

Utah woman pleads guilty to lewdness for being topless in her own home

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By Jessica Miller

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<https://www.sltrib.com/news/2020/02/25/utah-woman-pleads-guilty/>

A Utah woman who faced charges for being topless in her own home in front of her stepchildren has taken a plea bargain to resolve her criminal case.

Prosecutors had charged Tilli Buchanan with three counts of class A misdemeanor lewdness involving a child, alleging that she exposed her breasts to her stepchildren several years ago. If Buchanan had been convicted of those charges, she would have been required to be on the sex offender registry for 10 years.

But Buchanan instead resolved her case Tuesday by admitting to one charge of class B misdemeanor lewdness. She did not admit in plea agreement documents to any crimes involving children, but did say she exposed her breasts in front of an adult which “caused affront or alarm.”

The plea will be held in abeyance, meaning the charge will be dismissed after a certain period of time if Buchanan does not commit any new crimes and follows other conditions. Those conditions were not detailed in court records, and neither Buchanan’s attorney nor West Valley City prosecutor Ryan Robinson were immediately available for comment on Tuesday.

Buchanan’s plea ends a case that drew national attention and comes at the heels of [a judge’s decision last month to uphold Utah’s lewdness law](#).

Buchanan’s legal team had asked 3rd District Judge Kara Pettit to [find Utah’s lewdness statute unconstitutional](#), arguing that it discriminates against women by making it illegal for them to show their breasts, when it is not illegal for a man to be topless.

Buchanan’s attorneys leaned on a recent 10th Circuit Court ruling, which sided with two Colorado women who sued the city of Fort Collins. The women are part of “Free the Nipple Fort Collins,” a group arguing that the city’s ban on female toplessness violated their right to equal protection.

But Pettit ruled that the ordinance in Colorado and Utah’s lewdness statute were “significantly different.”

In Fort Collins, the ordinance outlawed a woman from showing her breasts in public. It did not include language indicating that exposure was unlawful for men, and it did not require any specific intent or mental state.

The portion of the law that Buchanan is charged under is much different, Pettit ruled. It prohibits lewd behavior by both women and men in front of children, and also requires prosecutors to show that the defendant exposed themselves and knew their actions would either cause “affront or alarm” to the children or “with the intent to arouse or gratify the sexual desires” of either party.

Buchanan told The Salt Lake Tribune in September that she had been installing insulation with her husband in their garage on the day of the incident. The couple had removed their clothes just inside their home to get the itchy materials off their skin. She was topless when her stepchildren came downstairs and saw them.

She said her stepchildren seemed embarrassed — but Buchanan told them they shouldn't treat her differently because she was a woman. She told them a woman's chest wasn't inherently sexual, and that if they were comfortable seeing their dad's chest, it shouldn't be different for her.

But West Valley City prosecutors say the situation wasn't quite that innocent. They accuse Buchanan of stripping down in front of her stepchildren after making a statement about how if her husband could take off his shirt, then a woman should be able to as well.

They further allege that Buchanan, while “under the influence of alcohol,” had told her husband that she would only put her shirt back on if he showed her his penis.

The police became involved in the situation after the Division of Child and Family Services began an investigation involving the children that was unrelated to Buchanan. Though it was not the focus of the initial investigation, prosecutors say in court papers, the children's mother reported the incident to authorities.

A Colorado attorney who represented the Fort Collins women in their lawsuit has promised to sue West Valley City on Buchanan's behalf, but no lawsuit had been filed as of Tuesday.

Updated version:

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A Utah woman who faced charges for being topless in her own home in front of her stepchildren has taken a plea bargain.

The stakes were just too high for Tilli Buchanan to take the criminal case to trial, her attorney, Randy Richards, said Tuesday.

She initially was charged with three counts of class A misdemeanor lewdness involving a child, accused of exposing her breasts to her stepchildren several years ago. The charges had especially weighty consequence: If convicted, she would have been required to be on the sex offender registry for 10 years.

Richards said he had advised his client to take the deal.

“She would have loved to take it up on appeal,” he said, “but it was pretty much at my advice that she not — not because I don't think she would win, but there's a possibility that if we go all the way to trial, she'd be convicted by a jury and then she had to be on the sex offender registry.”

Buchanan instead resolved her case Tuesday by admitting to one charge of class B misdemeanor lewdness. She did not admit in plea agreement documents to any crimes involving children, but did say she exposed her breasts in front of an adult which “caused affront or alarm.”

The plea will be held in abeyance, meaning the charge will be dismissed after a year if Buchanan does not commit any new crimes and pays \$600.

Richards called the ending of the case “ludicrous,” noting that his client pleaded guilty to essentially being topless in front of her husband.

But he promised that Buchanan would be bringing a civil lawsuit against West Valley City.

“This whole thing is ridiculous,” he said. “She [or other women] have to worry about their kids seeing them topless? It’s ridiculous.”

West Valley City prosecutors defended the criminal charges.

“This case has never been about nudity in one’s home. Instead it is about the responsibility we have towards others,” West Valley City Attorney Ryan Robinson said, adding the case was resolved “when Ms. Buchanan took responsibility for her actions.”

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The American Civil Liberties Union of Utah, who joined Buchanan’s case last November, said Tuesday that its lawyers are consulting with Buchanan and her attorneys about pursuing a civil case that would overturn the lewdness statute she was originally charged under. Buchanan told The Salt Lake Tribune in September that she had been installing insulation with her husband in their garage on the day of the incident. The couple had removed their clothes just inside their home to get the itchy materials off their skin. She was topless when her stepchildren came downstairs and saw them.

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