when you dream that you are running and you can never get to the door that you are running to because it just keeps going. That's how it felt. It just felt like it was going forever. My mind was gone at that point. I was trying to just get through it and like back then it would be like, it's going to happen anyway so you can either make it happen fast and not fight or you can fight and it is going to hurt but it is still going to happen and it will take longer. So I, once that door got locked and he started kissing me I just thought how do I make this, how do I make this happen faster so I can get out of here? But, there were, you know, I left, my mind left my body. There were times that I swear I could see from above. I could see what was going on.

Tina Minchey: Did he talk to you during this?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Still being charming or was he being.....?

Terry Jackson-Mitchell: Telling me how beautiful I was. Telling me how the first time he saw me, when I was introduced to him, how him and all the attorneys were talking about how well endowed I was. And I didn't know what that meant back then, I had to look it up, you know. Just talking about how if anybody ever knew about this, that there would be a mistrial and Franklin would be let off.

Tina Minchey: And he said that to you? Was he saying that to you at the time?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: And I know some of these questions seem.....

Terry Jackson-Mitchell: No, I understand.

Tina Minchey: But we have to get a little specific.

Terry Jackson-Mitchell: I know.

Tina Minchey: Okay

Terry Jackson-Mitchell: Well, I understand.

Tina Minchey: So just stop me if you need a break or whatever, but, uhm, when he first locked the door, was it immediately that he started taking off your clothes?

Terry Jackson-Mitchell: He took off my jacket and kissed me, the back of my neck.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And that is when he said you are not leaving until I get a taste of you.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And then he just started taking my clothes off and I think he told me to get on the bed and I did. And uhm, he took his clothes off and he performed oral sex on me. Had sex with me for like, I don't know, 30 minutes. And then laid in bed with me for like another 20 or 30 minutes and then you know, started again.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And then it was over and I just said I think my mom is going to be wondering where I am. I think that is what I said because it was like 9:30 or 10:00. And I knew my mom wasn't going to get off work for another hour and a half.....

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: But I just wanted to get him to take me home. So he just, you know, got dressed, uhm, kept telling me now remember what I told you, if anybody ever finds out about our affair, then, uhm, there will be a mistrial and Franklin will, not only will he get off on this trial, he'll get off on the murder trial and he will get away. So that was it, that's all he had to say. I wasn't saying anything to anybody that could do anything about it at that point. I told Carma. I told my sisters and eventually when he left town, I told my mom. But when I told her, she was like, so upset and she was going to call the police and I'm like what would happen if you do that. He is going to get away, mom, they are going to get, I remember literally being on my knees and begging her not to tell anyone.

Tina Minchey: And when was this that you told her?

Terry Jackson-Mitchell: I think it was like April of 2000 of 1981.

Tina Minchey: And that, right after the trial then? And when did you tell Carma?

Terry Jackson-Mitchell: Right when it was going on. She was my best friend.

Tina Minchey: Oh, okay, so you were telling her what was going on?

Terry Jackson-Mitchell: But in the way I was telling her is that we were having an affair.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Because that is what he was telling me it was. Like he was making it, by the time it was over he had made it in my head anyway by the things that he said, into this romantic affair like you would read in Cosmopolitan Magazine.

Tina Minchey:

And he reminded you when you were leaving, is that what you said about what he had? Tell me about it again?

Terry Jackson-Mitchell:

He told me when we were in bed, he told me when we left that, uhm, if anybody ever found out about our affair that Franklin would be given a mistrial and he would be let out and there is no way that they would be able to convict him because of all the stuff that would have happened. It was such a controversial case and it was so media driven, uhm, I really believe he is right if that would have happened that is what would have most likely been the outcome. The thing that I keep thinking is, you know, how I told you the courts gave the Kathy Adams the counselor, you know, had her come to be my counselor, there was a file of my whole life that he had access to, I'm assuming because during the trial as we were preparing for the trial both times the fact that I had been raped and I was about to testify against this man, you know, days after Ted and Dave were murdered, they tried to say it wasn't him that did it, it was the man that raped me and he was trying to shoot me and accidentally killed them. So, it wasn't like Richard didn't know about this. He had to be prepared to deal with that at trial. Uhm, so to me like even just him knowing the details of it, I had to go into the details, at that time and at that time I was, I mean I don't know how kids normally act when they have been through the kind of things that I've been through, but uhm, for me what was helpful was to kind of leave my body and disassociate a great deal. But it is kind of hard for me to understand how a grownup within that authority position that he was in could know all that and call that an affair. Do you know what I mean?

Tina Minchey:

Uh huh (affirmative).

Terry Jackson-Mitchell:

Like I kept trying to tell myself I misunderstood. I kept trying to find a way for it to be my fault. You know, all of this nightmare? And so after Richard Roberts left I just tried to forget that it ever happened because I couldn't convince myself that it was okay and I wanted to believe that it was my fault rather than the people that were in charge of me because for some reason that hurt more, to think that the people that were supposed to help me hurt me even.....

END OF TAPE

## BEGINNING OF TAPE

Terry Jackson-Mitchell: Worse.

Tina Minchey: So, tell us after that night that the first time had happened, and he took you back home when you finally said, it's, I think my mom is going to be home.

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: So he took you back home, any conversation on the way home? Do you remember anything specific, anything?

Terry Jackson-Mitchell: No, I don't really remember anything specific but you know, he, it was him talking mostly and just telling me how important it was that I don't tell anybody and how beautiful I was and how glad he was that we finally did that. And it was kind of how, like I said, like how teenagers talk when they are trying to behave grownup.

Tina Minchey: Did he ever, like when that was going on, was he asking you if you were okay, or?

Terry Jackson-Mitchell: No.

Tina Minchey: Okay. Was he asking you to do things to him?

Terry Jackson-Mitchell: Yeah, he had me perform oral sex on him twice, I think. And a couple of times he told me he was going to teach me how to please, how a man wants to be pleased.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Like he was teaching me.

Tina Minchey: Throughout the evening then? About how long do you think you were there?

Terry Jackson-Mitchell: In the bed?

Tina Minchey: Yeah, in his hotel room.

Terry Jackson-Mitchell: Suite?

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: Probably like an hour and a half.

Tina Minchey: Okay, so from the time you got in, it started until, how long did that all last?

Terry Jackson-Mitchell: About an hour and a half.

Tina Minchey: So, it was constant?

Terry Jackson-Mitchell: Yeah.

Tina Minchey: On and off, a little bit. You said you laid in bed for about.....

Terry Jackson-Mitchell: For like twenty minutes.

Tina Minchey: Twenty or.....

Terry Jackson-Mitchell: Twenty or thirty minutes, yeah.

Tina Minchey: Okay.

Terry Jackson-Mitchell: I think he was just getting ready to do it again.

Tina Minchey: Okay. Did you ever tell him, you know, I want to go home, I'm .....

Terry Jackson-Mitchell: I have been so many times trying to get that point across.....

Tina Minchey: Yeah.

Terry Jackson-Mitchell: That it was pointless.

Tina Minchey: You just wanted to get it over with.

Terry Jackson-Mitchell: Yeah.

Tina Minchey: Yeah. Okay.

Terry Jackson-Mitchell: I mean I knew completely that I was not in charge at that point.

Tina Minchey: Yeah. So did he call you the next day?

Terry Jackson-Mitchell: He called me everyday. I saw him almost every single day.

Tina Minchey: So after that night, tell us what happened then?

Terry Jackson-Mitchell: He called me, I think in the afternoon, asked if I could come over at like five. I would always go at night from five to seven. Between five and seven. And, you know, Mom just thought that we were getting ready for the trial. And then when I testified, you know, that night, that I testified we were laying in bed watching the TV, watching the interviews that he gave and he was just laughing. I think we were even having sex. I swear, I remember being in bed, the news is on and him saying, uhm, I wonder what these people would say, if they knew that we were having an affair. Is how he put it. I wonder what they'd think? And what am I going to say, you know, I don't know. You know? So it was kind of an ego, looking back on it as a grown woman, rather than a child, uh, it was definitely an ego thing for him or it appears that way to me anyway.

Tina Minchey: So after that first night he called you the next day?

Terry Jackson-Mitchell: He called me every single day.

Tina Minchey: Did he have you go back to meet him that night?

Terry Jackson-Mitchell: The following night?

Tina Minchey: The next, the following night?

Terry Jackson-Mitchell: Yeah.

Tina Minchey: At his office?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Nothing, did he....?

Terry Jackson-Mitchell: Cuz mom was dropping me off so he couldn't have my mom drop me off at his hotel.

Tina Minchey: Okay.

Terry Jackson-Mitchell: So he would have me sometimes wait outside the courtroom for him, like the courthouse, I should say. So, I'd just wait outside and he would just come in. He'd be

waiting for me and he would just come get me and we'd go.

Tina Minchey: Go?

Terry Jackson-Mitchell: To the hotel. Well, first he would take me to dinner, usually and then, or if he would just take me to the hotel and we would eat at uhm, like the, what's that called? Room service.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And it didn't happen every single night, but almost every single night. And at that point I was anorexic, so I hadn't had a period for by the time it was over, over three years so that didn't, that wasn't something that was a deterrent to him, cuz it wasn't, you know, happening. Cuz I kept trying to think of ways to like, maybe I could say I was on my period and but he would tell, like I think I tried to one day. I think I am starting my period, he goes, oh that's, that's fine, that is just a normal thing that women do and you shouldn't be ashamed and I am like, well I don't think we can have sex. Then he's like, oh that doesn't bother me and then I didn't have my period. So, then I just looked like a liar and it was, it was awful.

Tina Minchey: Did he use protection?

Terry Jackson-Mitchell: No.

Tina Minchey: Was he ever worried about that?

Terry Jackson-Mitchell: I think he knew that I hadn't been like, having a period eventually because we had to have that discussion. So, he never used a condom, ever and I wasn't on birth control but like I said, I didn't have my period.

Tina Minchey: Did he ever pull out or did he leave, did he ejaculate inside of you all the time?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: And he never worried about pregnancy?

Terry Jackson-Mitchell: Well, I don't know what he worried about?

Tina Minchey: I didn't know if he ever talked to you about it?

Terry Jackson-Mitchell: No, no he didn't talk to me about it. Not that I can recall, anyway. But see, now that I think about it, I did have a, an ovary that I had a cyst on it, when I lived with my Granny, and I did have to take birth control pills to shrink that, so I don't know maybe I was still taking it then. It's possible. But I was taking it to shrink the, the tumor on my ovary.

Steve Sperry: After the first night, when was the next night that you went (inaudible).....?

Terry Jackson-Mitchell: The following night.

Steve Sperry: The following day?

Terry Jackson-Mitchell: Uh huh (affirmative).

Steve Sperry: Okay.

Tina Minchey: And it happened all over again?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: The same type of thing?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Same amount of time?

Terry Jackson-Mitchell: Well, so then we started seeing each other at like five and six. So he would always try to have me home. He thought that mom got off work at around ten, ten-thirty but she really got of work later so he would take me home by ten. So, as, like during some of this it would be, you know, four hours, sometimes it was three, sometimes it was five.

Tina Minchey: By the time you did dinner and everything, right.?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Okay. So what were the reasons that he wouldn't come get you or see you on the evenings?

Terry Jackson-Mitchell: Uhm, I didn't ever ask to be honest with you. It would be, I think, a couple of times he said he had to work but that's

all I can remember. He told me he had a girlfriend that he was involved with, that they were, that he was considering marrying, uhm, but that after he met me, he wasn't so sure. Tried to kind of make it sound like he was considering being with me when I grew up, kind of thing.

- Steve Sperry: He was not married at the time?
- Terry Jackson-Mitchell: Nuh uh (negative). No.
- Tina Minchey: Did he ever talk about seeing you after the trial, continue a relationship? Did he....?
- Terry Jackson-Mitchell: Well he did call me over the course of that like, next eight months or a year. You know, sporadically, just to check in and see how I was doing and to remind me not to tell anybody. What the consequences would be.
- Steve Sperry: You mentioned after the trial they had this party and his ex-wife was there.
- Terry Jackson-Mitchell: Joseph Paul Franklin's ex-wife was there.
- Steve Sperry: At the party?
- Terry Jackson-Mitchell: Uh huh (affirmative).
- Steve Sperry: Okay.
- Terry Jackson-Mitchell: It was like a celebratory dinner that they did. Yeah, so, I, she was the only other witness that was at the table besides me.
- Steve Sperry: Okay.
- Terry Jackson-Mitchell: And I remember him telling me be really careful what you say in front of these people? And there was a blond man, I swear he was an attorney or an assistant and I, he just watched us very, very closely. I remember him even possibly telling me to be careful of him. You know, of saying anything in front of that guy. I don't remember what his name was, but he always wore these ski sweaters, you know, blond hair and blue eyes and he was funny and witty and uhm, I felt safe with that guy. You know what I mean? But I didn't dare say anything.

Tina Minchey: And what had he said? He told you to.....

Terry Jackson-Mitchell: Just be careful of what I said in front of people, in front of those people and watch how I behaved in front of them because he didn't want me to give away anything that was going on.

Tina Minchey: Richard said that?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: And this, this blond attorney did he ever talk to you about anything?

Terry Jackson-Mitchell: He never talked to me about Richard but he was, he sat next to me and he kept watching like in a way that seemed like suspicious. Like what is going on? Because even though I was told to do that, I was still you know, I don't if I acted the way he wanted me to act. I was just trying to get through the night and enjoy myself as much as I could. So, I might have let my guard down at some point and that man may have seen something in terms of the way that Richard was looking. Cuz Richard always looked at me like he wanted to take my clothes off of me. You know, and I always felt that but I have a high sense of awareness of that. I don't know if, you know, these people, I would think that with the education and the stuff that they do, they might, but I don't know. I just remember him saying, be careful with him. I wish I could remember that guys name. And he was probably in his late 20's early 30's at the most, that guy. I know he was part of the prosecuting team, though. Like helping with it at least.

Steve Sperry: From the Federal side of it?

Terry Jackson-Mitchell: I think he was from Utah.

Tina Minchey: So, about how many times did you guys do this sexual thing, when you would go to the hotel? About how many times between the first time it started? You said that started about a week before trial?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: So, how long are we talking? How many times per week?

Terry Jackson-Mitchell: Probably, okay, so, you mean how many days per week or how many times?

Tina Minchey: All of it.

Terry Jackson-Mitchell: Because usually it was twice when we'd have sex, two to three times.

Tina Minchey: When you were together?

Terry Jackson-Mitchell: When we were together.

Tina Minchey: On one night?

Terry Jackson-Mitchell: One night.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Okay? Uhm, and I would say it was about six times a week and I think it was four weeks. Maybe a little bit longer or a little bit less. It was the whole time he was here. After he won, he stayed for a few days and then he left. So, you could look up the timeline.

Tina Minchey: Okay.

Terry Jackson-Mitchell: I think.

Tina Minchey: When he was finally leaving did he, did you guys have like a, did he have one last going away? Did he say anything to you different than he would any of the other times?

Terry Jackson-Mitchell: He just tried to make it seem like he really, really cared about me and uhm, that I was going to be on his mind and it was, you know, just kind of like a lover farewell kind of thing. I don't remember the very last time that we had sex. I mean they all kind of blurred together to be honest with you.

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: Uhm, and they're, like I said, were many times when I would just be floating above my body. Just leaving completely. Because I, looking back on it now, I kind of feel like he was trying to make me feel like I was a grownup, but it wasn't, I wasn't a grownup inside. I was

just not. I was trying to just do what I was told to do and uhm, make it as least invasive as possible or violent as possible.

Steve Sperry: Did he, right before he left, did he warn you again about telling anybody?

Terry Jackson-Mitchell: He did. He never, ever didn't warn me. Like whenever we'd have a conversation it would be remember what I said about the affair. You know if anybody ever finds out, he'll get out on a mistrial and this will all be your fault, Terry.

Steve Sperry: So it was constantly whenever you two were together? It was always.....

Terry Jackson-Mitchell: Yeah it was at the end though? It wasn't in the beginning. I think that, you know, he would lay the charm on really thick and make it seem like it was this mutual consent type of thing, you know? And it was fantasy-like and I just complied.

Steve Sperry: Besides telling you that there will be a mistrial, Franklin would get out, did he say, did he threaten you any way that Franklin would come back and kill you or your family or anything like that?

Terry Jackson-Mitchell: He didn't have to because Franklin was always talking about his biggest regret was leaving survivors and one of the things that my father would tell me too, is don't think that just because somebody is in prison that they can't get that done. All they have to do is you know, find, especially Franklin had loyal weirdoes that, you know, my father was concerned would try to do copycat things or something that would make them look like heroes to him. So, it was coming at me from all sides how bad this guy was and the worst that could happen. So, uhm, over like, over a little bit of time once Richard was gone and I did believe it was an affair, you know, I started to believe that. I had to, to survive. I felt like I shouldn't say anything either because he was getting all, you know, everybody was patting him on the back and telling him what a good job he did and he was telling me how his career was taking off. I didn't want to make any more problems for anybody. I just wanted to disappear, you know, and not have this hanging over my head any more. So, I met my husband, my first husband in October of 1981 and from that point I just stopped taking

the phone calls from Richard, cuz Richard was still calling me. Initially it was every day and then it tapered off to like two or three times a week. And then it tapered off to once a month. And then by the time I was with my husband I didn't want to talk to Richard. I knew, like something just felt so, I remember getting a gag reflex when he would call and tell my mom, you know, tell him I'm not here because we didn't have cell phones and you could do that. So, uhm, after I had my husband, like after I got married to my husband we had a baby and we moved to Virginia, cuz he was in the Marine Corp he went to Quantico, Virginia. I knew that Richard lived in Washington D.C. and we were, my husband was a PFC initially and so we were pretty poor. We didn't have a phone but I called my mom from a pay phone and she said Richard Roberts has been trying to reach you. So, I was like, 20 cuz Jennie was just born, my daughter, I was a month away from being 21. And she is like he really wants to talk to you, he really wants to talk to you. He wants to know where you live and I was like, mom, don't tell him where I live. You know, don't. She goes, well I already did, I already did tell him that you live in Quantico and she's like he wants you to call him. So, I remember calling him and telling him that I just had a baby and that I was married and he didn't bother me again.

Steve Sperry:

So, you called him from Quantico?

Terry Jackson-Mitchell:

Uh huh (affirmative).

Steve Sperry:

That would have been about when?

Terry Jackson-Mitchell:

That was 1985, like between September and October. Like Jenny was born September 5<sup>th</sup> and I know it hadn't been my 21<sup>st</sup> birthday yet, so.

Tina Minchey:

And Richard had called?

Terry Jackson-Mitchell:

He called my mom and he said he had been thinking about me and uhm, that he was just checking in on our little family and uhm, when I talked to him I remember him being really nice and talking about whether we could have a future together. But it was, it could of, you know, I remember trying to get off the phone quickly and telling him I'm married, I just had a baby and he was like, oh, okay, bye. Like it was done, he didn't want to talk to me. And I didn't want to talk to him after that. But then ,uhm,

so in the year, I don't know what year it was, it was, I think it was the year 2000, I got a call from my father and he said there is a man writing a book about Franklin who wants to talk to you, can I give him your number? So, I talked to him and he said uhm, after the end of it, he said, I spoke with the Richard Roberts, the prosecuting attorney, uhm, he wants your number. Can I give him your number? And I was like, why does he want my number? And he goes, well he just spoke highly of you and he said he would really like to get in touch with you. Do you mind if I give you his num or do you mind if I get your number? He wasn't offering Richard's number to me, he was asking for mine. At this point I literally had, that was not in my, I wasn't thinking about this, what happened. Realistically I had conditioned my mind to believe it was an affair. I didn't want to talk about it. I didn't want to think about it, but when he said that Richard wanted to talk to me, in my head I was like, oh that's nice, he wants to check on me, so see how things are. So, I gave him my number and literally he called that day and uh, he kept, this is when things started to kind of break apart in my mind to where I was like, now wait a minute, what? Cuz he said, uhm, he asked how I'd done in my life but every time I would try to answer he would interrupt with stuff that was going on with him and he asked if I had, how many kids I've had and I told him and then he said, uhm, so what have you been doing with your life? And I said well I am a real estate agent. Tried to explain what was going on but he kept interrupting me and saying, so we're good, right? I was like, what does that mean? What do you mean we are good? And he goes, you sound like everything has worked out in your lives. And I was, yeah, everything is good. I'm doing fine. He's like we're good? We're good? I did, it seriously took me years to understand what that meant.

Tina Minchey:

How many times did he do that?

Terry Jackson-Mitchell:

On that conversation? Probably like five times, he said we're good?

Tina Minchey:

Okay, so I'm sorry, I need to back you up. When you were talking about the book and then you gave the number to the.....

Terry Jackson-Mitchell:

Author.

Tina Minchey: Yeah, the author, and then he called you, how long had it been.....?

Terry Jackson-Mitchell: Since we talked?

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: Since my daughter was born.

Tina Minchey: So about '85 to....?

Terry Jackson-Mitchell: '85 to 2000. So that was 15 years.

Tina Minchey: Okay. And then from 2000 he had called a couple of times?

Terry Jackson-Mitchell: No, just that one time.

Tina Minchey: Just the one time.

Terry Jackson-Mitchell: Just that one time.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And it was a brief conversation. It wasn't very long. Uhm, it seemed, now that I look back on it, at the time I just kept thinking that was the weirdest conversation. I didn't understand it, but I just kind of dismissed it, uhm, because I was working so much and doing my life but, uhm, I think that conversation couldn't have lasted more than 15 minutes, if that. Might have even been 10 minutes.

Tina Minchey: And he just kept saying we're good, right?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Kind of asking you a question about it.

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Okay. Did you ask him what that meant?

Terry Jackson-Mitchell: No, I just was kind of thinking he was saying my life is good, so with regards to my career and my children. So, I was like, yeah, I'm good. I didn't, I was really confused and it was weird, it was like a trigger thing. I think I was

triggered in the let me get off the phone like I was back when I was a kid. Like I just couldn't explain it, didn't understand it, but I knew I just wanted to get off the phone.

Tina Minchey:

Just get it over with kind of thing.

Terry Jackson-Mitchell:

Uh huh (affirmative) cuz it didn't seem genuine. He didn't seem like he genuinely cared about where my life had been. As I was explaining things to him, he kept interrupting me and talking about things that weren't about the things he was asking, so and he kept saying we are good, right? And I was just like, I don't know have you ever had that kind of conversation with somebody where you are just on two different levels and you are like, I need to get this over with so I can just move on for the day.

Steve Sperry:

How long after you gave your number to the author did he call?

Terry Jackson-Mitchell:

That day.

Steve Sperry:

That day?

Terry Jackson-Mitchell:

Yeah.

Steve Sperry:

Okay.

Tina Minchey:

Was that the last time that you talked to him outside of....?

Terry Jackson-Mitchell:

Uh huh (affirmative).

Tina Minchey:

Okay.

Terry Jackson-Mitchell:

Uh huh (affirmative). Outside of recently, yeah.

Tina Minchey:

Okay. So, tell us from, you know, the last 14 years, I guess. Anything?

Terry Jackson-Mitchell:

Well, so, uhm, I, when I did that crystal, candle and a note, all these things started happening and I started to decide I would go back to school because the real estate market had crashed. I was having challenges where people would be talking to me and I would lose my ability to understand words. Like, I thought I was having a stroke a couple of times but I think according to the doctors and the psychoanalyst, whatever, they think it was PTSD so I

would not be able, it wouldn't last forever. It would just be like, first it was like 5 or 10 seconds, but it started to get longer to where I couldn't understand, I couldn't verbalize, I couldn't, I felt like I was going crazy or I was having a stroke. And I thought what if I started learning about PTSD and started thinking maybe that really is true, maybe I really do have it. I didn't even believe PTSD was real to be honest with you. I thought it was a made up thing that people just threw on people that had trauma. Uhm, but I went back to school in 2012. I got everything going in 2011. Go back in 2012 and I took this race and ethnicity class and I learned about victim blaming and I was like, oh, oh, that, you know, started to understand all these things that happened. But then, and I also was training to be an artist, so I, after I was done with my race and ethnicity class we had to create a paper where we did our race and ethnicity. Which was challenging for me because I appear to be white and my mother is Mexican. My children are half black and really my ex-husband's family pulled me out of darkness. Uhm, the black people did. So, my heart was with them. Everybody in my family disowned me when all that happened. It was a very shunning kind of thing. Again the victim blaming kind of thing because I really brought this in their house. Uhm, you know, not just my mother but my dad's side too, they were from the south. It was a big challenge. And uhm, so I, I am like okay, I will write this paper but it doesn't apply to me though. None of this applies to me. Like in my head none of this applies to me cuz I can't fit into a category. I do this paper and every single statistic for the Mexican, cuz I chose Mexican, that is how I was raised, it, every single one of those statistics apply to me and I thought, oh, if this is real then is PTSD real? So, I started going to counseling, like serious counseling. Uhm, not just group counseling, not just, you know, to try to heal this PTSD. That's what I thought, maybe I can heal this. And if I keep my mind active maybe I won't have these little moments where I can't understand what is going on. And, uhm, I started creating this art, so then by June of 2013 I had an art exhibit, uhm, at the Art Access Gallery and I used the newspaper articles from when all this, from when Franklin, you know all the trials were happening, uhm, and created all this art from those and uhm, it was really well received and got a lot of attention and one of them won, one of the pieces won an award and that piece was it was called "Child Abuse Casts a Long Shadow of a Lifetime" and it was about Franklin. It

was the two year, two, you know, life sentences, he got two life sentences. And I felt like I was connected to that life sentence. I will always have this life sentence. But then I read about, so when I created this art, I wasn't allowed to read the articles when I was a kid, when all this was going on. I heard about what was in them but I never read what was in them because, thank God, I wasn't allowed to see. And as I read those I started to understand that he was a victim, Franklin, was a victim before he was a criminal and he kind of had a very similar childhood to mine. Not the sex abuse, but the beatings and the torture and the, you know going without food and on and on. I feel like the child victim in me kind of saw the child victim in him. And so I created this piece for him and it's the articles of his life sentences with this child that is painted like he is looking out the window and he is disintegrating into the newspaper articles and it is wrapped with barbwire so it looks like he is looking out of a jail. Looking for help to come. And I'm, so that ended in July and in August I saw this Southern Poverty Law Center on Facebook. I "liked" them and in the news feed it said Joseph Paul Franklin denounces racism and asks for his victims forgiveness. He was not prior to this, anything but a hateful nightmare. And I didn't believe it but I thought I do, I did forgive him when I created that piece, that last piece for him, I forgave him. And so I wrote a letter to the reporter and I said, cuz he had been given his death sentence at this point, too. It had been a week later after he was given the death sentence that, you know the date, and I said, uhm, will you just tell him that I forgive him and that I hope he goes in peace. And that is all I said, you know. But then the reporter called me and said uhm, he wants to see you and he wants to talk to you and I wasn't really sure if I was prepared to go see him but I had forgiven him and I decided that I've been having a hard time thinking what happens when we die. Like we are all energy. Does good energy, you know, positive energy bind with light and negative energy bind with darkness and when he dies is he going to bind with more of that negative energy. How can I help stop that? You know this sounds crazy but this is really where my head was at, at the time. And uhm, so I said I will talk to him but I don't want to see him. And so I talked to him prior to the, the day prior to the execution and then a week prior to the execution. And my goal was just to give him compassion. And say, you know, I forgive you. I needed it for closure.

Steve Sperry: Was it over the phone?

Terry Jackson-Mitchell: It was over the phone.

Steve Sperry: Okay

Terry Jackson-Mitchell: So, I created a fake number on Google so that he wouldn't have my number and I told him to send me a letter to prove that he was sincere. That the guards supposedly were messing with the letter and not sending it out and time was going so fast and everybody was putting all this pressure on me to talk to him before he died so I talked to him and then that day I got the letter. And if I would have got the letter before I talked to him I wouldn't have talked to him.

Tina Minchey: How come?

Terry Jackson-Mitchell: It was just I still have it, it's just bizarre, it seemed like it was coded. Like it, it, like every thing, every other word was capitalized. Each line, there was separated by another, like it was on a yellow sheet of paper like this but there would be like a sentence and then blank and then a sentence and then blank but every so often there were uhm, capital letters randomly and I felt manipulated and he just talked about how he had a bad case of ADD and he was told that I needed a letter from him so that I would talk to him and so here it is. And then on the very back of it, it says sincerely Joseph Paul Franklin, P.S. Sorry about that incident in 1980. So, I wouldn't have talked to him. I wouldn't have believed he was sincere and uhm, the first time that I talked to him was, I was still convinced that, you know, he was a very uhm, mentally ill person and he was only capable of so much. But I was still, I still forgave him, I still wanted him to choose light. I believed that and I still do, that even when you are alive you get to pick heaven or hell. You can choose how your day is going to be. You can choose how your life is going to be. And I was trying to express to him, I sent him two books to try to ease his suffering, that were prayer books uhm, and one, well one was a prayer book and the other one was called "The Great Divorce". It's the choice of heaven and hell. It's the divorce of heaven and hell. And I wanted him to read that so he could see that he could pick light when he died and uhm, after he died like, it was awesome. I, I don't know, I never wanted him not to get executed. But after he

died I felt like I could tell the truth. All of a sudden I felt like all these memories kept coming. My migraines were out of control. I get migraines pretty bad but the one in particular from, I think it was from February through March, I had a 33-day migraine. I couldn't stop throwing up towards the end and I thought, we didn't have insurance yet and uhm, I really thought about killing myself just so the pain would stop. And uhm, I thought what can I do to make it stop? I mean this was at the crux of it. I thought how do I kill myself where my husband won't find my body and then I thought that's not me. I don't talk like that. I don't think like that but what do I need? What is my body trying to tell me? So, I meditated and I swear this sounds bizarre but I just got up and went to the computer and typed in "Rape Recovery Center". And I've never gone to the Rape Recovery Center. I've never called them, never talked to them, ever. Like they came that night I was raped but the girl that was there to help me cried all over my naked body because she was so sad at what happened to me. So I didn't see them as a source of support. I was the one trying to console her while they are doing the rape kit on me. So, I didn't have, like this wasn't in me to do that. So, I do that, call their hot line and they talk me down from the ledge, basically and my headache went away. Like it was just gone after I hung up the phone and I thought, what, that's just so weird. What rape is in my head and all these memories just started floating to the surface about the car, you know when he was saying, and him saying you are not going to leave till I get a taste of you and just everything. But it wasn't like it all just happened right that second. Many memories like floated to the surface but it was over the course of probably a few weeks that they all, cuz I kept saying, no it was an affair. It's just this isn't real. This, you know you are making a big deal out of nothing. Don't bring this up. Don't tell anybody, you know, he's not here anymore, it doesn't matter if they do a mistrial. That's all I can think that's why this got shook loose. Uhm, so the day that Franklin was executed I just went to school cuz I was like all the reporters were calling and everybody, I just felt stressed so I just went to school and come back home and on my email it says the Honorable Richard Roberts has sent me an email and I am like, literally I was like, who is that? This is the day of the execution, the morning of the execution, like two hours after he was executed. And in, there is nothing in the subject line and in the body it's a CNN, uhm, link of a, the

execution and there is nothing written and I just kind of was like shocked.

Steve Sperry:

This was an email that you received?

Terry Jackson-Mitchell:

From Richard Roberts, yeah. At like at 8:30 in the morning, kay? So then, uhm, I did not respond because I was at school and I think because I didn't respond he felt obligated to send another email but this time there wasn't anything in the body. In the subject line it said, I wish you peace and comfort. And when I saw that, I was just like, oh, my God, that's who that is. So, I felt like I should respond, you know? I felt disgusted and that same feeling of tightness in my chest like when he would call at my mother's house and tell me that I better be careful of what I say cuz the mistrial thing. And so I didn't know what to do so I just sent him an email back that said I wish the same for you cuz I didn't know what else to say. And that was it. And uhm, then I started you know, so that was in November when I received those and then, uhm, in .....

Tina Minchey:

Of '13? Sorry.

Terry Jackson-Mitchell:

Yeah of 2013. And then in April I started talking to uhm, my counselor about this. Hadn't talked to my counselors. I've been going to counseling since prior to the murders from the rape but I hadn't been going specifically for PTSD. Haven't been going specifically for you know rape, so mostly to try and manage my anxiety I guess. So it was the first time I've ever told a counselor what happened with Richard. And I just said help me understand this. I don't understand how this was an affair. I was still trying to make it my fault. I was still trying to find a way to blame myself.

Tina Minchey:

Uh huh (affirmative).

Terry Jackson-Mitchell:

So, uhm, then I just, I think that was in April and the counselor was helping me, I am still on the waiting list to have a counselor at the Rape Crisis Center. I don't think I'll ever get a counselor at the Rape Crisis Center.

Tina Minchey:

Wow.

Terry Jackson-Mitchell:

But I go to court to try to talk to a judge, cuz my, so my sisters all have very different lives than I have. Uhm, they,

one in particular the one that I was going to court for is schizophrenic now, she's a meth addict, she's been a prostitute, she's homeless, she's toothless and she used to be the most beautiful girl you ever saw. I'm sure you guys know these stories. And so I go to court to try and ask the judge for her to get "mental health court" because we have been trying to get her into a mental health facility but she always runs or she always says, you know, "I'm not", she's really good at pretending like she is not crazy in front of people. But she is scary. And she is in jail right now for attacking people with deadly weapons and she has been threatening my life. And so I thought if I go to court and I ask the judge for the "mental health court" maybe we can help her. Well, so as I am waiting I see Ron Yengich and he helped make these reporters leave me alone when I was in my 20's and I just thought, something drew me to him and I said, "Can I, do you remember me?" he said, "I don't." and I told him who I was and I told him I was Teach's daughter. I guess he was on retainer for the Barons at one point and that's why he helped me for free that time to get the reporters away from me. And uhm, I said, "Can I ask you a question?" and that's how this whole thing started cuz I said, is it against the law for an attorney to have sex with a witness? And he said, why do you ask this question? And I said well I don't want to tell everybody out in the hallway so he took me into a room and he said I am really busy but I want to know why you asked me that question. And so I told him what happened. And I said, I just think that this happened to other girls. I don't think I'm the only one and now he is a Federal Judge and he has a lot of friends in high places. Eric Holder, according to what I have read online is very, very good friends with him. He introduced him at one of his, you know, ceremonies of accomplishments. So, I just kind of freaked out when I saw that and I started to put all these things together like who do I think I am saying anything? But really, I wasn't going to, cuz he said well, what do you want? How much money do you want? And I was really confused. I was like I don't know what you mean? And he was like how much money do you think you will get out of this? And I said I am not doing this for money. I want this to end, I don't want this to happen to anybody else. What if there is another witness that he gets a hold of and he does this to them? Because I looked at the pictures of me at that age when this was all going on, in my head I thought, maybe I was just this pretty girl, or pretty woman that he couldn't stop himself but I

was very skinny. I was anorexic. I, I, I don't, I couldn't make it, I couldn't make those puzzles fit. The puzzle pieces fit to be the way he said it was. And this isn't about like anything but just the right thing needs to be done. I'm not, I don't know what can be done. But I, just the thought of him having this kind of power over, and doing this again to somebody that is in that position of vulnerability and victimization is just, it keeps me up at night and it makes me sick to think that I am holding the secret and somebody else might be going through this. So, after I talked to Ron then he, you know, helped me speak with Craig?

Tina Minchey:

Craig. Uh huh (affirmative).

Steve Sperry:

Why do you think that he mentioned that you thought he had done this before? Why, why do you feel that?

Terry Jackson-Mitchell:

Well, when you, the only way I can describe it is like, I think I was groomed as a child, I mean it is pretty obvious that I was through the incest and everything. There were really a lot of similarities in the way that he groomed me, the way that he managed me, that were similar to my mother's stepfather. You know, just like saying that you wanted this and I couldn't stop you from this. And it wasn't me that was doing that and telling me that he was going to show me how to please a man and like I wasn't asking for somebody to do that. I was asking for somebody to put this man in prison for what he did. I didn't, I felt very coerced and manipulated and I still looking back on it now with a little bit of an education and a better understanding through counseling of how this all works, uhm, there is no way that I am the only one. I just don't believe that I am.

Tina Minchey:

Did you ever tell your dad?

Terry Jackson-Mitchell:

I did, uhm, right before Franklin was executed or after he was executed, I think it was like the day before he was executed.

Tina Minchey:

What did he think?

Terry Jackson-Mitchell:

He completely freaked out. My dad doesn't cry, uhm, but he did, because he felt bad because he disowned me during that time. Everybody did pretty much except for my sisters and my mom. My granny was there too (inaudible). But

he said what is his address? That is the first thing he said and then I said you are not doing this I, I'm going to see what I can do to fix this. But I don't know if I can fix this. I, the reason I told my dad is I said, I just keep having these memories and I am trying to understand them. Can, and then I told him and my dad was like, how old, once he got over the initial freak out then he said uhm, well how old was he at the time? I said he was 28. And my dad is, he thinks he's evolved but he is still a male chauvinist as far as I am concerned. And he is like, well, you know, when you are that age you just sometimes can't stop yourself. And I'm like, really? Really? I would think you could, especially if you had this, was a Rhode Scholar and you're a prosecuting attorney for the Federal government you would. And then my dad was like, oh, I am just trying, Terry I am just trying to make you feel better. I am like, let's just not talk about this then because this doesn't make me feel better. It's to me, like justifies what they do and I don't think there is any justification for it. So he kind of had a mini breakdown for a little bit, he didn't want me to talk to Franklin, he was scared that Franklin was going to send somebody to kill me. He was scared of me saying anything about Richard Roberts because of the connections he has, you know, with Eric Holder and them and he is like I just don't want to lose you over this because it is already done and you're okay. You are alive. You're beautiful. You are fine. You know? And I am like, dad, I am not fine. I, I have more days out of the month that I have migraines than I don't and it seems like when I am talking about it they aren't as many migraines but it's weird. I call them my rape headaches because I can taste this chemical taste in my mouth. It's the same spot where it hurts. It's always when I am not dealing with or talking about what I need to talk about. Acknowledging what I need to acknowledge. I can't really do that with people that don't understand this and I looked up like, why did all this stuff happen to me at such a young age. All this violence everywhere but there is such a thing as victims that poly, I think it was called poly-victims where they get like tons of people that see that they are victims and kind of take advantage while they can. You know? And uhm, so I talked to another attorney, I talked to the Rape Crisis Center and I talked to Greg Skordas. And so Greg and, and Ron both said there is probably nothing that can be done, you know, and both of them asked me if I wanted money, and I told them I wasn't looking for money, I was just

trying to protect other people that might be going through this and might have gone through this. And that I was just trying to do the right thing and Greg said, well, let's have you take a polygraph test and uhm, then we will go to him and we'll say she has taken a polygraph test will you take a polygraph test? I go, he is not going to take a polygraph test. And he goes, and I go, they are not even submitable in court and he goes, I know but that will prove that he didn't do it. And I was like, and we need you to pay for it. And I go home and I tell my husband this and he's like we are not paying for you, you've paid enough. So, I am like, well how do we get this, you know, to come to fruition where, cuz it was just eating me alive. It felt like. So, I did this meditation, Mya Angelou passed away and I know it sounds so dorky but I just said, help me understand how I can get this exposed in the easiest sense of the word, so I literally just sat down and wrote a four page letter, angry letter at Richard Roberts, and then I went to bed. And over the course of two days I whittled it down to a page and a half and I took away all the anger. And uh, I think you might have a copy of it in that and I sent it to him but I waited until my husband left cuz I just, I got my recorder ready cuz I knew, just knew he would call me rather than respond in writing, because that would be more logical and he would do it quickly so that he would think he caught me off guard. And he did. He called me within minutes of me sending that and I recorded it. And so uhm, he admits to having sex with me in that tape and he admits to never coming back to Utah since the trial. It's like a 28-minute tape. I didn't want to appear like I know anything other than, you know, like I know that what he did is fucked up.

Tina Minchey:

Uh huh (affirmative).

Terry Jackson-Mitchell:

You know, so he pretty much just did the charm thing and, oh look at what a wonderful person you are, you know. He just tried to disarm me with that. I think he misunderstood what I said about mistrial and I let him finish, cuz I really just wanted him to talk as much, just talk himself out and feel comfortable that I wasn't going to say anything. Uhm, and you know, I said, no, I think you misunderstand. What I was saying is like you said, there would be a mistrial if anybody ever found out about us having sexual relations, I think is the words I used, and he said no, I made sure that I timed that so that it was after the trial. And I said, no we were laying in bed watching the testimony in bed,

remember? And he said, I don't remember it that way. And then he said, uhm, I just can't believe I would have done it. I really tried to be careful with the timing. So, it is in this recording and I, you know, and then he tried to ask me about my children. And I didn't want to tell him.

END OF TAPE

- Terry Jackson-Mitchell: About my kids so I kind of started to talk about Jennifer and then I changed the subject to Franklin and tried to talk about his kids cuz I knew that would get him off the phone. I just wanted to get off the phone once I got him to admit that to me honest with you.
- Tina Minchey: Uh huh (affirmative).
- Terry Jackson-Mitchell: And uhm, I couldn't believe that he admitted it. I thought okay, I am never going to have to talk to him again. That's awesome but then he called me the next day or the day after but I didn't answer and I sent that recording to Richard and said I don't know what to do cuz I really don't want to talk to him again but I will if you need me to.
- Tina Minchey: To Ron, you mean?
- Terry Jackson-Mitchell: To Richard Roberts.
- Tina Minchey: Oh, you said.....
- Terry Jackson-Mitchell: Yeah. So, I talked to.....
- Tina Minchey: The recording though?
- Terry Jackson-Mitchell: Yeah, yeah. I said I'll record another conversation with him if you want me to but I just don't, if this will do it, can we just use this, pretty much.
- Steve Sperry: So, he calls the next day? Again, did he leave a message or anything like that?
- Terry Jackson-Mitchell: No, he didn't leave a message. It wasn't the next day it was the day after. And I, so I tried to call back that number that he called me from and in the recording he kept saying, you know I am always going to be here for you. If you

need anything, you're one of those great people, you just let me know. But he doesn't give me any point of contact to get to him other than the email or the number he is calling from and it's, it's really interesting like when all of this was going on after the trials and even before, I had to go through so many codes and numbers to get to him on the phone. Which would be the case again, uhm, because when I called that number that he called me from it didn't even offer an option to talk to him. So, I sent him an email and I said, uhm, I saw that you called, sorry I've been busy, uhm, is everything, did you need to talk to me about something? And he said I just wanted to tell you that uh, how proud I am of you and uhm, just basically giving me all this praise. Uhm, and I just let it be at that. He didn't leave a message.

- Tina Minchey: That was the email? Sorry.
- Terry Jackson-Mitchell: Yeah, that was the last email.
- Steve Sperry: Do you have copies of all these emails?
- Terry Jackson-Mitchell: Uh huh (affirmative).
- Steve Sperry: Okay, cuz the only email that we have is the one that you sent him (inaudible) on.
- Terry Jackson-Mitchell: Okay, yeah I have copies of all of them and I can.....
- Steve Sperry: Oh, okay.
- Terry Jackson-Mitchell: I can forward them to you as well.
- Steve Sperry: Okay, if you would?
- Terry Jackson-Mitchell: Yes, I'd love to.
- Tina Minchey: So, did you bring the recording in today?
- Terry Jackson-Mitchell: It is on my computer.
- Tina Minchey: Okay.
- Terry Jackson-Mitchell: And uhm.....

Tina Minchey: That, the original recording is on your computer or is there an original somewhere else?

Terry Jackson-Mitchell: There is an original on the tape recorder. I think I have the tape recorder but this is got several recordings on it. December 21. I've got it in a MP3. Like I, I transferred it from here on to my computer and did it that way.

Tina Minchey: So, it's still maintained on there in the folder that it was originally...?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Okay, so we can, hmm, cuz we're going to need that original.

Terry Jackson-Mitchell: Well, I've got a bunch of stuff on here though. Uhm, I don't want to give like some of this is my counseling and stuff.

Tina Minchey: No, I understand that.

Steve Sperry: No.

Tina Minchey: We are just trying to, we need to extract that from the original source.

Steve Sperry: Uhm, I think what we need.

Terry Jackson-Mitchell: Well, if you have a, a like one of these type of ports?

Tina Minchey: Right, we can get into the folder and then take it out that way (inaudible) might be able to do that.

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: What we could do.....

Terry Jackson-Mitchell: Worse case scenario, I, I, I just don't know how to erase these things.

Tina Minchey: No that is okay. Keep it then, cuz, if, if, it does end up into, into court later, the original or whatever is going to happen, the original is going to be needed. So, I would keep it on there.

Terry Jackson-Mitchell: Okay.

Tina Minchey: And I'm thinking we could extract it from the original.

Steve Sperry: Right.

Tina Minchey: Cuz it's from that folder, we could extract it out of that folder, I think what we'll do.

Terry Jackson-Mitchell: Well and I've got it on here so you can hear it, uhm.

Steve Sperry: Do you, do you have the cord that goes in there into the computer?

Terry Jackson-Mitchell: No, so it's just, I don't have it with me.

Steve Sperry: Okay.

Terry Jackson-Mitchell: I don't.

Steve Sperry: But, you, okay.

Terry Jackson-Mitchell: But, uhm, I do have it on here.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Do you want me to play it for you or is that?

Tina Minchey: Yeah.

Steve Sperry: Uh huh (affirmative).

Terry Jackson-Mitchell: Is that okay?

Tina Minchey: Let's uh, let's take a quick break. I'll be right back.

Terry Jackson-Mitchell: Is it okay if I get some water?

Tina Minchey: Sure. I'll go get you a water. Do you need anything Steve?

Steve Sperry: No.

Tina Minchey: Do you need to use the restroom or anything?

Terry Jackson-Mitchell: No, I'm fine, thank you.

Tina Minchey: I'll be right back.

Terry Jackson-Mitchell: So, this is the kind of, this is the original file that I downloaded.

Steve Sperry: Okay.

Terry Jackson-Mitchell: And then uhm, I created uhm, just a more simplified way to read it because this is kind of a universal way to hear it.

Steve Sperry: Uh huh (affirmative).

Terry Jackson-Mitchell: Audio recording, so. I am sorry it is just taking me a second. Okay, it is so weird hearing your voice. (Inaudible) it's just like, do I really sound like that?

Steve Sperry: Uh huh (affirmative).

Terry Jackson-Mitchell: And uhm, really there were so many moments when we were talking were I was just really biting my tongue from saying what I wanted to say but I was really trying to make him feel safe. Uhm, to say whatever, you know, he had to say.

Steve Sperry: Did he ever bring up why are you bringing this up now, or?

Terry Jackson-Mitchell: Well, I did tell him why.

Steve Sperry: Oh, okay.

Terry Jackson-Mitchell: Yeah.

Steve Sperry: Okay.

Terry Jackson-Mitchell: In that letter, that I sent him, uhm, you know, I, I said I understood why I was attracted to him, but uhm, I didn't understand why he was to me. Uhm, and when I talked to him on the phone he brought that up. And I also said, you know, uh, with Franklin's execution there is just a lot of things that are confusing to me and I am trying to understand this, can you help me understand this?

Steve Sperry: Uh huh (affirmative).

Terry Jackson-Mitchell: And uhm, that's how we kind of got in to it. Uhm, it is really weird cuz he sounds really super nice and I think

that, that's the biggest challenge that I've had to overcome, over time is that when it, somebody is being that nice to you, that they could still be hurting you or taking from you, uhm, at the same manipulating you to not say anything.

Steve Sperry:

Uh huh (affirmative).

Terry Jackson-Mitchell:

Uhm, and even just hearing this uhm, I've only listened to it one time cuz it just infuriates me to think that he can justify it the way that he does, but.

Tina Minchey:

Sorry, I was trying to find a bottled one but I don't think I  
.....

Terry Jackson-Mitchell:

Oh, thank you, oh, that's okay, I don't need that.

Steve Sperry:

Let me ask you a minute before you play that, how many people during or directly right after this happened with Robert, did you tell? I know you said you were talking to Carman about it.

Tina Minchey:

Carma, yeah.

Steve Sperry:

And then you told your mother.

Terry Jackson-Mitchell:

Uh huh (affirmative).

Steve Sperry:

How long after he'd left was it?

Terry Jackson-Mitchell:

A couple of days.

Steve Sperry:

A couple of days? Anybody else?

Terry Jackson-Mitchell:

It could have been the day that he left, for all I know. It was very, very quickly. As soon as he left, I felt like I could breathe all the way out. You know?

Steve Sperry:

Uh huh (affirmative).

Terry Jackson-Mitchell:

And then I got brave and told my mom. But the thing is, so when all that stuff was going on, like my mom was broken and the people at her work were horrible to her. Uhm, they would tape the articles all over her computer and call her, your daughter is white trash. Uhm, so she got to the point where she was like 75 pounds.

Tina Minchey: Hmm.

Terry Jackson-Mitchell: I was just really scared to tell her that it would be one more thing that would, you know, take my mother away. So, and I couldn't tell my father because he would kill him. At that point, my dad was just, like a keg of dynamite. I didn't want to make it worse.

Steve Sperry: Was there anybody else that you told?

Terry Jackson-Mitchell: I just told my mom, Rene my sister, Kelly, a little bit, she is my sister, uhm, my mom and Carma. That's it.

Tina Minchey: Rene and Kelly are your sisters?

Terry Jackson-Mitchell: Uh huh (affirmative). But Rene is in jail for schizophrenia and she has been threatening my life, so.

Tina Minchey: Now what are, is her last name Jackson still or is she different?

Terry Jackson-Mitchell: No, her last name is Caesar and her first name is Yvonne. Y V O N N E.

Tina Minchey: Okay, Y V E O O.

Terry Jackson-Mitchell: It's actually YVONNE.

Tina Minchey: YVONNE.

Terry Jackson-Mitchell: Yeah.

Tina Minchey: And then .....?

Terry Jackson-Mitchell: Uhm, Ceaser. C E A S E R.

Tina Minchey: C...S E R. Okay.

Terry Jackson-Mitchell: I think is how you spell it.

Tina Minchey: And then Kelly?

Terry Jackson-Mitchell: Yeah, Kelly and her last name is Bhoene. And I think it is B H O E N E. I really don't know how she spells it, to be honest with you. We don't keep in contact.

Tina Minchey: Oh, you don't?

Terry Jackson-Mitchell: Like we do through my mom, but she is kind of like Rene, she is an alcoholic, she's homeless often and because my life didn't kind of end up like theirs, there has always been this weird strange energy with them. They kind of get annoyed that I didn't stay stuck in the space that we were in before. And Angie, too. Angie Diamond, uhm, that is my youngest sister. She and I still talk.

Tina Minchey: That's the youngest?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: And uhm, is your mom still around here, then?

Terry Jackson-Mitchell: Yes.

Tina Minchey: And where is your dad at?

Terry Jackson-Mitchell: He is in Montana. Wolfcreek, Montana.

Tina Minchey: What about Carma?

Terry Jackson-Mitchell: She just moved to Texas and I do have her phone number.

Tina Minchey: Okay. What's her last name now?

Terry Jackson-Mitchell: Okay, so I think she has gone back to Ingersol cuz she got a divorce.

Tina Minchey: Okay.

Terry Jackson-Mitchell: That's what her Facebook says, I think. Do you want me to give you phone numbers?

Tina Minchey: Oh, yeah, sorry, I was waiting for Carma's. If you have that one?

Terry Jackson-Mitchell: Yeah, yeah, I'll take that one. All right, so Carma is, sorry it's just taking a second, this phone keeps freezing up.

Tina Minchey: No, you are okay.

Terry Jackson-Mitchell: It is 830-

Tina Minchey: Okay.

Terry Jackson-Mitchell: 890-8779. Do you want everybody else's phone numbers?

Tina Minchey: Uh, might as well.

Terry Jackson-Mitchell: Okay, so for Carolyn Gentry it's.....

Tina Minchey: Oh, wait hold on. Carolyn Gentry.

Terry Jackson-Mitchell: That's my mom.

Tina Minchey: Yeah, Carolyn Gentry, mom – Okay ready.

Terry Jackson-Mitchell: 801-

Tina Minchey: Kay.

Terry Jackson-Mitchell: 467-1902.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And then, uhm, Angie is 801-604-6196.

Tina Minchey: Kay.

Terry Jackson-Mitchell: And I don't have, oh, my dad's number, let me get that. I don't have that memorized. His name, so he goes by Teach, if you call him Ralph he'll be like, confused.

Tina Minchey: Okay, but Ralph is his real name.

Terry Jackson-Mitchell: Ralph is his real name.

Tina Minchey: And what's, El, what was it?

Terry Jackson-Mitchell: E L R O D.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And let's see it is 406-431-3172.

Tina Minchey: Is he married or remarried or anything?

Terry Jackson-Mitchell: Yeah, he is remarried.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And did I give you Angie's number?

Tina Minchey: Yeah, we have Angie's. Uhm.

Terry Jackson-Mitchell: Kelly's we have to get from my mom cuz I don't have it.

Tina Minchey: And then you told Greg Skordas, right? And then Ron? Is there anybody else, other than your counselor?

Terry Jackson-Mitchell: Hmm, I talked to an attorney, so you know the Roman Polanski, the girl that got raped by him? The 13 year old, Samantha Geiner, was her name. I read her book.

Tina Minchey: Sounds familiar but.....

Terry Jackson-Mitchell: Yeah, so I read her book and I contacted her because she had an attorney that was a victim's rights attorney.

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: So, I told her and she gave me his name and uh, uhm, Los Angeles, but he was a jerk and I didn't end up really.

Tina Minchey: Did you talk to him about it?

Terry Jackson-Mitchell: I talked to him a little bit about it but.....

Tina Minchey: What is his name?

Terry Jackson-Mitchell: Larry Silver.

END OF TAPE

BEGINNING OF TAPE

Terry Jackson-Mitchell: 84101

Tina Minchey: 311?

Terry Jackson-Mitchell: Uh huh (affirmative)

Tina Minchey: And it's T E R R Y ?

Terry Jackson-Mitchell: Yes.

Tina Minchey: And it's Jackson-Mitchell, right?

Terry Jackson-Mitchell: Uh huh (affirmative).

Steve Sperry: What part of Texas does Carma live in now?

Terry Jackson-Mitchell: Uh, it's a really weird word. It starts with an "H". Uhm, I want to say Hank, Texas or I can't remember. It's a really weird small town. I can get.....

Steve Sperry: Is it down? Is it, whereabouts is it by? What city?

Terry Jackson-Mitchell: I don't know.

Steve Sperry: Oh.

Terry Jackson-Mitchell: She says it is on a river. It's like on a river.

Steve Sperry: Not the Rio Grande?

Terry Jackson-Mitchell: No. She just moved there, so. And then Larry Silver's number is 310-477-7640. And I don't have a problem with uhm, doing a polygraph test, if I have to. I am totally fine with doing that if it is necessary.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Now, I kind of did some research on Google to kind of figure out, while I've been figuring this out and there were two cases after the Franklin case that Richard Roberts had and they were related to teenage human trafficking cases. And they were both in the South and I think that would be really something to consider uhm, to seeing if it might have happened to any of the girls related to those cases.

Tina Minchey: Do you remember what state?

Terry Jackson-Mitchell: I think one of them was Georgia. They were both southern states. And I think the other one was either Alabama or Arkansas. But I Googled it like I Googled his career and that came up.

Tina Minchey: Okay.

Terry Jackson-Mitchell: What ended up making his career though was that win with Franklin.

Tina Minchey: Okay. During the course of all this if we end up missing something in this interview, you know, we will have to probably get with you again.

Terry Jackson-Mitchell: Okay.

Tina Minchey: And if we have any details that we need more expanding on or anything like that we will have to get in touch with you.

Terry Jackson-Mitchell: Okay. Okay. Do you want to hear it?

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: Okay. Let's see.

THE TELEPHONE CONVERSATION BETWEEN  
TERRY JACKSON-MITCHELL AND RICHARD  
ROBERTS IS PLAYED

Terry Jackson-Mitchell: He doesn't admit to any (inaudible).

Steve Sperry: When you went to the courthouse did you have to sign in?

Terry Jackson-Mitchell: I think so, yeah.

Steve Sperry: Of your time that you went to the courthouse?

Terry Jackson-Mitchell: But sometimes we waited outside. So, I can forward this to you. I think the rest of it is just niceties and whatever. But, he admitted it. Did you hear him?

Tina Minchey: Being careful about the timing of it?

Terry Jackson-Mitchell: Uh huh (affirmative).

Steve Sperry: Yeah.

Tina Minchey: So, your testimony was already done is his.

Steve Sperry: Uh huh (affirmative).

Terry Jackson-Mitchell: Yeah, so when sometimes I was dropped off and I did go inside but sometimes I was dropped off and I was waiting outside for him to just bring the car around and come get me.

Steve Sperry: Like that first night when you were dropped off at 7 o'clock.....

Terry Jackson-Mitchell: Uh huh (affirmative).

Steve Sperry: You went up to his offices, did you sign, do you remember signing in?

Terry Jackson-Mitchell: Yes.

Steve Sperry: Okay.

Terry Jackson-Mitchell: And it could have been six. I mean it was in that time.

Steve Sperry: But it was late?

Terry Jackson-Mitchell: Yeah, it was after everybody had left.

Steve Sperry: Okay.

Terry Jackson-Mitchell: So. Uhm, I'm happy to talk to him again because he, so since that time I think he has called twice but he doesn't leave messages. So, I could, you know, email him, but if I don't need to, I would be grateful not to have to talk to him again.

Tina Minchey: Well, we'll, we'll get a plan. We'll.....

Terry Jackson-Mitchell: Can I email this to you? Or is this something.....?

Tina Minchey: You can, but eventually if we needs, you know, we will have to get the original, so.

Steve Sperry: We will have to (inaudible) yeah.

Tina Minchey: Yeah, I mean for, for review sake you're fine to send it.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Until we need the originals, so.

Terry Jackson-Mitchell: And do you, I just realized you might want my counselor's number, is that something you need or no?

Tina Minchey: Well, the only way that we would be able to get any information from your counselor is if you signed a release.

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: And uh, then usually you have to specify the type of information unless we end up with a court order or something.

Terry Jackson-Mitchell: Okay, well I am happy to give you his information if it is helpful.

Tina Minchey: Yeah, let me uh, okay.

Terry Jackson-Mitchell: Okay his name is Paul France, like the country.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And it is 801-554-7231.

Tina Minchey: Is he an individual, does he have his own practice?

Terry Jackson-Mitchell: He has his own practice. He used to be at Family Counseling Center in Murray, but he just started working on his own, like, I don't know, a few months ago.

Tina Minchey: So is that what his practice is called, just Paul France and you just look him up and he's got his own individual or is he with, does he have a name of his company?

Terry Jackson-Mitchell: Yeah, but it is a really hard one for me to remember, sorry.

Tina Minchey: Okay, that's fine we'll look him up. That's okay. Well again if there is something we missed we'll probably have to call you and clarify or have you come back in or something.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Is there anything else you can think of?

Steve Sperry: Not right now. Like she said I'm sure we will have other questions as we get into it, so.

Tina Minchey: Yeah. Do you want to, I don't have a card. Do you have a card with your email and she could send (inaudible).

Steve Sperry: Card? Yeah.

Terry Jackson-Mitchell: And I could forward those emails uhm, because I was going to do screen shots but then you wouldn't be able to see the whole thing.

Tina Minchey: Yeah.

Terry Jackson-Mitchell: And it is just easier....

Tina Minchey: To forward.

Terry Jackson-Mitchell: To forward.

Tina Minchey: Yeah, that is fine.

Steve Sperry: (Inaudible) put your name on that.

Terry Jackson-Mitchell: Okay, and I'll give you my card, too. I brought my cards, I changed my purse, so I didn't. I didn't bring it, sorry. I was going to give you my card. My phone number is fairly easy to read though and remember. So.

Tina Minchey: Okay. Mine and then Steve's is on the front there, so.

Terry Jackson-Mitchell: Okay. So, uhm, what's, what do I do at this point? I'll email those and forward those to you, uhm.

Tina Minchey: Just, I mean, if he calls again let us know, uhm, you know, if you are not going to accept it, just let us know just so we can keep track of any type of phone calls that he may be making to you.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Uhm, I mean, it is going to take us a bit to get into this, I think, so, I know you have a trial coming up. So, we will start reviewing, we have to work very closely with our attorneys and our administrators on this.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Very slow and cautious and make sure we get everything just right on this, if we are going to do anything.

Steve Sperry: Does your mother know that, that you contacted our office?

Terry Jackson-Mitchell: Uh huh (affirmative).

Steve Sperry: Okay, and Carma also?

Terry Jackson-Mitchell: Uh huh (affirmative).

Steve Sperry: Okay, cuz we will contact them and probably interview them also.

Terry Jackson-Mitchell: So, I am just going to call them and tell them that it is okay to talk to you so that they don't feel like caught off guard.

Tina Minchey: Okay

Steve Sperry: Okay, no that's fine.

Tina Minchey: All right well I think for now we will be good and then we will just be in touch.

Terry Jackson-Mitchell: Okay.

Tina Minchey: And you too, if there are any questions you have feel free to give us a call.

Steve Sperry: Yeah.

Terry Jackson-Mitchell: Okay, uhm, so if I don't hear from you in like a month, should I contact you or how does this work?

Tina Minchey: Well, I mean, yeah, I mean, it is going to take some time.

Steve Sperry: Right.

Tina Minchey: By the time we both get on the same page to with our other cases and our other schedules we are going to try to make some time to interview these other people and see what we can do a little I mean research on. The thing you have to keep in mind, I don't know if the attorneys talked to you, is

we have to go back to the 1981 statutes and review those from that time cuz we can't do it off of today's....

Terry Jackson-Mitchell: Statutes.

Tina Minchey: Yeah, so that's another thing we review and Steve has been doing a little research on that and uhm, probably have to get, you know, some of the information from the trial and divvy it, you know, get some of these records that are probably stashed away somewhere I'm sure. So, it is going to take a little time.

Terry Jackson-Mitchell: Okay.

Tina Minchey: You are welcome to contact us if you haven't heard and you are interested in what is going on or call us, sometimes there is not much we can report back to you during this phase of an investigation, so.

Terry Jackson-Mitchell: So, Ron said that he would be working with me like a victims rights advocate kind of attorney or whatever.

Tina Minchey: Okay.

Terry Jackson-Mitchell: So, if he contacts you uhm, he has like, if I need to sign something for him to be able to talk to you about it, I'm happy to do it.

Tina Minchey: Okay. So, is he formally representing you, do you think at this point?

Terry Jackson-Mitchell: He said he would be.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Yeah.

Tina Minchey: All right, just so we know.

Steve Sperry: Yeah and like she said, I mean, this, it's going to take a while and we have to move with caution because of who he is and who he is connected to and in obtaining some of the Federal records and stuff like this, so, so it's going to be a slow process but it should be one to come through with some sort conclusion.

Terry Jackson-Mitchell: Okay.

Steve Sperry: Okay?

Terry Jackson-Mitchell: Okay, well I appreciate your time. Thank you.

Tina Minchey: Yeah, thank you for coming in today.

Steve Sperry: Thank you.

Terry Jackson-Mitchell: Seems so weird to be talking about something so long ago and that you guys are willing to help and I appreciate it.

Steve Sperry: Okay, thanks and nice to meet you.

Terry Jackson-Mitchell: Nice to meet you, too.

END OF TAPE

Exhibit C –

Transcript of Interview with Terry Jackson-Mitchell  
(August 6, 2014)

Follow-Up Interview of Terry Jackson-Mitchell  
Interviewed by Special Agent Tina Minchey and Special Agent Steve Sperry  
August 6<sup>th</sup> 2014  
Case # 14-673  
Transcribed by Teri Savage

Tina Minchey: So, today is August 6<sup>th</sup> 2014. We've got Terry Jackson-Mitchell here at the AG's Office with Agent Steve Sperry and Tina Minchey for a couple of follow-up questions. Uhm, today, Terry brought in the receipt for a new audio recorder, since on Monday on August 4<sup>th</sup> we actually took her recorder and booked it into evidence to retain the audio recording between she and Richard Roberts. So we have the receipt and we will get you reimbursed for that. Uhm, just a couple of follow-ups. You know we had met with your mom and then we had talked with Carma on the phone. And so there are just a few things that came up that we wanted to clarify with you.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Had your mom back when the trial was going on and back when the trial preparation was going on had she ever uh, ever taken you anywhere other than the courtroom to meet with Richard?

Terry Jackson-Mitchell: Not that I can remember. Like she would drop me off. I don't remember her taking me anywhere but the court, the Federal Courthouse.

Tina Minchey: Would there ever be a chance that she would have taken you right to the hotel?

Terry Jackson-Mitchell: It's possible, uhm, definitely possible. Uhm, but I, I'm not positive.

Tina Minchey: Okay. Okay.

Terry Jackson-Mitchell: I'm sorry.

Tina Minchey: No, that is okay. And we just want your recollections, so if you can't remember that's fine. Okay and then when you guys ended up in the sexual relationship that you had did it take place anywhere else other than in his hotel?

Terry Jackson-Mitchell: No. I mean he kissed me in that office, that first day, that first night.

Tina Minchey: In his office?

Terry Jackson-Mitchell: Yeah, the office that he was in. I don't if that was his office. It was an office he was using.

Tina Minchey: Okay. At the Federal courthouse?

Terry Jackson-Mitchell: Yes. But he didn't, like sexually everything happened at the hotel.

Tina Minchey: Okay so like the very first intimate encounter, anything regarding kisses, hugs, that kind of thing he actually did start at the Federal courthouse?

Terry Jackson-Mitchell: Uh, let me think. Like I remember being kissed in that room.

Tina Minchey: Okay.

Terry Jackson-Mitchell: But I don't remember what day it was. I'm sorry.

Tina Minchey: No, that's, we don't expect you to remember the exact day.

Terry Jackson-Mitchell: Yeah, I don't think it was the day that it all began because I was so uncertain about everything that was going on, I think that had that occurred that day, I would have been less uncertain.

Tina Minchey: Okay, so as far as anywhere else in the courthouse, uhm, there was some indication that you possibly had a sexual encounter in one of the meeting rooms that were next to the courthouse, the actual room in the courthouse.

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: I don't know what you call them. Like the meeting room.

Steve Sperry: Witness rooms.

Tina Minchey: Witness rooms that are right next to the main courtroom.

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Anything like that ever happen?

Terry Jackson-Mitchell: It's weird, like I remember moments. I'm so sorry. I wish I was more clear on a lot of things. Uhm, I remember being, you know, kissed in and possibly touched but I don't think we had sex in anything but the hotel.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Like intercourse or oral sex.

Tina Minchey: Okay. Okay, so pretty much the hotel other than kissing, possibly at maybe touching at the courthouse in his office that he was using?

Terry Jackson-Mitchell: Uh huh (affirmative). Yes.

Tina Minchey: Okay.

Terry Jackson-Mitchell: And the way I remember that room was just one desk in there. So, it wasn't a shared office.

Tina Minchey: Was it, do you remember what floor it was on?

Terry Jackson-Mitchell: No.

Tina Minchey: Okay. When you say that first night, uhm, was it the night that you had told us about that you went there in the evening and that was the night he took you to dinner?

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: That first time at the Chinese, was it Chinese restaurant?

Terry Jackson-Mitchell: Yes. Yes.

Tina Minchey: So that was when he first kissed you, that night that you remember?

Terry Jackson-Mitchell: Well, I don't know that that was the first time he kissed me in that room. I don't think he kissed me in that room. But he did end up kissing me that night.

Tina Minchey: Okay.

Terry Jackson-Mitchell: After the dinner and he got me up into the hotel.

Tina Minchey: Okay. Okay, I remember that. So that wasn't specifically that night in his office? That could have been another night or another day?

Terry Jackson-Mitchell: Right, right.

Tina Minchey: Okay. Okay. That's pretty much it. Was there anything else that you wanted follow-up on from our interviews?

Steve Sperry: No, no, that's pretty much the question.

Tina Minchey: Okay.

Terry Jackson-Mitchell: So, I have a question for you guys, if that's okay?

Tina Minchey: Okay.

Terry Jackson-Mitchell: Uhm, how, I just, I guess I am a little anxious about all of this and I'm, before everything, if anything happens, will I be let, will somebody let me know prior so I can tell my family and?

Tina Minchey: Oh yeah.

Terry Jackson-Mitchell: And get them prepared?

Tina Minchey: Yes.

Terry Jackson-Mitchell: And then maybe you can't answer this question, I totally understand if you can't but I just don't know who to ask. Uhm, is it appropriate for me to have an attorney to like be there for my rights or if, cause I am concerned that this, I don't know how this all works, but I thought maybe, uhm, you know, they will go to the judge and, to Richard Roberts, tell him what is going on and he'll say, let's handle this quietly and you know, make this as easy as possible without people knowing, I guess. Uhm, am I supposed to be, like I feel like everything I say and do I am doing it wrong and I should be, you know, on top of how I react to certain questions, because I sent you guys emails telling you that I had gone to teachers....

Tina Minchey: Uh huh (affirmative).

Terry Jackson-Mitchell: And writers trying, like I said, I thought this was not something that I could ever pursue but I wanted to expose what happened.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Uhm, so some people know about this and then they ask me how things are going and I am all, uh, I can't talk about that, you know, cuz I don't want to mess with anything. So I am avoiding all these people and I'm concerned that when this kind of happens is it going to be a public thing that I am going to have to be aware of reporters and kind of the challenges that I had to deal with before?

Tina Minchey: There is always a possibility of media coming on to this later if it comes out to that point where we get to the point of a meeting with him or whatever. That's down the road a ways. I mean, we want to make sure that this is done very carefully and very slowly so we, you know, and not slowly to drag it out but we just want to make sure that everything is done just right on this.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Uhm, but yeah, being what the case was 30 years ago and being his position that he is in right now, I can't imagine, uhm, the media not getting a hold of it at some point in time but before this gets to that point, I mean, you will be notified of what we are doing.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Like hey, you know, we are going, be aware this is what is going to happen, just in case, you know, we'll tell you.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Uhm.

Terry Jackson-Mitchell: Cuz he knows my phone number. Like he, he can find everything out about me. I know what he does for a living. I guess I feel a little anxious about everything.

Tina Minchey: Yeah and that's understandable. I mean you are going to feel that way. Uhm, our victim advocate, Tami Atkin, she's probably somebody that would be good for you to

Terry Jackson-Mitchell: Okay.

Tina Minchey: And she's familiar with what's going on at this point and we'll probably have her contact you.

Tina Minchey: If you're okay with that?

Terry Jackson-Mitchell: That would be awesome.

Tina Minchey: That way you have a 'go-to' on the victim side that you can talk to about stuff like that. You are always welcome to contact us, uhm, but she can help you out with some of the other stuff that maybe we are missing.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Uhm, as far as the other people that are, you know, you have told some people and you know, if they are asking how it's going, uhm, yeah we don't want our investigation known that our investigation is going on and I don't know if you have told those people about ....?

Terry Jackson-Mitchell: No, I haven't told anybody and so I am just kind of....

Tina Minchey: Okay, yeah.

Terry Jackson-Mitchell: Except my father and my husband.

Tina Minchey: Okay.

Terry Jackson-Mitchell: Cuz they just constantly are asking me how I am doing and I go through these moments where I don't sleep for days and do the pacing thing and have the migraine thing and I am like how can I make this less painful?

Tina Minchey: Yeah.

Terry Jackson-Mitchell: So.

Tina Minchey: Just know we're not going to have it come out and you not be aware of it.

Terry Jackson-Mitchell: Okay.

Tina Minchey: So, you know, right now, we've told you, kay, we are going to talk to your mom, we are talking to Carma. So, you are aware of what we're doing.

Terry Jackson-Mitchell: Uh huh (affirmative).

Tina Minchey: Uhm, and we are doing it to let you know that we're working it, we are pursuing it and we don't want you to feel anxious of what is going on next or who are they talking to. A lot of times we don't do that just for the, you know, the integrity of the investigation and as we keep going, you know, we aren't going to be able to tell you everything but we're not going to have it be come out in the media and you don't have a clue what is going on.

Terry Jackson-Mitchell: Okay.

Tina Minchey: You know, so we'll definitely let you know about that.

Terry Jackson-Mitchell: Okay.

Tina Minchey: So, is there anything else?

Steve Sperry: No, that is it. And your husband or your father, I mean you can tell them, you know, that we are moving forward and that but you just don't want anybody else to know and for it to get out before we are ready to release it or do what we have to do.

Terry Jackson-Mitchell: Uh huh (affirmative).

Steve Sperry: I mean, cuz that's something that we wouldn't be able to control it at that time. So.

Terry Jackson-Mitchell: Okay, if he calls me again, cuz I have been getting weird calls, so I showed you how that number shows up, right?

Tina Minchey: Uh huh (affirmative). Uh huh (affirmative).

Terry Jackson-Mitchell: Uhm, and I've got some weird numbers that have been calling me so I haven't been answering them cuz I am just like, yehh, I don't do anything.

Tina Minchey: Yes.

Terry Jackson-Mitchell: If I do answer and it is him, because I have clients and sometimes I just answer a call waiting or whatever, should I be recording it? Should I be trying to...?

Tina Minchey: If you can but we understand that it is not always going to be that way. And if it comes up and you can tell it is a Washington D.C. number, you know, don't answer it. If you want to answer it and you end up answering it, you know, by mistake or whatever, you know, I would just keep it short.

Terry Jackson-Mitchell: Okay.

Tina Minchey: And then just let us know so we can document it.

Steve Sperry: And if you can record it, do it, if not immediately after if you would just write just, you know, what was said in the conversation and that, so it is fresh on your memory at that time and let us know.

Terry Jackson-Mitchell: Okay.

Tina Minchey: Yeah, Yeah. Date and time and then what it was about and yeah that should be good.

Terry Jackson-Mitchell: Okay.

Tina Minchey: So, uhm, emails if you get any other emails from him let us know.

Terry Jackson-Mitchell: I'll forward them to you as soon as I get them.

Tina Minchey: Anything else? That's it.

Steve Sperry: That's it.

Tina Minchey: Okay, yeah if anything else comes up we may have to do this just to clarify and make sure that we've got it all.

Terry Jackson-Mitchell: Okay.

Tina Minchey: (Inaudible) give me a call, so, all right.

Terry Jackson-Mitchell: All right.

END OF INTERVIEW

Exhibit D –

Transcript of Interview with Carolyn Gentry (July 15, 2014)

Interview of Carolyn Gentry  
Interviewed by Special Agent Tina Minchey and Special Agent Steve Sperry  
July 15<sup>th</sup> 2014 (Approximately 1400 Hours)  
Case # 14-673  
Transcribed by Teri Savage

Tina Minchey: Okay so today is July 15<sup>th</sup> 2014 and it is approximately 1400 hours. We've got Agent Steve Sperry, Tina Minchey and Carolyn Gentry. G E N T R Y, right?

Carolyn Gentry: That's correct.

Tina Minchey: And we are at 3130 South 200 East.

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Apartment 114.

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Okay, Carolyn what is your phone number for me, again?

Carolyn Gentry: It's 801-467-1902.

Tina Minchey: Okay. How about your date of birth?

Carolyn Gentry: 6-29-1947.

Tina Minchey: Okay and like I said yesterday we had talked to Terry. Both Steve and I had talked to Terry yesterday, your daughter and uhm, she had told us that you were familiar with....oh hi, kitty.

Carolyn Gentry: This is Mimi.

Tina Minchey: Let me move my luggage out of your way there. Uhm, she had told us that she had talked to you a little bit about her coming to our office and talking with us.

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: As far as why she was going to.....

Carolyn Gentry: Yes.

Tina Minchey: Do that.

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: So that is why we are here. Uhm, if we can kind of take you back a little bit. Give us a little history about yourself, your family, your daughters. Uhm, just a brief little background.

Carolyn Gentry: I was born in California and when I married the girl's father we moved to Oregon, which is where my children were born.

Tina Minchey: Okay.

Carolyn Gentry: And then in the meantime my parents had moved to Salt Lake so when I left my husband I came here.

Tina Minchey: Okay. And what year was that that you came to Utah?

Carolyn Gentry: Oh my goodness, you know.....

Tina Minchey: Approximately?

Carolyn Gentry: It's been about maybe 1969, 1968.

Tina Minchey: So that's.....

Carolyn Gentry: Come here Mimi.

Tina Minchey: And what was your husband's name?

Carolyn Gentry: Ralph Elrod.

Tina Minchey: And all three of your girls were born up in Oregon?

Carolyn Gentry: Yes.

Tina Minchey: And that's Terry.....

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: And.....

Carolyn Gentry: Renee.

Tina Minchey: Renee.

Carolyn Gentry: Kelly and Angie was born here. Keep out of her purse.

Tina Minchey: Okay. Okay so when you moved here and you had the girls and you lived with your family?

Carolyn Gentry: Yes, uh huh (affirmative), for a short while.

Tina Minchey: And who is that?

Carolyn Gentry: Uhm, they are both deceased. Boyce and Esther Green.

Tina Minchey: What was the first name of the other?

Carolyn Gentry: Boyce. B O Y

Tina Minchey: Y.

Carolyn Gentry: Y C E.

Tina Minchey: And Esther?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Green?

Carolyn Gentry: Yes, G R E E N E.

Tina Minchey: E, there we go. Okay so tell us how Terry's childhood was up until the 80.....

Carolyn Gentry: You know, I was a single mother and I was a very young single mother trying to raise four children and doing whatever I could just to keep, just to take care of us.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And so our life was not chaotic but you know there was structure but there was a lot of chaos. You can imagine.....

Tina Minchey: Right.

Carolyn Gentry: Five women in one house and uh we moved throughout the valley. I started working for the gas company in 1977 and uh I was there until I retired. And you know I also had other part time jobs, you know that kind of helped see us through.

Tina Minchey: Uh huh (affirmative), yeah, Terry said that you were very busy. Very just.....

Carolyn Gentry: Oh, yes.

Tina Minchey: Working and taking care of the kids, so.

Carolyn Gentry: With four children and no support from their father, you just do what you've got to do.

Tina Minchey: Yeah.

Carolyn Gentry: So.

Tina Minchey: So, tell us leading up to 1980 when the murders happened and prior to that there was an incident with Terry being, she said kidnapped and raped.

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: What can you tell us about?

Carolyn Gentry: There was a time when their father, I am trying to think how this went, she, she and Kelly went to live with their dad and while they were in his care, uhm, I don't, I didn't know what had happened until the following day and it seems like I heard it from somebody else. It wasn't Terry that told me that she had been raped and pretty much brutalized by this man and he was, I don't know, I can't remember when he was caught. I remember going to court.

Tina Minchey: Okay, so she was living with.....?

Carolyn Gentry: With Ralph.

Tina Minchey: Ralph and Ralph had come here after you guys?

Carolyn Gentry: Yes.

Tina Minchey: So he came here as well.

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: And so, how long had they been living with him?

Carolyn Gentry: Just a few months, I'm thinking. I, it's so, it's like that summer and it happened that summer. That's when all this chaos happened.

Tina Minchey: Okay. So, do you know, was it a friend or an acquaintance of their father?

Carolyn Gentry: No, I don't think their father knew him.

Tina Minchey: Okay. Do you remember his name at all? This, this suspect, the defendant.

Carolyn Gentry: Phillip Moore. Something like that. Something Phillip Moore or Phillip something Moore.

Tina Minchey: Okay.

Carolyn Gentry: I could be, Phillip sticks in my mind.

Tina Minchey: Okay, that's all right. And he was prosecuted and...?

Carolyn Gentry: Yes, uh huh (affirmative).

Tina Minchey: Okay and so that was right before the incident happened when....?

Carolyn Gentry: Yes, it was just shortly before.

Tina Minchey: Okay.

Carolyn Gentry: And it was like maybe ten days to two weeks before and that's why we thought that this had, the shootings had something to, to do with it.

Tina Minchey: Okay.

Carolyn Gentry: With because he was coming to court, I believe.

Tina Minchey: Okay. What do you recall about uh, you know, how, how Terry kept herself together? How was she as far as...?

Carolyn Gentry: Well, her father and his girlfriend, she was staying with them and I don't know if their father was here in Salt Lake or somewhere else. But it seems like he wasn't here, or no, he was here when she got, when the first incident happened. And she was working at Trolley Square, she was just this little tiny bug, working in Trolley Square at some fish place and he made her go to work. I don't know what

his thinking was. He and I didn't agree on the way it was dealt with but uhm, that's about all I can tell you.

Tina Minchey: Okay, okay, so into the time that she was with her friends in the shooting, anything specific that you recall about that? Anything about Terry you want to talk to us about or tell us about? How did she, you know it was a very hard time I understand, but?

Carolyn Gentry: She was still staying with her father, I guess, she, she was staying with her father a long time ago.

Tina Minchey: It's been a long time ago.

Carolyn Gentry: Uh huh (affirmative). I really, I just remember being angry with the way he was making her deal with the rape incident.

Tina Minchey: So and that was close in time to when the murders happened, right?

Carolyn Gentry: Yes, yes it was like maybe the same summer. It was really close because that is why we thought that Terry was being shot at. We thought it was Terry that was being shot at because this man was coming up for uh, trial and she was, she was going to testify.

Tina Minchey: Okay and then you found out, of course, it was somebody else, right and they arrested Franklin and....

Carolyn Gentry: Well you know the, when, when it happened she called me from the hospital and I was getting, I had my hair in those huge curlers that we used to wear.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And she called and said, mom, Ted and Dave have been killed and I've been shot and I'm in the hospital. And it seems to me, Kelly was there at the time with her sisters with us and uhm, she couldn't get a hold of her father or something so anyway, I got in the car and I went to the hospital and the whole time I'm thinking, oh my goodness.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: You know, something has happened but maybe she is exaggerating. Something has obviously happened and when I got there they knew exactly who I was. I guess we looked a lot like back then and they took me to where she was and I remember

thinking, oh gosh, don't, please don't react and get her all upset, you know?

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: I was telling myself and she is thinking the same thing, you know, we have to be strong for each other. And as I, they were taking me back they had one of the bodies covered up in another room and there was blood all over them. They had Terry in a smaller room and uh, you know, she had told me what had happened and I thought well I am going to go home and they were going to keep her.....

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: In the hospital under an assumed name and I went home and I called my boss and I told him what had happened and I don't know why I was thinking I would go back to work that day but anyway told him that she would be in the hospital and she was under an assumed name and I didn't know what the name was. And uhm, she was there under protection because of this trial that was coming up with the rape and my, my two bosses got there before I got back.

Tina Minchey: Wow.

Carolyn Gentry: And uhm, I don't know how in the world, they must have had some kind of pull with the police department because the gas company is a pretty big company. And it was, oh after that it was just a nightmare of events. Uhm, people at my work did not deal with it well. I didn't go back to work for about, oh probably a week and nobody could find, I don't know, I don't know about Ralph anyway. Terry came back to stay with me and I remember we would stay at home and we would have like all the shades drawn and just we were terrified. We didn't know what was going on. And you know the girls were not allowed to go to the funerals. But these kids, they all grew up together.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: You know, the girls, we had a rule that nobody was allowed in the house until I got home from work and they would have, be lined up in the street waiting you know and we would first, back then they only had HBO.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And, you know, we got, we were the first family on the block to have it and so everybody used to come over and watch movies and they'd trade those cassette tapes.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And you know, it was just a stream of children all the time. But at least I knew where my children were.

Tina Minchey: Right.

Carolyn Gentry: And then they went to live with him and then after this business with the boys being killed, everybody was just terrified. There were incidents at work that were just difficult.

Tina Minchey: Like what?

Carolyn Gentry: Uhm, there was a magazine that was new in Utah and there was an article in it about calling these little girls "white bitches" that got these men killed.

Tina Minchey: Hmm.

Carolyn Gentry: And somebody left it on my desk opened to that article and it just, I mean the turmoil was just insane for the girls and for me at work.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And I can't remember how long it was before they caught Franklin, which is what we're leading up to, I guess?

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And uhm, her, her father had taken her and Kelly to live with his mother during that time.

Tina Minchey: So are we talking.....

Carolyn Gentry: For part of the time because there was a lot going on within the schools about what had happened.

Tina Minchey: Okay.

Carolyn Gentry: There was, it was just.....

Tina Minchey: So Kelly went with her to live with his.....?

Carolyn Gentry: Mother.

Tina Minchey: Your ex or your .....

Carolyn Gentry: My ex-mother-in-law.

Tina Minchey: Ex-mother-in-law. Gotcha. Okay. And where was that?

Carolyn Gentry: That was in Tucson, Arizona.

Tina Minchey: So were her and Kelly pretty close throughout the years?

Carolyn Gentry: You know, I think she and Renee always had this competitive sister thing.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: So, I don't, you know, it's like we were all that we had and we knew that.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And the sisters were always really, really close. There was always the competitive, that's my blouse, no it's my hairspray and you know all that stuff.

Tina Minchey: Yeah.

Carolyn Gentry: But...they were all pretty close. I don't know that Kelly and Terry were any closer. I think they prob, Terry was closer to her father at that time because of what she was going through as a young woman and uh, I think she remembered her dad more than the other children so she felt closer to him and we went to court and he got custody and he took them. After all this he took him to live with his mother-in-law, with his mother.

Tina Minchey: Okay so in the middle of all this you guys are going to court over custody stuff?

Carolyn Gentry: No, this was before.

Tina Minchey: Oh, before?

Carolyn Gentry: Yes, he had gotten custody of the two.

Tina Minchey: Oh, okay.

Carolyn Gentry: Which I couldn't believe, but I mean he had never, I think he had, may have contributed maybe a hundred dollars and not all at once to the girls' support and the judge gave him custody of the girls cuz they wanted to go with him.

Tina Minchey: Wow, okay.

Carolyn Gentry: So, it was kind of tragedy and he and I were not exactly the best of friends. We did the best we could because we had children together.

Tina Minchey: Right.

Carolyn Gentry: But, we weren't friends.

Tina Minchey: So did you and Terry have a pretty good relationship during that time or was she kind of branching off and going to be closer with dad? How did that?

Carolyn Gentry: Well, I think, I think she was, at that time she was going through puberty and the mother/daughter, push me/pull you and my sister's this, and you don't that.

Tina Minchey: Hmm.

Carolyn Gentry: And I think she, she thought it would be better with her dad and she and Kelly wanted to go and I fought him in court and I lost.

Tina Minchey: Okay.

Carolyn Gentry: And it was, it was heartbreaking for me but I had the other two children and.....

Tina Minchey: During that time though you guys still maintained contact, you and Terry?

Carolyn Gentry: Oh, yeah, uh huh (affirmative).

Tina Minchey: And still had a relationship then?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Okay.

Carolyn Gentry: I don't know, ever since then we've just always been really, really close, all of the girls.

Tina Minchey: Okay.

Carolyn Gentry: I mean I can think, I need to talk to Terry and within 10 minutes she'll call or with the other children, too, you know, it is just that way.

Tina Minchey: Okay. So, she is in Arizona and apparently the trial is getting ready for Franklin, right?

Carolyn Gentry: It seems like she came home before that.

Tina Minchey: Okay.

Carolyn Gentry: Uhm.

Tina Minchey: Back to live with you?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Do you remember when that was?

Carolyn Gentry: Gosh I don't. We were still, I had bought a small house on the west side which was all I could afford at the time because working at the gas company and then after work I'd go to Skaggs to work and on the weekends I worked at the Cathedral of the Madeleine.

Tina Minchey: Wow, busy.

Carolyn Gentry: Yeah, it was a busy life.

Tina Minchey: So she came to live with you prior to the trial?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Okay, so tell us about, uh, trial preparation with Terry and anything uhm, that you can remember. Not necessarily uhm, right now what Terry may have told you, but let's talk about what you remember.

Carolyn Gentry: Gosh, it is so difficult to pinpoint anything. I know that uhm, he had gotten captured and I don't remember why the federal, oh I do to. The federal government was going to try him for, uhm, violating Ted and Dave's civil rights. But for some reason I don't remember him being charged with state charges.

Tina Minchey: Okay, I think they were both about the same time.

Carolyn Gentry: Were they?

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: Uhm, I know I went to court several times and sat behind him and I just remember thinking, you know, I could come in here with a gun and blow his head all over the court and I would be willing to do the time and I don't know where I came to my senses but I did. And it was just so much chaos.

Steve Sperry: Do you remember whether that was in the federal court or the state court that you went and sat?

Carolyn Gentry: I don't remember, I don't. I know, but I probably went to both of them if they did have two of them. They did have a state one? I don't remember that. But I am sure I went, I wasn't able to go every day.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: But I did go when Terry needed to be there.

Steve Sperry: At the one courthouse, the federal courthouse would have been down on Main Street.

Carolyn Gentry: Uh huh (affirmative).

Steve Sperry: And then the other one would have been up on 3<sup>rd</sup> east?

Carolyn Gentry: Yeah, right where the new library is?

Steve Sperry: Uh huh (affirmative).

Carolyn Gentry: Yeah, the old jail.

Steve Sperry: Uh huh (affirmative).

Carolyn Gentry: Uh huh (affirmative) I, and that was just right by where I worked, so.

Tina Minchey: So, you remember going to court when Terry was going to be there, right?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: To testify, is that what you mean? Or.....

Carolyn Gentry: No, to just, just be there with my daughter.

Tina Minchey: Okay.

Carolyn Gentry: I mean I was.....

Tina Minchey: Just any time that she needed to go to court?

Carolyn Gentry: Yes, I was terrified that anything could happen.

Tina Minchey: Okay. So the preparations or any meetings or anything that was going on with the court cases you tried to be there with her?

Carolyn Gentry: As much as I could, uh huh (affirmative).

Tina Minchey: Okay. Okay. So let's try and remember, so the federal courthouse back then was where at again?

Steve Sperry: It's on Main Street.

Carolyn Gentry: It's the old post office.

Tina Minchey: Okay. Okay. So leading up to the trials do you specifically remember, you know, the meeting when they first said okay, we are going to need to talk to you Terry about your testimony?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Start at the very beginning of what you can remember the contact of having Terry start to become involved in the trial process.

Carolyn Gentry: You know, I don't recall, I know, somebody named Snarr was one of the attorneys for the state thing, yeah.

Tina Minchey: Okay.

Carolyn Gentry: And, and I didn't go to when they would, were preparing her because they kind of wanted that with her alone.

Tina Minchey: And who, Snarr or?

Carolyn Gentry: I, I.

Tina Minchey: All of them, or?

Carolyn Gentry: I'm thinking it was Steve Bell, is it Steve Bell? Was one of the...

Tina Minchey: I'm not sure.

Carolyn Gentry: He is one of the detectives. He.

Steve Sperry: Yeah, Detective Bell.

Tina Minchey: Oh, okay.

Steve Sperry: Uh huh (affirmative).

Carolyn Gentry: Uh huh (affirmative). And somebody Snarr, because one of his relatives worked at the gas company is the only reason I remember that name.

Tina Minchey: Okay.

Carolyn Gentry: And I remember taking her to, for them to I guess, depose her. Is that what they call it?

Tina Minchey: Okay.

Carolyn Gentry: And uh, but I don't really remember, I vaguely remember the state trial. I don't even remember the outcome but I remember the federal trial was supposed to be the big deal trial.

Tina Minchey: Okay. What do you remember about the federal trial or any of the attorneys there?

Carolyn Gentry: Uhm, there was a very attractive young man, Richard Roberts that Terry seemed to have connected with. Like, I don't remember who, uhm who Franklin's attorney was.

Tina Minchey: Okay.

Carolyn Gentry: But, it seems as though I was taking her to see Richard Roberts a lot.

Tina Minchey: Was he calling to say to you, was he calling you and saying I need to meet with your daughter? How did that happen?

Carolyn Gentry: He would, I think it would be with her. He would arrange with her and then I would take her and it was starting to, to peak my interest because it seemed like an awful lot of attention and I started getting a little bit suspicious of it because of the times and the times she would come home.

Tina Minchey: Like what? Give us an example.

Carolyn Gentry: Like, uhm, he would, they would maybe go to dinner and then he was going to interview her and uh, I would take her to whatever hotel it was that he was staying at.

Tina Minchey: You actually took her to a hotel?

Carolyn Gentry: Yes.

Tina Minchey: Where he was staying?

Carolyn Gentry: Yes.

Tina Minchey: Do you remember which one that was?

Carolyn Gentry: I'm thinking it was, I think it was the Shilo Inn for a while but I don't remember what it was at that time.

Tina Minchey: So when, when that came up and you had to take her over to the hotel, what were the circumstances there? I mean were you guys?

Carolyn Gentry: Well they had, she was living at home with me.

Tina Minchey: Okay.

Carolyn Gentry: And uhm, they were, she was spending a lot of time with Richard Roberts and I, I started getting a little bit suspicious about it because of the hours that, that they seemed to, they seemed to be awfully friendly to me and as a mother it kind of just sent my antennae up.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And she would reassure me and he would reassure me and he seemed like a very nice man, you know. I mean he was very attractive, very personable, very well kept and but I, it seemed like right before the trial it was, bang, bang, every night she was there or a lot of the nights.

Tina Minchey: Okay. So, was it Terry telling you I need to go meet with him at the hotel or was it him telling.....

Carolyn Gentry: He may have told me a couple of times. I know I spoke with him and I didn't tell him my antennae was up but uhm, I just, it seemed

like an awful long, a lot of time that he was spending with her. And he was quite a bit older than her.

Steve Sperry: Did you ever bring that up to Terry? Did you ever question her, ask her?

Carolyn Gentry: I did. I, I asked her if, I said sweetheart is everything the way is, is his behavior appropriate? And I, now she would tell me, oh mom, don't worry, don't worry, don't worry. But I still had it in the back of my mind and one day I came right out and asked her because she wasn't coming home before I went to bed and I knew nobody, you know, no professional person would be spending that much time with a child like that at that late hour.

Steve Sperry: What time did you normally go to bed?

Carolyn Gentry: Oh, after the news.

Steve Sperry: So, around 10:30, 11 o'clock?

Carolyn Gentry: Yeah, something like, it seemed like there were a few nights that it was more than one night and I asked her is, is this getting to be a boyfriend/girlfriend thing or is this becoming physical? And I think she kind of alluded to the fact that it was. But I don't remember her coming right out at the, I, you know, I knew there was sex involved and I didn't know how to deal with it because at that time I was a single mother with a high school education and four children and anyone that, I didn't know, you just behaved appropriately. And I had a special bond with my children and they were pretty open with me and she did tell me that they, it was getting to be like a boyfriend/girlfriend thing. And I said, Terry, are you sure you know what you are doing? I don't remember how old she was then, maybe 15, I don't know. It's hard to remember. And she did tell me, she did admit it one time and I, I didn't challenge him on it and I'm really not sure why.

Tina Minchey: So Terry admitted what?

Carolyn Gentry: That it was, it had turned to, it had turned sexual.

Tina Minchey: Do you remember the timing of when she talked to you about that? Was that before the trial got started or was it during the trial?

Carolyn Gentry: No, it was before the trial.

Tina Minchey: Before the trial?

Carolyn Gentry: I think, yeah. I'm not really sure. They just spent an awful lot of time together and a lot of time on the telephone. And back then we only had one telephone with five women, you can imagine.

Tina Minchey: And you never really talked to him much about that?

Carolyn Gentry: You know, I think I was intimidated by his, his position.

Tina Minchey: Okay.

Carolyn Gentry: I mean back then it isn't like it is now. You know, you just, someone with authority, you just kind of, let things be, because I didn't know how to pursue it.

Tina Minchey: Uh huh (affirmative). So when you were taking her to the hotel, didn't that kind of raise your suspicions?

Carolyn Gentry: Yes, uh huh (affirmative).

Tina Minchey: Like you know.....

Carolyn Gentry: Well, they were going to have dinner at the hotel and they were going to, he was going to catch up with the interviewing and coaching her through the, the uh, the witnessing, the witness portion and it just seemed to me like an awful lot of time and the hours were, it was totally inappropriate but I didn't know what to do about it.

Tina Minchey: So they were meeting at the hotel more or less, or what they had told you, to have dinner and discuss the trial.

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Okay. Did you take her anywhere else to meet with him?

Carolyn Gentry: You know, I don't, I just remember the hotel.

Tina Minchey: And you said you think that was the Shilo Inn?

Carolyn Gentry: I think that is what it was called then. There weren't a lot of hotels, you know, the Shilo Inn was one of the nicer hotels in the area at that time.

Tina Minchey: Okay. Did he ever come to your house and pick her up or anything like that?

Carolyn Gentry: I think he did come to the house a couple of times and I, I'm trying to, I think he did come to the house and we just kind of established a relationship and I thought well, if this is a boyfriend/girlfriend thing then maybe this is something she should proceed with the way she feels comfortable with and if it got out of hand that she would come to me, you know?

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: Because it did seem like they, there was an attraction there on his part that was, he was younger but he was, he was very attractive. He was older than Terry and that worried me but Terry kind of, I knew she would come to me if she needed help.

Tina Minchey: Okay. So, was there an attraction on both parts do you think?

Carolyn Gentry: I don't know, it, I can't remember. I think she was attracted to him. I mean he was a handsome man.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: And he was there guiding her through all this and it didn't come out until just a while back that it wasn't consensual.

Tina Minchey: Just recently, you mean, or?

Carolyn Gentry: Uh huh (affirmative). Yes.

Tina Minchey: So, what happened, let's say during the trial, so the trial starts, this was maybe be, was this kind of stuff, the prep, you were talking about kind of trial prep.....

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Is this before the trial gets underway then, that you are remembering?

Carolyn Gentry: You know, I don't remember.

Tina Minchey: Okay.

Carolyn Gentry: I know that, that he interviewed her a lot.

Tina Minchey: Okay.

Carolyn Gentry: At the hotel and probably other places while I was at work during the day.

Tina Minchey: Okay.

Carolyn Gentry: But in the evenings it would be at his hotel.

Tina Minchey: Did you ever take Terry to the courthouses late at night or was it mostly the hotel?

Carolyn Gentry: No, it was the hotel in the evenings.

Tina Minchey: And then if it was during the day where would it normally be that you would take her?

Carolyn Gentry: Wherever, wherever they were, their offices were.

Tina Minchey: The office, then?

Carolyn Gentry: It must have been at the federal courthouse. And it wasn't like it was that big of deal because it was right there by where I worked.

Tina Minchey: Okay.

Steve Sperry: When was it that Terry finally admitted to you that the relationship was actually a sexual relationship involved? Was it during the trial, after the trial?

Carolyn Gentry: It was during, I think.

Steve Sperry: During?

Tina Minchey: So, during the trial Terry saying, yeah it's a little bit more?

Carolyn Gentry: Uh huh (affirmative) and then afterwards he would continue to call, when he would go back to wherever it was he was from, and he would call her and they would spend a lot of time on the telephone so I was thinking, you know, maybe there was an attraction there that, they spent a lot of time on the telephone.

Tina Minchey: Okay, so after he leaves, he leaves after the trial, do you remember at the end of the trial was she spending, you know, more time, less time? Did it....? You know, the trial is underway and each day of the trial is it?

Carolyn Gentry: She, she wasn't a, I don't think she was allowed because she was a, a witness, she wasn't allowed to be in....

Steve Sperry: Inside?

Carolyn Gentry: Yes.

Tina Minchey: Right.

Carolyn Gentry: Uh huh (affirmative) and I would wait for her inside the trial because I wanted to know what was going on.

Tina Minchey: Right.

Carolyn Gentry: And I, you know, I don't even remember how long the trial lasted. I know he would leave and come back, he would come back to Utah and he would be gone. It seemed like there, he was, he was initiating the, the flirtation.

Tina Minchey: How do you, by doing what?

Carolyn Gentry: He was just very, cozying up to her and the family. I mean he was very, it wasn't like a, a professional relationship. It was like we were all friends.

Tina Minchey: Do you know if he or if Terry had talked to you about any of the other witnesses in the case? Was he spending just as much time with them?

Carolyn Gentry: I know he wasn't.

Tina Minchey: Based on?

Carolyn Gentry: He couldn't have been spending all that time with Terry and spending it with someone else as well.

Tina Minchey: Okay. So what about after the trial?

Carolyn Gentry: I think they, they, that he would call her or she would call him occasionally and then it just kind of worked itself out.

Tina Minchey: So what about uhm, how long after the trial was it that Terry got married?

Carolyn Gentry: A long time.

Tina Minchey: Was it a year or two years, I mean was it a while then or?

Carolyn Gentry: It was a long time.

Tina Minchey: The trial was in '81.

Carolyn Gentry: Let's see, Terry was probably 20 when she got married.

Tina Minchey: Okay.

Carolyn Gentry: So, maybe '84, '85 something like that.

Tina Minchey: So how long would you guess that they kept in contact after the trial?

Carolyn Gentry: You know, I really don't remember. I know it just kind of slowly fizzled out. And I don't know why. I don't remember why.

Tina Minchey: Okay. And so then Terry got married and moved, right?

Carolyn Gentry: Yes, she moved to Virginia. Uh huh (affirmative).

Tina Minchey: Okay. So anything that came up that you can recall over the years?

Carolyn Gentry: I know that Terry was in therapy for a long time. She started therapy here and then when she went to Virginia she was working her little fanny off. He, he was in the service and she had a daycare that she started in the home for the base kids and then at night she went to work in a toy store.

Tina Minchey: Wow.

Carolyn Gentry: To, so she could buy toys for Jennifer. So she was just, she's always been really motivated type of person.

Tina Minchey: So she had one child at the time, right?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Now she's got two, right?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Okay. With the same husband, right?

Carolyn Gentry: Yes.

Tina Minchey: Okay. Was the, were both children born in Virginia or?

Carolyn Gentry: No, I think they were born here. It seems like I had to take Terry to the base up north, the airbase.

Tina Minchey: Oh, Air, yeah, Hill Air?

Carolyn Gentry: Yeah and that is where Jennifer was born and it seems to me that's where Paige was born as well, but in the meantime they had come back. Paige was born here and they lived here at the time.

Tina Minchey: So, both children born here in Utah?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: So, they had gone over there but then...?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Okay. So was there any contact like when she had moved on with her life, was there any contact that Mr. Roberts had had with you?

Carolyn Gentry: Not with me, that I recall?

Tina Minchey: Okay. Any, any re, trying to find Terry or anything like that?

Carolyn Gentry: I don't think so.

Tina Minchey: Okay. When did it come up again, then? That you can recall? Anything with Richard Roberts or....?

Carolyn Gentry: I think Terry and I discussed it a lot after, not a lot, we didn't discuss it, she was in therapy and we would, she would kind of confide in me and I don't remember all the particulars about it but I don't know whether he got in touch with her again or not until the anniversary, the 30 year anniversary of all of this. And I don't know whether she contacted him or he contacted her?

Tina Minchey: Did she tell you about it?

Carolyn Gentry: She told me that, that she had talked to him and I asked her how he was and you know, I really didn't, back then you just kind of let sleeping dogs lie. You just didn't really things that, that challenged you, and that you felt unapproachable about, you just didn't approach. Someone that that you felt was in authority.

Tina Minchey: So the 30-year anniversary comes and there is contact between the two of them and Terry had told you about that?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: And you just asked basically how he was doing and anything else?

Carolyn Gentry: And she told me that she had talked to him, I think, once before. I don't know where or how it was but that he had a family and that he, he had a girlfriend at the time, too. At the time that all of this was going on. Terry was telling me he had a girlfriend in Baltimore or Washington, one of those places but he worked and they had like a long distance relationship.

Tina Minchey: Okay, so Terry told you that they had talked once before the 30-year anniversary then?

Carolyn Gentry: Uh huh (affirmative). I don't recall that she really made any big deal about it.

Tina Minchey: Okay.

Carolyn Gentry: She told me that he had several children and his wife was very influential and he was moving his way up the ladder.

Tina Minchey: Okay. So, that's the 30 year anniversary, what about after that?

Carolyn Gentry: I don't, you know, she hasn't really told me a lot and I don't, my memory now is not what it used to be. Uhm, there were a lot of things going on with the 30 year anniversary and uhm, there were a lot of events that she and I had to go, didn't have to go to, she was invited by Eric Holder to speak at something and anything that, I was always there to support my daughter. And the things I was interested as well and she may have said that she had spoken with him but I really don't recall for sure, you know, if it was at that time or if it was a little bit later that she talked to him.

Tina Minchey: Okay. So when you said that she had been invited by Eric Holder to speak, was that here locally?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Was that after the 30-year anniversary? Is that what it was?

Carolyn Gentry: This was, uhm, it was something to do with the NAACP, I believe.

Tina Minchey: How long ago was that then, about?

Carolyn Gentry: That was a couple of summers ago.

Tina Minchey: Was it? Did she go do it then?

Carolyn Gentry: I, we went, and I don't recall that she spoke. It was an extremely hot day and I don't recall that she spoke but there were a lot of influential people there and my, it was way too hot for me. To be out in the sun like that, so after the doings were all over we left and I don't re, I really don't remember when, you know, so many things have happened since this 30-year anniversary. It's just been one event after another with, with Terry.

Tina Minchey: Okay. Did anybody else, like Eric Holder or anybody, I guess related to the case, federal or state, did anybody contact you or Terry over the years about this case?

Carolyn Gentry: Not, not that they had anything to do with the case other than my daughter and Karma. I saw Karma this summer for the first time since the incident.

Tina Minchey: And she was the friend that was with Terry when the shootings occurred, right?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: And what was Karmas' last name, again?

Carolyn Gentry: Ingersol.

Tina Minchey: Is she, you saw her this last summer?

Carolyn Gentry: Uh huh (affirmative). She was moving from, she and her husband were divorcing and she was moving to Texas and I hadn't seen her and she promised she would come and see me. And that poor young woman is just an absolute mess.

Tina Minchey: Oh. So was that last year or this year?

Carolyn Gentry: Last year.

Tina Minchey: Last year?

Carolyn Gentry: No, yeah it was last year.

Tina Minchey: Last year, okay.

Carolyn Gentry: We're not even into the summer yet, hello.

Tina Minchey: Oh, I guess I, yeah, so what about uhm, Karma, then? During the time that, I am going to take you back a little bit, they were pretty good friends, Terry and Karma?

Carolyn Gentry: Karma would run away from home and she'd run to our house and her mother knew where she was so Karma was like my 5<sup>th</sup> child.

Tina Minchey: Okay. So, after the shooting though?

Carolyn Gentry: It was, Karma just liked vanished from the face of the earth. When Terry and Darryl got married, I think Karma was living here then, I think Karma was married before Terry, and uh, I think she stayed with Karma for a little while and then we lost track of her. And I heard she had gone to prison and.....

Tina Minchey: Karma had?

Carolyn Gentry: Uh huh (affirmative) she had lost her children.

Tina Minchey: Do you remember what her name was prior to Ingersol? Or was that her maiden name?

Carolyn Gentry: That was her maiden name.

Tina Minchey: Do you remember what her married name was?

Carolyn Gentry: I don't know.

Tina Minchey: Okay.

Carolyn Gentry: I know she kept Ingersol as part of her last name.

Tina Minchey: What did she go to prison for?

Carolyn Gentry: I heard and, and this is not anything that I know for sure.

Tina Minchey: Okay.

Carolyn Gentry: That she was really bad into drugs and somehow or another she and Terry were no longer together. I just heard this through the grapevine and uh she went to prison and lost her children and then

she was on television for something about the way she had recovered and come out and started her own business. And I thought, yeah, for her, you know, she is finally doing something with herself. And then when Terry's second grandchild was born I went to the hospital and my niece was there. Well it turns out my niece is Karma Ingersol's brother, I think. There, I don't know, they're related somehow. I think by marriage.

Tina Minchey: Karma's brothers child is your.....?

Carolyn Gentry: My nephew, he is married to my niece.

Tina Minchey: Oh, oh.

Carolyn Gentry: And she, her daughter was in the hospital having a baby at the same time Terry's daughter was having her second child and I said to my niece, what are you doing here? And she said, oh, so and so is here having a baby and I didn't know who that was and she said, it's Karma's daughter. Sami was her name. You need to come and meet her and I met her and that is how I found out all this connection that we didn't know we had before.

Tina Minchey: Okay, I am not following the family tree here; I must have missed a step.

Carolyn Gentry: Yeah, I'm sorry; I got off on a different.

Tina Minchey: No that is okay. So, let's go back. So, your niece is married to Karma's....

Carolyn Gentry: Karma's stepbrother.

Tina Minchey: Stepbrother. Karma's stepbrother is married to your niece?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: And they were in the hospital because who was having a baby?

Carolyn Gentry: Karma's daughter.

Tina Minchey: Karma's daughter, okay. Okay. Okay and you went to the hospital because Terry's grand, Terry's child, daughter was having a baby?

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: Okay, I think I got it.

Carolyn Gentry: Anyway that's how we all reconnected and it has just been, let's see Penelope is about 19 months, so it has been 2 years ago that we finally connected.

Tina Minchey: Okay. Is Karma, you said she is a mess, but she said she got kind of better. Is she?

Carolyn Gentry: She, she's uhm, I think she is struggling right now with issues, but she didn't confide in me. I know she had a terrible marriage breakup and it's, but she still all she seemed to want to talk about was what happened the last time I saw her 30 some years ago.

Tina Minchey: Oh.

Carolyn Gentry: So it was kind of tragic and kind of sad.

Steve Sperry: Did you see her at all during either the trial at the federal court or the state court?

Carolyn Gentry: You know, I must have but I don't recall any incidents. It seems like her parents wrapped her up and sent her somewhere else too. I don't know. I need to get something to drink.

Tina Minchey: Oh, you are fine.

Carolyn Gentry: Can I get you something to drink?

Tina & Steve: No, we are good, thanks.

Tina Minchey: The weather has been so hot lately hasn't it?

Carolyn Gentry: Oh, I have, I had the flu, I guess last night, I was up all night.

Tina Minchey: Oh, that is not good.

Carolyn Gentry: I couldn't even hold down a sip of water.

Tina Minchey: Oh, that is not good at all. Are you feeling better today?

Carolyn Gentry: Yes, I am now.

Tina Minchey: Oh, I'm, we could have....

Carolyn Gentry: I wasn't this morning but I'm feeling much better so it must have been something.

Tina Minchey: Okay, well let us know if you've had enough. Okay, so let's go back. So, you've talked about Karma a little bit, but prior to that, uhm, not much contact that you knew of between Terry and Richard Roberts other than maybe one or two. The event, the 30-year anniversary event and one time before that, that Terry had told you. What about anything else since then?

Carolyn Gentry: She has told me that she has talked to him since then, yes.

Tina Minchey: Anything in particular that you want to share?

Carolyn Gentry: Not particularly.

Tina Minchey: Kay.

Carolyn Gentry: Uhm, just that I didn't find out that it was not consensual until just recently.

Tina Minchey: Okay, like how long ago?

Carolyn Gentry: Maybe it has been a year or two.

Tina Minchey: How did that come about?

Carolyn Gentry: Uhm, I really don't recall. I remember thinking back at the time, back in the time that it was going on that Terry would tell me if it had gotten to be out of control.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: But then of course she thought she was all grown up and she could handle anything, you know. When you are 7 feet tall and indestructible and....

Tina Minchey: A teenager?

Carolyn Gentry: Yeah.

Tina Minchey: Did something spark that conversation? Do you recall?

Carolyn Gentry: What conversation?

Tina Minchey: That brought up the fact that it wasn't consensual. How did that come up?

Carolyn Gentry: I don't really remember, Tina, it's, I ju, I don't remember.

Tina Minchey: Okay. That's okay. What was your, what was your thought about that, what did you?

Carolyn Gentry: I was livid. I thought how, I felt guilty and responsible because I should have known as her mother and she should have told me and and I should have approached him and I never did. And it, I, it's just, I was angry. It seems like it was a time, around the time of the execution.

Tina Minchey: Okay.

Carolyn Gentry: That a lot of this came out and I wasn't real happy with her for talking to Franklin. I, I understand now why she did it but I just thought it was just a trauma that she didn't need to go through again.

Tina Minchey: Now she is remarried, right?

Carolyn Gentry: Yes.

Tina Minchey: Who is she married to?

Carolyn Gentry: Greg Mitchell.

Tina Minchey: And have they known each other for a while?

Carolyn Gentry: Oh, yes, they knew each other for prob, they've been married for about 8 years and they've known each other for at least that much longer. At least 8 years before.

Tina Minchey: Do you remember how they met?

Carolyn Gentry: The first time?

Tina Minchey: I guess, yeah.

Carolyn Gentry: Well, back in my single days I used to date Greg's father.

Tina Minchey: Okay.

Carolyn Gentry: And they were just little children together. And it is ironic that they, that they grew to, grew up and reacquainted with one another and they ended up getting married, but.

Tina Minchey: Okay. So you think maybe everything came out around the time of the execution that it wasn't a consensual relationship. Is that what you said, or? I just want to clarify.

Carolyn Gentry: I, I'm, I really don't remember when...

Tina Minchey: Okay.

Carolyn Gentry: Tina, I just, I remember it kind of hitting like a bolt and I should remember. And I couldn't believe that she was still talking to him after, you know, that she had talked to him since then.

Tina Minchey: What about recently then, when she, you know, who, who has she told you that she has told? I mean are you aware of, she came to us, you know,

Carolyn Gentry: Uh huh (affirmative).

Tina Minchey: You know she came to us, but was there anything, anybody else that she had talked to about, that she had discussed this with?

Carolyn Gentry: You know, I don't recall.

Tina Minchey: Okay.

Carolyn Gentry: Truthfully. I couldn't believe that she held a civil conversation with the son-of-a-bitch.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: But, uhm, I just don't recall who she, if she even said she'd told anybody.

Tina Minchey: Are you talking a civil conversation recently with him?

Carolyn Gentry: Yes.

Tina Minchey: Okay. Did she tell you about that conversation?

Carolyn Gentry: Yes, she did.

Tina Minchey: And anything in particular that stuck out in your mind?

Carolyn Gentry: That he told her how he prepared her for what he was going to do to her? I can't believe how naïve I was in those days, too.

Tina Minchey: Now that you've looked back after she had told you about this was there anything in particular other than what we've discussed about, you know, that it kind of peaked your interest, interest back then, now that you look back, was there anything like, you know, that one time or that specific time I knew something was, was there anything like that, that now that you look back, that you can think of that would trigger something with you?

Carolyn Gentry: I just remember thinking it was awfully strange the amount of time that they were spending together and have it be a professional relationship. I knew that it had gone beyond that.

Tina Minchey: Uh huh (affirmative).

Carolyn Gentry: Cuz it wasn't dur, done just during business hours and he had come to our home too. I can't remember whether to visit, or, you know, whatever.

Tina Minchey: Uh huh (affirmative). And he's never had any conversation with you since he left?

Carolyn Gentry: No.

Tina Minchey: Okay. Since you found out about this have you talked to anybody about it besides Terry?

Carolyn Gentry: I don't think I have. I can't think of anybody I would, it's something that I would discuss with them.

Tina Minchey: Okay, okay. And at this point we are trying to keep this as low key as possible right now.

Carolyn Gentry: Uh huh I understand.

Tina Minchey: So, yeah, we'll just.....

Carolyn Gentry: Uhm, other than, you know, I don't even know that she has discussed it with her children, I don't know if she talked to anybody.

Tina Minchey: Okay. Is there anything else you?

Steve Sperry: No.

Tina Minchey: Do you have any questions for us or anything that you?

Carolyn Gentry: I just don't want to see my daughter hurting anymore over all this crap from when she was a child.

Tina Minchey: She's done well for herself.

Carolyn Gentry: She has. She is a remarkable woman, very remarkable.

Tina Minchey: Sounds like she is very determined like you were when you were young, too.

Carolyn Gentry: Yeah?

Tina Minchey: Yeah.

Carolyn Gentry: Probably more so than I was, but, you know.

Tina Minchey: I think you did quite well.

Carolyn Gentry: Yeah.

Tina Minchey: Working and taking care of all those kids.

Carolyn Gentry: Yeah, I just remember those days were so chaotic. I was dropping this one off so I could go pick that one up and hurry up and get this one to some, something else so I could get home and do something. You know?

Tina Minchey: Oh.

Carolyn Gentry: It was always.....

Tina Minchey: Sleep in between every now and again, right?

Carolyn Gentry: Well that, and sleepovers and, and kids in and out.

Tina Minchey: Okay, well you still have my number, right?

Carolyn Gentry: I do, Trina.

Tina Minchey: Tina

Carolyn Gentry: Tina, I'm sorry.

Tina Minchey: No, you are fine. I'm going to leave you with one of my.....

Carolyn Gentry: I wrote your name down as Trina.

Tina Minchey: Oh, that's okay. I'm going to give you one of my cards.

Carolyn Gentry: Oh, good. I'm sure everybody is going to be asking, I didn't, I just noticed you have a gun. Everybody here is going to be asking me what.....

Tina Minchey: Nobody saw us come into your apartment, I don't think.

Carolyn Gentry: How did you get in?

Tina Minchey: Uhm, the front door was open. The one.

Carolyn Gentry: Was it?

Tina Minchey: The front door, the first one wasn't and somebody was coming in through the second one.

Carolyn Gentry: Oh. We're not supposed to let anybody get in. You're supposed to have your own code and....

Tina Minchey: Oh, really?

Carolyn Gentry: Oh, yes.

Tina Minchey: Oh, we just snuck right in here then, didn't we?

Carolyn Gentry: Shame on you. I'll have to report that.

Tina Minchey: Do you have one or do you want me to write your name on the back?

Steve Sperry: Yeah just go ahead and write mine on the back.

Carolyn Gentry: Do you work for FBI or?

Tina Minchey: No, the State Attorney General's Office.

Carolyn Gentry: Okay. I have a friend that I used to work with at the gas company that is retired FBI now.

Tina Minchey: Oh, really? Who is that?

Carolyn Gentry: Ch, Juan Becera.

Tina Minchey: Oh, I know Juan.

Carolyn Gentry: Do you?

Tina Minchey: I worked a case with Juan. You probably know Juan, don't you?

Steve Sperry: No, I don't know him.

Carolyn Gentry: Short, chubby, I loved him to death, absolute sweetest disposition.

Tina Minchey: I didn't know he, he retired didn't he?

Carolyn Gentry: Yes, I just saw him on the news with some; I just caught it in the corner of my eye.

Tina Minchey: Yeah, quite a few years ago we actually worked a big case with a bunch of us and I worked with him.

Carolyn Gentry: Really? I didn't know he was old enough to retire. Bless his heart. If I remember, he was just a youngster. Of course I don't think of myself as having been a youngster, too, you know, back then.

Tina Minchey: What, do you want your number on here?

Steve Sperry: Yeah.

Tina Minchey: The 281?

Steve Sperry: Yeah. (Inaudible).

Tina Minchey: This is our main number down here, so.

Carolyn Gentry: Okay.

Tina Minchey: My cell is right on the front for you?

Carolyn Gentry: Okay. And this is not something I'd care to share with anyone. My daughter.....

Tina Minchey: We'll keep it that way for now.

Carolyn Gentry: My daughter shared it with me. I don't know that she's shared it with, she may have shared it with her sisters, I don't know.

Tina Minchey: Okay. All right. Well we'll conclude it's, is that clock right?

Carolyn Gentry: It's pretty close.

Tina Minchey: All right. 1509.

END OF INTERVIEW

Exhibit E –

Transcript of Interview with Karma Jones (August 5, 2014)

Phone Interview of Karma Jones  
Interviewed by Special Agent Tina Minchey and Special Agent Steve Sperry  
August 5<sup>th</sup> 2014 (Approximately 1500 Hours)  
Case # 14-673  
Transcribed by Teri Savage

PHONE RINGING

Karma Jones: Hello.

Tina Minchey: Hi, Karma. It's Tina with the AG's Office.

Karma Jones: Hi, Tina.

Tina Minchey: Hi, did we catch you at a better time now?

Karma Jones: Yep, I can do it now.

Tina Minchey: Okay, great. So, like I had told you before this time I was going to actually record the conversation.

Karma Jones: Okay.

Tina Minchey: And we didn't talk much last time but this way we can get into a little more detail with you.

Karma Jones: Okay.

Tina Minchey: Kay? So with me here is Agent Steve Sperry.

Karma Jones: Okay. Hi Steve.

Steve Sperry: Hi.

Tina Minchey: And today is August 5<sup>th</sup> 2014, the time is about 1500. Uhm, Karma just so we have it on the record your date of birth is 9-5 of '64 correct?

Karma Jones: Yes, correct.

Tina Minchey: Kay and I have your phone number as 830-890-8779.

Karma Jones: Correct.

Tina Minchey: And your address as 136 Chosen Spot in Ingram, Texas. 7.

Karma Jones: Correct.

Tina Minchey: 78025. Right?

Karma Jones: Correct.

Tina Minchey: Okay and then your uh, is it your maiden name is Ingersoll?

Karma Jones: Yes.

Tina Minchey: Is that I N G E R S O L L?

Karma Jones: Yes.

Tina Minchey: Okay, so two l's on the end then?

Karma Jones: Yes.

Tina Minchey: Okay, great. All right, now do you have any other names that you go by or have gone by?

Karma Jones: Uhm, I have Rodriguez but I just got divorced and I was Rodriguez, but I came back to Jones.

Tina Minchey: Okay, and.....

Karma Jones: Jones was my, Jones was my second marriage and that's what my kids' last name is so that's kind of the name that I use. I came back to Jones because that is what my kids' names are.

Tina Minchey: Okay, so who was your first marriage? Rodriguez? Or that was your last one?

Karma Jones: That was just my last one. My first marriage was actually Jensen and that only lasted like a year.

Tina Minchey: Okay.

Karma Jones: My second marriage was Jones.

Tina Minchey: Okay.

Karma Jones: And the mar, we were together for a long time but the marriage only lasted like 2 ½ years.

Tina Minchey: Okay. And you have two kids?

Karma Jones: Yes.

Tina Minchey: And they are both girls, right?

Karma Jones: No, I have a son and a daughter.

Tina Minchey: Oh, okay. And did you say that they live here in Utah?

Karma Jones: My daughter lives, no they live in Nevada.

Tina Minchey: Oh, all right.

Karma Jones: My daughter lives in Nevada and my son lives here in Texas.

Tina Minchey: Okay. When, when you said that you would come and see your girls here, I thought I was, I thought you meant here in Utah, but probably because we are.....

Karma Jones: No.

Tina Minchey: Closer to Nevada, right?

Karma Jones: Yeah, yeah you guys are like, it is like 3 hours to where they live.

Tina Minchey: Okay.

Karma Jones: From Salt Lake, so.

Tina Minchey: Okay, great. Uhm, so just to start off with why don't you tell us a little bit about your friendship with Terry over the years. Especially back when you guys were in high school.

Karma Jones: Okay, it actually started, our friendship uhm, gosh I don't even remember how we met. I think that it was in junior high school and I remember she was walking down the hall and I remember, I think she was being bullied, if I remember correctly and, and I kind of stuck up for her and the friendship just bloomed from there. And then I was friends, really best friends with her sister Renee.

Tina Minchey: Okay.

Karma Jones: And I spent, I mean, I spent probably two years at their house everyday. Their mom is, is my mom. You know she was just like my mom. I call her mom.

Tina Minchey: Okay.

Karma Jones: And I was there everyday and I'm sorry what?

Tina Minchey: Nothing you are fine.

Karma Jones: Oh, okay, I was there practically every day and we were always doing things together, always. And you know, then when the shooting happened we both kind of just went into hiding and you know, uhm, it was a really horrible time. It was a really horrible time cuz everybody thought that we had something to do with it.

Tina Minchey: Okay.

Karma Jones: Everybody had thought that we had set them up and so both of us were just basically in hiding and we had no support. We had each other.

Tina Minchey: So did you maintain your communications then, during that time?

Karma Jones: Uhm, yeah, yeah, not, I didn't go over there everyday like I, like I did, because you know my mom just basically kept me in the house and kept me in hiding. Uhm, you know at that time I was 14, or excuse me 15 and I just turned 16 like two weeks after that, after it happened.

Tina Minchey: You turned 15?

Karma Jones: I turned 16 after it.

Tina Minchey: 16.

Karma Jones: I was 15 when it happened.

Tina Minchey: Okay.

Karma Jones: And uhm, you know, yeah we, we stayed in contact and, and Terry is actually the one who told me that they, they had caught who did it. And so it was like a huge relief. We were like jumping for joy because then people realized that we had nothing to do with it but at that point the community had turned on us so much that nobody really came back and apologized. Nobody, nobody.

Tina Minchey: So.

Karma Jones: We were still just kind of isolated from the whole community and you know, then when the court procedures started and you know we were both extremely vulnerable. I remember, when I, when they put me on the stand they told me that they were going to show me pictures of Ted and Dave for me to identify them. And so, I said fine, you know, that is no problem but they showed me pictures of when they were dead and it freaked me out and I started crying and the Judge told them to take me off the stand.

Steve Sperry: Was this.....

Karma Jones: And so that was.....

Steve Sperry: Was this in federal or state court?

Karma Jones: Uhm, I think it was federal court.

Tina Minchey: So, let's back up just a minute. So, during after the shooting and let's talk about the shooting, you were more friends with Renee but you were hanging out both with Terry and Renee, right?

Karma Jones: Right.

Tina Minchey: Okay and so uhm.....

Karma Jones: Terry and I kind of always had that bond. That we were like in sync with each other but like Renee was more of the outgoing kind of girl.

Tina Minchey: Okay.

Karma Jones: Terry was a lot more reserved.

Tina Minchey: Okay.

Karma Jones: And so it was like, you know, I would go and get wild and crazy with Renee.

Tina Minchey: Okay.

Karma Jones: And then just kind of hang out and watch a movie with Terry, you know?

Tina Minchey: Okay. So then once the shooting happened you guys were together and then after that you kind of went into hiding, both of you, right? Is what you were saying?

Karma Jones: Yeah, we did, uh huh (affirmative).

Tina Minchey: Okay but you maintained a communication and then Terry was the one that told you who had been caught so once.....

Karma Jones: Yeah that....

Tina Minchey: That happened uhm, I mean you guys were talking throughout the police investigation, weren't you?

Karma Jones: Yes.

Tina Minchey: Kay and then once uh, once Franklin was caught then the court proceedings start, right?

Karma Jones: Right.

Tina Minchey: Okay, so tell us the first time that you talked with anybody like on a prosecution side, whether it was state or federal and how that all came up?

Karma Jones: Basically they didn't like interview me or anything like that. They, the night of the shooting they took me to the police station and I gave them a statement and really that was all until the court proceeding. And they told me in the hallway before I went into the courtroom that they were going to show me pictures of Ted and Dave. And really that was, that was all.

Tina Minchey: Wow. So.....

Karma Jones: Yeah, the prosecuting attorney didn't interview me at all. But you know I think he had taken to Terry, so much right there that he just didn't even bother with me.

Tina Minchey: Kay, so let's back up. Did you ever have a meeting with any of the prosecutors?

Karma Jones: Nope.

Tina Minchey: So, you didn't have any type of conversation about, hey, we are going to need you to be a witness, you are going to be up on the stand and meet with them to go over stuff?

Karma Jones: Uhm, I, they did let me know that I was going to be on the stand and I believe that was a phone call. If I remember correctly and there was no they didn't call me in to, to meet with them and tell me what to expect. They didn't do any of that.

Tina Minchey: So what was your first, uhm, experience when you met with anybody from the court? Like who was it? Do you even recall who you met with either on the state or the federal side?

Karma Jones: It was the prosecuting, the prosecutor, whatever his name is, the creep.

Tina Minchey: The one, okay, so are you talking about Richard Roberts?

Karma Jones: Yes.

Tina Minchey: Okay, so that's the only one that you met?

Karma Jones: Uhm, there was someone standing there with him when, when I went, when they told me outside the courtroom that, that he told me that he was going to show me pictures and there was someone standing there with him but I don't know who it was.

Tina Minchey: And that was the day of court?

Karma Jones: That was like right before I went into the court, into the courtroom.

Tina Minchey: Okay. So had you known this whole time that Terry had been meeting with him or what was going on with you and Terry? Did she keep in touch with you during this time?

Karma Jones: Yeah, I mean, she was telling me that, you know, she had to meet with the prosecutor and this and that at the very first and, and you know so I figured, okay my turn is going to be next. And, but I never got called in. And you know, and then she told me what was happening and you know, she told me that he, at first she thought that he was going to be her boyfriend. You know, she, I don't know, he'd like, it was just gross to me. He'd absolutely took advantage of her. She was so vulnerable because just before this shooting she had been raped. And so she was, uhm, she was so fragile.

Tina Minchey: Okay.

Karma Jones: And then the shooting happened and you know, just the whole experience of everybody we knew had turned against her. We were alone. We were alone. You know people that were our best friends were, were calling us names.

Tina Minchey: Uh huh (affirmative).

Karma Jones: And you know, we were alone, we were vulnerable. You know and I can't even, I have never been raped, so I don't know what that feels like but I know that she was extremely fragile.

Tina Minchey: Okay. So, let's go back to when you were actually, I mean when Terry would first talk to you about her meetings with the prosecutor. What would she say to you, that, I mean you were believing that you might have your turn come up next as far as with the meetings to get prepared for court, right?

Karma Jones: Right.

Tina Minchey: So, what would she tell you, I mean what were they going over? What would she actually talk to you about back then?

Karma Jones: You know, uhm, I don't remember her telling me like, you know, that she had to tell him, you know, what happened that night or anything. I don't know that she, I don't remember. She probably did tell me that, I just don't remember that. Uhm, but you know, I do remember when she told me that he was her boyfriend.

Tina Minchey: How?

Karma Jones: And he was going to protect her and make sure that she was, you know, going to make it through this court proceeding.

Tina Minchey: So she is telling you that before the trial was going on?

Karma Jones: Yes.

Tina Minchey: So, she is telling you over the phone or in person?

Karma Jones: Over the phone. I think over the phone and then in person as well.

Tina Minchey: So you guys did see each other during this time?

Karma Jones: Yeah, cuz I mean after, especially after they caught him, you know, caught Joseph Paul Franklin, then you know we weren't in hiding so much anymore. We still didn't go to parties and things

like that. We weren't invited to things like that but uhm, like we used to be but, uhm, you know I started going over to their house again.

Tina Minchey: Okay and so you remembered Terry telling you that Richard was her boyfriend, is that what you are saying?

Karma Jones: Yeah.

Tina Minchey: That Richard was more or less, they were boyfriend/girlfriend at the time?

Karma Jones: Yeah, she said that, that he was her boyfriend and he was going to make sure that she was okay getting through the court proceedings and, and you know, and that she, he was her boyfriend because they were having sex.

Tina Minchey: Did she actually tell you that?

Karma Jones: Yeah, she said they were making love.

Tina Minchey: Kay.

Karma Jones: And then as it went, as it kept going and into the court proceedings I think that she kind of wised up about it and realized that, you know, she was being taken advantage of because I, yeah I think, if I, I told her, I think if I remember I told her that, you know, he was a disgusting pig and he is only using her and that that he wasn't her boyfriend. And she got angry with me. But I think she started to wise up and realize that that was what was going on and you know, and I told her, I said you need to tell somebody. And she said, no. At that point she was ashamed.

Tina Minchey: Okay. Was this before the trial or was this during the trial, do you remember?

Karma Jones: I think it was during the trial when she, when she wised up.

Tina Minchey: Kay. What specifics did she tell you ever about what they were doing as far as meetings, times, locations, anything like that?

Karma Jones: No, she didn't really tell me that. Uhm, you know, I think after, she had told me a couple of times that he was her boyfriend, you know and that probably was a period of a week or something and that she was seeing him and he was taking her to dinner and you know, she was seeing him and having sex with him. And, and

uhm, then I, when I had told her that he was disgusting and you know, it was wrong what was going on, that he was taking advantage of her and uhm, you know, she didn't really tell me anything more about their meetings cuz she knew I didn't like it.

Tina Minchey: Okay. Did you tell her to stop engaging in that or just to tell somebody and she didn't want to have anything to do with that at the time?

Karma Jones: Yeah, I did tell her, you need to tell somebody. This is wrong. You know, he is, he is an old man. I mean we were 15, 16 years old at this time.

Tina Minchey: Right.

Karma Jones: And I told her, I said, he's an old man. I said this is rape. This is statutory rape.

Tina Minchey: So back, back then you told her that?

Karma Jones: Uh huh (affirmative). Yeah and at that point she quit, she stopped telling me about their meetings and where, you know, when, when they would meet. But I think, I think, you know, once the trial was over and he packed up and left, you know, it was, it was done. And you know, I don't know if they stayed in contact, I don't know because she wouldn't tell me at that point anything about it.

Tina Minchey: Okay, so after the trial's over you don't know if they had any other contact or what happened between them?

Karma Jones: I don't know.

Tina Minchey: Okay. Did you guys maintain a friendship after the trial?

Karma Jones: Oh yeah.

Tina Minchey: You just didn't get into this area of talking about things?

Karma Jones: Right, right. She wouldn't tell me anything.

Tina Minchey: Okay. Is there anything specific that you can recall, not from recent conversations but back then about Terry, uhm, her demeanor, her behavior, anything like that that you could think of that you can recall?

Karma Jones: Yeah, she, she was broken. No, she, she was so fragile and she was just broken. And I think that she really felt like he was going to be her savior. You know, he was going to protect her because just the position that he was, a prosecuting attorney, I mean that is a big deal when you are 15, 16 years old.

Tina Minchey: Right.

Karma Jones: And you know, she looked up to him and she really believed that he was going to protect her and take and you know and take care of her. You know, it, it, she was just broken, she was so fragile and he completely used that in his favor.

Tina Minchey: So you are saying she was broken at the time that they met not because of him leaving and....?

Karma Jones: Right.

Tina Minchey: And ending of whatever they had going on?

Karma Jones: Right she was broken at the time that they met. She was already so fragile and so broken. Going through the rape and then going through the murders, you know, and just all the trauma of it, I mean it was horrible. It was, the shootings were horrible and you know, I know that I was fragile and then she had the rape on top of it.

Tina Minchey: Okay.

Karma Jones: So, you know, it, it was, it was horrible. And she really thought at first that the guy who raped her was the guy, the guy that did it. He thought that she was coming after him or she that he was coming after her.

Tina Minchey: Hmm. Okay.

Karma Jones: You know and then when they caught, uhm, Franklin she realized that it wasn't the guy but she still was, she was still desperately afraid of him. And that's where this prosecuting attorney came in and told her, you know, he was going to protect her from all that.

Tina Minchey: Okay. So, did you ever see Richard and Terry together?

Karma Jones: I did once, yes and it was actually in the hallway in the courtroom and it wasn't the time that he had told me about the pictures, uhm, it was the time that I had to come to the court but they didn't put

me on the stand that day. I think it was the day before that he told me he was going to show me the pictures and uhm, I was sitting on a bench, I remember this so vividly, I was sitting on a bench outside the courtroom and him and Terry were like standing there and he had like put his arm around her and like pulled her in close to him and you know, and it was just, it was, it wasn't natural. It wasn't, it wasn't innocent.

Tina Minchey: Okay.

Karma Jones: It was creepy.

Tina Minchey: Okay.

Steve Sperry: How many times did you go to the courthouse?

Karma Jones: I think I went like three times.

Steve Sperry: Okay.

Karma Jones: And but, the time, after he showed me the pictures, that was it, I didn't go to the courthouse again.

Steve Sperry: And this was the federal courthouse, right?

Karma Jones: I believe it was, yeah.

Steve Sperry: Did you ever have to testify in the state court?

Karma Jones: No.

Steve Sperry: Okay.

Tina Minchey: Okay so really you didn't have much preparation for your court testimony then, did you?

Karma Jones: No, I didn't. No, he told me in the hallway. All and all he told me was that, he didn't tell me what the defense attorney was going to say, do or say or didn't prepare me for any of that at all. The only thing he told me was he was going to show me pictures.

Tina Minchey: Hmm.

Karma Jones: And then when I got up on the stand and he asked me a couple of questions is all, you know, he asked me my name and then he asked me a couple of questions and then he showed me the

pictures. And the pictures of when they were dead. And he didn't tell me that. He didn't prepare me for that. I thought they were going to be like, you know, their school pictures or something.

Tina Minchey: Hmm.

Karma Jones: But it was pictures of them on the gurneys and I freaked out. I came undone. I mean, what, who would do that? God, it, who would do that?

Tina Minchey: I know.

Karma Jones: It was horrible. It like just traumatized me. And the Judge told him to take me off the stand and that was it.

Steve Sperry: And then that was the last time that you went back?

Karma Jones: Yep.

Steve Sperry: Never talked to uh, the attorneys or anything after that?

Karma Jones: Nope.

Steve Sperry: Okay.

Karma Jones: He never apologized or anything for doing that to me.

Tina Minchey: So, what about the state court? Did anybody from the state court on the other charge, did they ever contact you? Did you ever go to court on that or?

Karma Jones: Nope.

Tina Minchey: Nothing?

Karma Jones: No one contacted me.

Tina Minchey: So you knew that Terry had been meeting with Richard quite a bit and in your mind you are just thinking that your turn's coming but then the trial ends up there, right? And you're not.....

Karma Jones: Right.

Tina Minchey: You haven't been.....

Karma Jones: And then I am just told to come to court. And I believe I went, uh, I went for three days and the first two days, you know, they didn't get me on the stand, you know, I don't, there was somebody else, a witness or something. And I know Terry was there and Terry was on the stand, I think for a while.

Tina Minchey: Hmm.

Karma Jones: And so the first two days they didn't get me on the stand. I was just waiting but then that last day, you know, he came in, told me that he was putting me on the stand and he was going to show me pictures.

Tina Minchey: Okay. So, after the trial and he leaves and you and Terry don't really discuss much about him or anything that had happened between them, it just kind of fades away or?

Karma Jones: Yeah, it just kind of faded away, because I mean she knew how I felt about it and she you know, she didn't, so I don't know if they, you know, if they've stayed in contact by phone or, I don't know.

Tina Minchey: Okay.

Steve Sperry: When was the last time that you talked to Terry about the situation?

Karma Jones: It was during the trial.

Steve Sperry: You never talked to her since, about it? In the last little while or anything?

Karma Jones: Well yeah, over the years, yeah, we talked about it.

Steve Sperry: When was the last time you discussed it?

Karma Jones: When I left Utah and came to Texas. So, that would have been, it was like May 16<sup>th</sup>, something like that.

Steve Sperry: Of this year?

Karma Jones: Uh huh (affirmative).

Steve Sperry: Okay.

Tina Minchey: But then she contacted you recently again, right? To let you know.....

Karma Jones: Yeah.

Tina Minchey: That we were going to call you.

Karma Jones: I mean, yeah, we've been in, I mean we have been texting each other since I have been here, you know, just, she is checking on me, making sure I am okay and you know and you know cuz Te, and I went and saw her and mom before I left Texas. I mean those were like the only people that I wanted to see before I left, or before I left Utah, I'm sorry.

Tina Minchey: Okay.

Karma Jones: That was like the only people that I wanted to see and you know, that is when she told me that she was thinking about, you know, telling someone finally. And I just told her it's about time.

Tina Minchey: Okay.

Steve Sperry: Did you ever tell anybody about the situation or talk to anybody about it?

Karma Jones: No. No, I didn't.

Steve Sperry: Okay.

Karma Jones: I just, I mean I talked to her, as we got older and I think she realized what had happened to her, you know, she, she was angry and she was, you know, she felt violated and abused. I mean she was just a child. And you know I just, I just tried to be there for her and we had talked about it a couple of times over the years.

Tina Minchey: But you had never mentioned it to anybody?

Karma Jones: No, I didn't. It had to be her that did it, it had to be her.

Steve Sperry: You never talked to Renee about what Terry had told you or anything like that during the time? Since you were close with Renee?

Karma Jones: Yeah, I don't know that I did. I can't, I can't really remember. I don't think I talked to Renee about it.

Steve Sperry: Okay.

Tina Minchey: So recently Terry got in touch with you and told you that she had finally come forward, right?

Karma Jones: Right.

Tina Minchey: And what, what exactly did she tell you uhm, that had gone on?

Karma Jones: With, as far, with Richard?

Tina Minchey: Well, yeah, yeah, what, just recently, probably within the last couple of months, uhm, did she tell you anything more about, about that?

Karma Jones: Well when I left Utah, when I was visiting her and her and mom, you know, is when she told me that she was going to finally come forward with it and but she was really scared because now I guess he is a federal judge and you know, she was, she was really scared. And I told her, I said, you know, if you do this you need to really be careful. You need to maybe go, go somewhere that in hiding or something. You know, I told her, cuz she was really scared to come forward. She was really scared.

Tina Minchey: Okay.

Karma Jones: But you know, but I told her she needed to do it.

Tina Minchey: Okay. Did she tell you about having any type of conversation with him lately?

Karma Jones: She did. She told me about the recorded conversation that you guys did and that he like admitted everything and he was just being disgusting and she told me about that.

Tina Minchey: Okay. Did she tell you anything more about that or the communications that they've had?

Karma Jones: No, not, she just told me about that one.

Tina Minchey: Okay and since that time you haven't told anybody? Is that what you're saying?

Karma Jones: No.

Tina Minchey: Kay.

Karma Jones: No, I have not told anyone. Actually when, when we were in Utah and visiting with them, uhm, my girlfriend Miche that lived here in Texas.....

Tina Minchey: Uh huh (affirmative)

Karma Jones: She, I have to take that back cuz she lived here in Texas and she came to Nevada to get me and we drove the U-Haul truck back together...

Tina Minchey: Uh huh (affirmative).

Karma Jones: And she actually, uhm, I did tell her that Terry finally, uhm, came forward. That Terry finally, you know, told, told someone.

Tina Minchey: Kay, who is....?

Karma Jones: And.

Tina Minchey: Go ahead.

Karma Jones: I'm sorry what?

Tina Minchey: No go ahead, finish, I didn't mean to interrupt.

Karma Jones: Oh, I just told her that, you know, Terry, cuz she was there when Terry was telling us that, you know, she wanted, she was going to come forward and how scared she was and so Miche learned all that stuff, you know, and we had, we had talked in depth about what this man did and how Terry felt and...

Tina Minchey: Okay.

Karma Jones: So Miche learned the story at that point, so I did tell her. After Terry let me know that she did come forward and that you guys were going to call me.

Tina Minchey: Okay.

Karma Jones: I did tell Miche that, you know, Terry did it, she, she finally came forward. You know and that is pretty much all I told Miche.

Tina Minchey: Okay, so prior to that when you said that you'd, was it all three of you that had met, you and Terry and Miche?

Karma Jones: And mom, and Carol, and Terry's mom.

Tina Minchey: Okay so all of you were sitting there when Terry was saying that she was going to come forward?

Karma Jones: Yes.

Tina Minchey: Okay, okay. So, who is this Miche then?

Karma Jones: Miche, she is my best friend. She lives here in Texas.

Tina Minchey: Okay, how do you spell her name?

Karma Jones: Her name is actually Lisa-Miche but she goes by Miche. And it is M I C H E with a hyphen.

Tina Minchey: Lisa-Miche. M I C H E, okay.

Karma Jones: Uh huh (affirmative).

Tina Minchey: And what is her last name?

Karma Jones: Londot. L O N D O T. The "t" is silent when you say it's Londot.

Tina Minchey: Okay. And what is her phone number?

Karma Jones: Uhm, gosh, hold on I can get it out of my phone, just one second.

Tina Minchey: Okay.

Karma Jones: Oh, shoot. Okay, hold on just one second, okay?

Tina Minchey: Okay.

Karma Jones: Oops, shit. Okay are you ready?

Tina Minchey: Uh huh (affirmative).

Karma Jones: 985-635-1757.

Tina Minchey: Okay and she lives there in uh, the same city? Do you know her address?

Karma Jones: I don't. I don't know her address. She lives, she lives up the street from me but I don't know her address.

Tina Minchey: Okay. Has she told anybody, do you think?

Karma Jones: I doubt it. I doubt it. Uhm, no, she's, she's not the type to, she is not a gossip or anything like that. I really doubt that she had told anybody cuz she was there when we were talking about how, you know, quiet we needed to be and how you know nobody can know and so she, no I don't think she has told anybody at all.

Tina Minchey: Does she know who this individual is now?

Karma Jones: No. Oh, she knows that he is a federal judge. That's all she knows.

Tina Minchey: Okay.

Karma Jones: Are you, are you planning to call her?

Tina Minchey: Uhm, I'm not sure yet. We may eventually need to, but, uhm, yeah, I'm not sure at this point.

Karma Jones: Okay, I'll, I'll want to give her a heads up that you are going to call her. Is that okay?

Tina Minchey: Yeah, you could, just hold off for a bit and then if we are going to call her, uhm, I'll give you a heads up.

Karma Jones: Okay.

Tina Minchey: Kay?

Karma Jones: Okay.

Tina Minchey: If there's anybody that you can think of after we hang up, if down the road you think of anybody that you have told, just either shoot me an email or give me a call and let me know, okay? That way we have a record.

Karma Jones: Okay, I, I haven't told anyone but Miche, that's it.

Tina Minchey: Okay. Okay, that's fine.

Karma Jones: I, I haven't even told my son and he lives with me.

Tina Minchey: Your son does?

Karma Jones: Yeah.

Tina Minchey: What is your son's name?

Karma Jones: Uhm, Dallas, D A L L A S. Jones.

Tina Minchey: And you said you have a grandson that lives with you too? Is that right?

Karma Jones: Yes, I, I'm raising my grandson. His name is Jessie Jones and he is 10 years old.

Tina Minchey: Okay.

Karma Jones: My son is 21.

Tina Minchey: Is it your son's son, then?

Karma Jones: No, it is my daughter's son.

Tina Minchey: Daughter's son.

Karma Jones: And my daughter lives in Nevada.

Tina Minchey: Oh, yeah, cuz he is 10. Okay.

Karma Jones: Yeah.

Tina Minchey: I just did the math on that, sorry. Okay.

Karma Jones: Yeah, Dallas would have been 11 years old, that's.....

Tina Minchey: Yeah, that is pretty bad.

Karma Jones: Yeah.

Tina Minchey: Oh, that's on me, okay.

Karma Jones: No, my daughter's like, she's almost thirty.

Tina Minchey: Okay. All right is there anything else that you can think of that we need to know or be aware of or that you can remember?

Karma Jones: I just remember how horrible it was, you know, for Terry when she realized that it was wrong, what was going on. You know, I just remember feeling so terrible and her feeling so terrible. It was, it was a horrible situation. You know, she, she realized that she had been abused.

Tina Minchey: But be.....

Karma Jones: And.....

Tina Minchey: Go ahead.

Karma Jones: I just, she'd just, she'd realized that she had been abused and, and basically raped and taken advantage of and, you know, lied to and.

Tina Minchey: Before she realized that, when you said that all of a sudden she, you know, came around and was realizing that it wasn't right, prior to that was Terry, I mean you said that she was saying they were boyfriend/girlfriend, I mean was she uhm, in your opinion, wanting to pursue this relationship?

Karma Jones: I think, yeah, I think when, when he left, that she thought that the relationship was going to continue, you know. She thought that, you know that, she thought that she was going to marry this guy.

Tina Minchey: Okay. All right. Is there anything else that you can think of?

Steve Sperry: No, just, I know it has been a long time ago and if you can remember any specifics, uh, as to what Terry may have told you back then about the relationship or uh, you know, where they went, what they did, restaurants, uh, hotels, anything like that? Uh, uh, you have Tina's number?

Karma Jones: I do.

Steve Sperry: If you just call her and let her know anything that, sometimes things might just pop in your head and, uh.....

Karma Jones: Yeah.

Steve Sperry: So, if anything like that happens whatever, let us know, okay?

Karma Jones: Okay, well I do remember one situation that she told me that they were in the, uhm, you know the little rooms that are next to the courtroom where like the attorney goes with their client and stuff to talk?

Tina Minchey: Uh huh (affirmative).

Karma Jones: She told me that it happened in there, that they had sex in there one time.

Tina Minchey: In the federal courthouse?

Karma Jones: Oh, gosh, I cant, I don't know which court, courtroom it was. Which courthouse it was. I don't know, she didn't tell me that.

Tina Minchey: Do, uhm, was it like in the evening, do you think or she didn't get into specifics of, you know hey, it was last night at the courthouse or was there anything specific?

Karma Jones: No, she didn't, she didn't say anything specific about it. Uhm, you know, she just told me that they had had sex in the, in that room and uhm, you know she did tell me, like when, you know, they' go to, he'd take her out to dinner and she didn't ever talk about motels or anything but she did tell me that, you know, they were in love. She really thought that he was her boyfriend and.....

Tina Minchey: Okay. Okay.

Karma Jones: And you know, she did tell me, you know, he's my boyfriend and he's going to make sure that I'm, you know, he's going to make sure that I am safe. Cuz she was so afraid of the guy that had raped her and you know she was, and then we were so terrified at first of who, who shot our friends and it, you know, she, she just said she had the best boyfriend ever and that he was really going to take care of her. He, she told me finally I feel safe. I remember her telling me that.

Tina Minchey: Okay and it was because of their relationship?

Karma Jones: Yes, because he told her he was going to keep her safe and he was, he would protect her. She did tell me that. She said he told me he's going to protect me.

Steve Sperry: When, when .....

Karma Jones: And.....

Steve Sperry: When she first told you that when was the first time that you told her that hey, that it was wrong, that he is just taking advantage? Was it that same day or was it days after or, or do you recall?

Karma Jones: It was days after that I told her that he was taking advantage. It was probably like, I don't know, a week or two later. It was right after, right after when I was sitting waiting to go into court and

they were standing there and he like grabbed her and pulled her into him.

Steve Sperry: Uh huh (affirmative).

Karma Jones: I knew it was creepy and I told her after that.

Steve Sperry: Okay.

Tina Minchey: So during the trial process then?

Karma Jones: Yeah.

Tina Minchey: Okay.

Karma Jones: And I know in preparation of the trial that, you know, she was being interviewed, so called interviewed, a lot.

Tina Minchey: Okay.

Karma Jones: And I just, I just kept thinking, you know, they'll, they'll call me to interview me and never did.

Tina Minchey: Okay. So, it was after you saw the weird, creepy hug, as you call it, that you kind of pulled her aside and said hey, this is wrong?

Karma Jones: Yeah, I remember, we were at her house when I told her. I think he had just called her or something and she was, you know, kind of happy about the call and they were going to go somewhere, something and I told her, I said that you know, this is wrong Terry, this is wrong. And it is disgusting. I said he is taking advantage of you. When he leaves he's, he's not even going to remember your name. And, no, she said, no we're, we're going to get married. I'm going to marry him. And then I think, you know, after he left is when she realized that he, that it was creepy that he did take advantage of her. You know, and she just felt used and violated and she was really a mess. She was really a mess.

Tina Minchey: So you think it was after the trial and after he had left that she realized it was wrong or do you think it was before because I think I have you saying that she might have realized during the trial that, that things were not right?

Karma Jones: Yes, I think that she might have started to realize, you know at the very tail end of the trial, just before he was getting ready to leave.

Maybe like those last few days or something, or maybe even the last week.

Tina Minchey: Okay.

Karma Jones: Uhm, but she didn't really talk to me about it until after he had gone. And it was probably, I don't know, three, four weeks after he was gone that she finally talked to me about it. But I knew, I mean just her behavior and her demeanor and everything, I knew that she was realizing it and you know, she was just, she was a mess. She was a mess. She was emotionally a mess.

Tina Minchey: And that was after the three or four weeks after?

Karma Jones: After he had left, yes.

Tina Minchey: Okay. Okay. How long after was, uhm, Terry, then married? She, was it the next year that she got married, or was it that year, do you remember? Or was it a couple of years later?

Karma Jones: I think it was a couple of years later because, uhm, gosh I was 18 when I married my first husband and her and her first husband they weren't married yet but they moved in with us for just a couple of months.

Tina Minchey: Okay.

Karma Jones: And they weren't married yet and so I was 18, so she, you know, was 18.

Tina Minchey: So about two years later then, maybe?

Karma Jones: Yeah, 3 or 4 years later.

Tina Minchey: Okay. Okay.

Karma Jones: Yeah, I think it was even like a year after that before they got married.

Tina Minchey: Okay.

Karma Jones: And I had been married a year so when they moved in. I'm thinking cuz the apartment that we lived in, we had already been married like a year and it was right before we, we were getting divorced and so I had to have been 19 or maybe even 20, so and, so that, and so she was probably, I don't know how old she was

when she got married, but I know that once they lived with us she they were not married yet.

Tina Minchey: Okay, that's okay, just wondered. All right I don't think there's anything else at this time. If we come up with anything else I'll give you a call or shoot you an email or something and then.....

Karma Jones: Okay.

Tina Minchey: Again if you remember anything that we haven't talked about or that comes to your mind be sure to get in touch with me.

Karma Jones: I sure will.

Tina Minchey: Okay, thank you, Karma.

Steve Sperry: Thanks, thanks.

Karma Jones: Can, can I ask you guys what happens next? What, you know, what, how's this going to unfold or?

Steve Sperry: Well, we really.....

Karma Jones: Can I?

Steve Sperry: We really don't know right now. We have a few more people that we need to talk to and some other stuff that we have to gather and so it's, it's probably going to take a little while but right now we can't tell you how it is going to unfold because we don't know.

Karma Jones: Right, I mean, but it's, it's looking like he, you guys are going to go after him, right?

Tina Minchey: Well, I mean we.....

Karma Jones: I hope.....

Tina Minchey: We've got to put everything together first before we can say that, so.

Karma Jones: Yeah, because I know if he did that to Terry just so casually, he's done it to others. It, he had to of cuz it was just so casually.

Tina Minchey: Hmm.

Karma Jones: Like he knew what he was doing.

Tina Minchey: Okay. All right well we sure appreciate your time, Karma.

Karma Jones: All right, no problem.

Steve Sperry: Thanks.

Tina Minchey: Thank you.

Karma Jones: Thanks.

Steve Sperry: All right, bye.

Tina Minchey: All right, bye.

Karma Jones: Bye-bye.

END OF INTERVIEW