

UTAH COURT OF APPEALS

State v. Arellano

2026 UT App 19 · No. 20230711-CA · Decided February 12, 2026

SUMMARY

The Utah Court of Appeals affirmed Alberto Arellano’s six convictions for sexual abuse of a child. The court held that circumstantial evidence sufficiently identified Arellano as the perpetrator of the offenses involving one victim, even though that victim did not identify him in court. The court also rejected Arellano’s ineffective-assistance claim, concluding that trial counsel’s questioning of his wife could reasonably be viewed as a strategic effort to present potentially damaging evidence proactively.

CASE DETAILS

COURT	Utah Court of Appeals
WRITING FOR THE COURT	John D. Luthy; David N. Mortensen; Amy J. Oliver
JURISDICTION	Utah Court of Appeals
DECIDED	February 12, 2026
DOCKET	20230711-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Arellano appealed his jury convictions on six counts of sexual abuse of a child, challenging the denial of his motion for a directed verdict on two counts and asserting ineffective assistance of trial counsel.
STANDARD OF REVIEW	The denial of a motion for a directed verdict is reviewed for correctness; the denial is upheld if, viewing the evidence in the light most favorable to the State, some evidence would permit a reasonable jury to find the elements proven beyond a reasonable doubt. An ineffective-assistance claim raised for the first time on appeal is decided as a matter of law because there is no lower-court ruling to review.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Alberto Arellano v. State of Utah

TOPICS

criminal procedure

ineffective assistance

appellate procedure

standard of review

evidence

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate practice

Ineffective assistance of counsel

Evidence

QUESTIONS PRESENTED

1. Whether the district court erred by denying Arellano's motion for a directed verdict on the two counts involving Maren because Maren did not directly identify him in court.
2. Whether trial counsel rendered ineffective assistance by eliciting testimony from Arellano's wife that placed Arellano outside the campground bathroom with Maren and another child.

HOLDINGS

1. Direct in-court identification by the victim was not required. Circumstantial evidence identifying the defendant as the perpetrator was sufficient to allow a reasonable jury to find beyond a reasonable doubt that Arellano sexually abused Maren.
2. Counsel did not render ineffective assistance because eliciting the complete sequence of events was a reasonable trial strategy intended to 'take the sting out' of potentially damaging evidence and avoid appearing less than transparent before the jury.

KEY QUOTATIONS

"It is equally well-established that identification can be inferred from circumstantial evidence; therefore, direct, in-court identification is not required." (§ 24)

"A witness need not physically point out a defendant so long as the evidence is sufficient to permit the inference that the person on trial was the person who committed the crime." (§ 24)

"Conventional tactical wisdom holds that [an attorney] should try to present [negative] information to the jury before [the attorney's] adversary gets the chance to, so as to 'take the sting out' of the evidence or increase the perception of [the attorney's] credibility or fairness." (§ 33)

FACTUAL BACKGROUND

Arellano was convicted of six counts of sexual abuse of a child involving three girls from families who regularly socialized and camped together. The evidence included testimony and recorded Children's Justice Center interviews stating that Arellano touched the girls inappropriately during camping and swimming outings. One victim, Maren, did not identify Arellano in court, but other circumstantial evidence connected him to the abuse. At trial, defense counsel elicited testimony from Arellano's wife describing the sequence of events outside a campground bathroom, including that Arellano was outside with Maren and another child while the wife accompanied a child into the bathroom.

PROCEDURAL HISTORY

Arellano was charged by information with eight counts, later amended to six. After a three-day jury trial in May 2023, the jury found him guilty on all six counts. The Fifth District Court denied his motion for a directed verdict on the two counts involving Maren, and the Utah Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Diviney, 2021 UT App 106, n.3, 500 P.3d 883
- State v. Barner, 2020 UT App 68, ¶ 9, 464 P.3d 190
- State v. Craft, 2017 UT App 87, ¶ 15, 397 P.3d 889
- State v. Isom, 2015 UT App 160, ¶ 23 n.2, 354 P.3d 791
- State v. Holsomback, 2022 UT App 72, ¶ 24, 513 P.3d 82
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- State v. Bush, 2025 UT App 87, ¶¶ 20-21, 572 P.3d 449
- State v. Wilkes, 2020 UT App 175, ¶ 24, 479 P.3d 1142
- State v. Scott, 2020 UT 13, ¶ 36, 462 P.3d 350
- State v. Clark, 2004 UT 25, ¶ 6, 89 P.3d 162