

The Naked Truth

By Reg P. Wydeven
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When I was in college, my roommates and I played intramural basketball. After one game, we returned home and I drew the short straw, so I got the shower last. When everyone finally cleared out, I got my turn in the bathroom. Since I was last, I decided to take a long shower, not having to worry about running out of hot water.

While rinsing the shampoo out of my hair, one of my roommates decided I was in there too long, so he snuck in the bathroom and dumped an entire pot of ice water over the shower curtain. Raising the stakes, I raced out of the shower after him and tackled him on our living room floor.

Feeling triumphant, I looked up with my one eye that wasn't full of shampoo to see three women and three men in our living room. As it turns out, one of my other roommates was hosting a study group. Coincidentally it was also the last time he hosted the study group.

Thankfully, in those days there were no camera phones, digital cameras or the internet. Had there been, my prolific journalistic career may never have gotten off the ground. Others have not been so lucky.

Thankfully, the state of Wisconsin is out to protect in-home streakers such as myself. Last week, a state appeals court ruled that a person who is voluntarily nude in the presence of another still has privacy rights against being secretly videotaped.

The decision upholds the felony guilty plea entered by Mark Jahnke, who videotaped his girlfriend while she was naked and while they were having intercourse. In his appeal, Jahnke argued that because his girlfriend was voluntarily naked around him, she had no reasonable expectation of privacy.

Jahnke pleaded guilty to illegally making a nude recording after being arrested in April of 2007 and was sentenced to three years' probation and six months in jail. The sentence was put on hold pending his appeal.

In his appeal, Jahnke argued that in a previous case the court had found that a reasonable expectation of privacy only existed when a nude person reasonably believed he or she was "secluded from the presence of others."

Prosecutors countered that such a narrow interpretation of Wisconsin's video voyeur law made no sense and that shared intimacy does not give a person the right to film another unknowingly. The appeals court agreed, saying the definition in the previous case was not intended to cover all circumstances.

Jahnke's ex-girlfriend did not consent to the videotaping. In fact, she grew suspicious when she saw a flash of a red light from beneath a pile of clothes in her bedroom. She then complained to the Stevens Point police, who searched Jahnke's home and seized 33 audio tapes of the couple having sex and three DVDs. One of the DVDs showed the couple having sex, and two showed the woman nude in her home.

Jahnke had been a Waunakee High School chemistry teacher. After school officials voted to fire him, he was allowed to negotiate a resignation.

It is unknown whether Jahnke will appeal to the state Supreme Court. Thankfully the statute of limitations has run so those three women can't sue me for suffering from post traumatic stress disorder from witnessing the streaking.