

Judge deals blow to woman charged for being topless at home

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SALT LAKE CITY (AP) — A judge refused to overturn part of Utah’s lewdness law Tuesday in a blow to a woman who’s fighting criminal charges after her stepchildren saw her topless in her own home.

Judge Kara Pettit sided with prosecutors who argued that lewdness is commonly understood to include women’s breasts in American society, the Salt Lake Tribune reported. Judges should not second-guess what lawmakers have decided is lewd conduct, she wrote.

It wasn’t immediately clear whether Tilli Buchanan would appeal the ruling. If she does not, her misdemeanor charges would move toward trial. If convicted, she could face jail time and be forced to register as a sex offender for 10 years.

Buchanan and the American Civil Liberties Union of Utah had pointed to a court ruling that overturned a topless ban in Colorado and helped fuel a movement. They said Utah’s law on lewdness involving a child is unfair because it treats men and women differently for baring their chests.

A global movement advocating for the rights of women to go topless, called the Free the Nipple campaign, has seen mixed success fighting similar ordinances in other parts of the country.

The 10th U.S. Circuit Court of Appeals has upheld a ruling that blocked a ban in Fort Collins, Colorado, on women going topless in public.

But the U.S. Supreme Court this month left in place the conviction of three members of the Free the Nipple campaign who were arrested for going topless on a New Hampshire beach in 2016.

A public indecency law in Missouri also was upheld in 2017, and a court allowed a San Francisco public nudity ban to remain on the books in 2013.

Buchanan was charged after she and her husband took off their shirts to keep their clothes from getting dirty while they hung drywall in their garage in a Salt Lake City suburb in late 2017 or early 2018.

When her husband’s three children, ages 9 through 13, walked in, she “explained she considers herself a feminist and wanted to make a point that everybody should be fine with walking around their house or elsewhere with skin showing,” her lawyers said in court documents.

The charges against her were filed after the children's mother reported the incident to child welfare officials working on a separate investigation involving the kids.

Police said Buchanan removed her shirt and bra in front of the children while "under the influence of alcohol." Her husband was not charged.

The ACLU emailed the following statement to ABC4 News:

"We are disappointed that the Judge denied the Motion to Dismiss. We are reviewing the decision and consulting with Ms. Buchanan at this time about next steps."

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