

Utah woman takes plea deal in case of stepchildren seeing her topless

Plea bargain means she won't have to register as sex offender

By Annie Knox

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<https://www.deseret.com/utah/2020/2/25/21153041/topless-woman-charged-stepchildren-kids-sex-offender-registry-west-valley-tilli-buchanan-own-home>

SALT LAKE CITY — After an unsuccessful bid to invalidate part of Utah's topless ban, a West Valley woman has admitted to a reduced criminal charge for being partially undressed in front of her stepchildren in her home.

Tilli Buchanan, 28, entered a plea in abeyance to lewdness, a class B misdemeanor, Tuesday in 3rd District Court, as part of an agreement with prosecutors that allows her to avoid registering as a sex offender. In exchange for her plea, two charges of lewdness in front of a child were dismissed.

A plea in abeyance allows a case to eventually be dismissed if a person meets certain conditions; Buchanan must pay \$600 and avoid any new charges in the next year.

Buchanan and her husband were hanging drywall in their garage in late 2017 or early 2018 when they took off their shirts in order to keep them from getting dusty, court documents say. Buchanan also removed her bra.

The children, ranging in age from 9-13, asked why Buchanan wasn't wearing a shirt. "Tilli explained that she considers herself a feminist and she wanted to make a point that everybody should be fine with walking around their house or elsewhere with skin showing," before the couple showered, put on fresh clothes, and made dinner for the children, court documents state.

Buchanan, 28, originally faced three counts of lewdness in front of a child, a class A misdemeanor. A conviction of such a charge carries a spot on Utah's offender registry. On Tuesday, she pleaded guilty to a single count of lewdness that doesn't pertain to children, court records indicate.

It means Buchanan technically admitted to offending her husband, the only other adult present, noted Jason Stevenson with the ACLU of Utah, which helped to defend Buchanan.

"We think that it shows how ridiculous this is," he said.

Buchanan's attorney, Randy Richards, agreed.

"The irony of this is just unbelievable, but I guess every woman that's married is in jeopardy of getting charged with this," he said. "That's the weirdness of the whole thing."

Richards said Buchanan will likely make a second attempt at overturning the law by suing West Valley City, which prosecuted her, or the state.

He said the plea deal was a better option than a trial, because a jury would not be permitted to hear her constitutional challenge. A conviction would have placed her on the sex offender registry and could have prevented her from everyday outings like taking her stepchildren to a community pool, Richards said.

And forgetting to notify the authorities if she moved would bring another criminal charge.

In January, 3rd District Judge Kara Pettit rejected Buchanan's argument that part of Utah's lewdness law is unconstitutional because it treats men and women differently for baring their chests and requires only women to do "mental calculus."

The judge ruled the law at issue in her case is designed to protect children and reflects today's definition of nudity, so it's different than another ban blocked by a court in Fort Collins, Colorado.

Prosecutors had argued the government has an important interest in establishing laws to protect children. They emphasized that the offense of lewdness in front of a child fits conduct that will “likely cause affront or alarm” or gratify sexual desire.