

Utah court rules against Salt Lake City woman charged with lewdness after stepchildren saw her topless

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In this Nov. 19, 2019 photo, Tilli Buchanan (left) reads a document in court as she sits with Randy Richards, her attorney, during deliberations in a case where Buchanan was charged with criminal lewdness involving a child in Salt Lake City.

In this Nov. 19, 2019 photo, Tilli Buchanan (left) reads a document in court as she sits with Randy Richards, her attorney, during deliberations in a case where Buchanan was charged with criminal lewdness involving a child in Salt Lake City. (Leah Hogsten/AP)

A Utah woman hit with criminal charges after her stepchildren spotted her topless in her own home lost a major bid to have her case dismissed when a judge on Tuesday opted to uphold the state's lewdness law.

District Judge Kara Pettit sided with prosecutors over Tilli Buchanan, who argued Utah's lewdness law was unconstitutional in how it treats men and women differently.

Pettit ruled instead that lewdness is commonly understood to include a woman's breast in American society and noted that children were involved in the case.

The 28-year-old Salt Lake City woman was charged last February with three counts of lewdness involving a child after both she and her husband took off their shirts while hanging drywall inside their suburban home's garage.

When her husband's children — ages 9, 10, and 13 — entered, she "explained that 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.

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The charges were filed against her after the children told their mother, who reported the incident to child welfare officials.

Authorities said Buchanan removed both her shirt and bra in front of the children "while under the influence of alcohol." She was charged under a state law which prohibits women from removing their shirts "below the top of the areola" in front of a child or in a way "will likely cause affront or alarm" or "arouse."

If convicted, Buchanan could be placed on a sex offender registry for 10 years and pay fines up to \$2,500 in addition to serving possible jail time.

Her husband, who was also topless in front of the children, was not charged.

Lawyers for the American Civil Liberties Union of Utah have also argued against the constitutionality of the law, pointing specifically to how it treats sexes differently.

"In the statute, there's one part of it that says this part of a woman is found inherently obscene and this part of a man isn't," ACLU of Utah Attorney Leah Farrell previously said.

"That really sets up an unequal and unfair dichotomy."