

UTAH COURT OF APPEALS

State v. Cartwright

2026 UT App 78 · No. 20230748-CA · Decided May 14, 2026

SUMMARY

The Utah Court of Appeals affirmed Aaron Paul Cartwright’s conviction for aggravated assault. The court rejected his ineffective-assistance claims concerning a defense-of-others jury instruction and objections to alleged leading questions, and it denied his request for a Rule 23B remand to develop a claim involving medical records.

CASE DETAILS

COURT	Utah Court of Appeals
WRITING FOR THE COURT	Ryan M. Harris; Gregory K. Orme; David N. Mortensen
JURISDICTION	Utah Court of Appeals
DECIDED	May 14, 2026
DOCKET	20230748-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a jury conviction for aggravated assault, asserting ineffective assistance of trial counsel and seeking a Rule 23B remand to supplement the appellate record.
STANDARD OF REVIEW	Ineffective-assistance claims raised for the first time on appeal are reviewed de novo. A Rule 23B remand requires a nonspeculative allegation of facts not fully appearing in the record that, if true, could support a determination of ineffective assistance.
PRECEDENTIAL VALUE	Published Utah Court of Appeals opinion
PARTIES	Aaron Paul Cartwright v. State of Utah

TOPICS

- ineffective assistance
- right to counsel
- jury instructions
- appellate procedure
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether trial counsel provided ineffective assistance by failing to request a jury instruction on defense of others.
2. Whether trial counsel provided ineffective assistance by failing to object to allegedly leading questions asked by the prosecutor of the complaining witness.
3. Whether the court should remand under Utah Rule of Appellate Procedure 23B to supplement the record with medical records allegedly showing that Cartwright suffered a human bite, in support of an ineffective-assistance claim based on counsel's failure to offer those records.

HOLDINGS

1. Counsel did not render ineffective assistance by failing to request a defense-of-others instruction because the trial evidence did not provide a reasonable basis to support the defense, and any belief that force was necessary to prevent imminent self-harm was not objectively reasonable, imminent, or proportionate.
2. Counsel did not render ineffective assistance by failing to object to the prosecutor's questions. Some questions were not leading, while others were leading but could reasonably have been viewed as strategic battles not worth fighting; in any event, Cartwright failed to show a reasonable probability that objecting would have changed the verdict.
3. The court denied Cartwright's Rule 23B motion because, even assuming counsel was deficient in failing to seek admission of medical records showing a human bite, Cartwright did not demonstrate prejudice.

KEY QUOTATIONS

“To succeed on an ineffective assistance claim, a defendant must make a two-part showing.” (¶19)

“When a criminal defendant requests a jury instruction regarding a particular affirmative defense, the court is obligated to give the instruction if evidence has been presented . . . that provides any reasonable basis upon which a jury could conclude that the affirmative defense applies to the defendant.” (¶24)

“Indeed, in deciding whether to lodge objections, attorneys are entitled to “pick [their] battles,” and they do not have “a Sixth Amendment obligation” to object to everything.” (¶49)

“To obtain a remand order under rule 23B, the defendant must make a four-part showing.” (¶64)

FACTUAL BACKGROUND

Cartwright and his girlfriend lived together in his car and used methamphetamine before falling asleep. After waking, Cartwright chased his girlfriend, threatened to kill her, and eventually held her down with his hands on her face, mouth, and neck for approximately thirty seconds to one minute, impairing her ability to breathe. Police arrived, separated them, and later observed injuries on Cartwright and heard him claim that his girlfriend

had bitten him and that he had been helping her. The jury convicted Cartwright of aggravated assault based on impeding his girlfriend's breathing or circulation through unlawful force or violence.

PROCEDURAL HISTORY

The State charged Cartwright with aggravated assault. After the jury found him guilty, the district court sentenced him to prison. Cartwright appealed, alleging ineffective assistance based on counsel's failure to request a defense-of-others instruction, failure to object to leading questions, and failure to seek admission of medical records; he also moved under Utah Rule of Appellate Procedure 23B for a remand concerning the medical records.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

None. The Rule 23B motion for remand was denied, and the conviction was affirmed.

CASES CITED

- State v. Popp, 2019 UT App 173, n.1, 453 P.3d 657
- State v. King, 2018 UT App 190, ¶ 11, 437 P.3d 425
- State v. Tuinman, 2023 UT App 83, ¶ 53, 535 P.3d 362
- Strickland v. Washington, 466 U.S. 668, 687, 694 (1984)
- State v. Popp, 2019 UT App 173, ¶ 26, 453 P.3d 657
- State v. Scott, 2020 UT 13, ¶ 35, 462 P.3d 350
- State v. Ray, 2020 UT 12, ¶ 34, 469 P.3d 871
- State v. Whytock, 2020 UT App 107, ¶¶28, 43, 469 P.3d 1150
- State v. Garcia, 2017 UT 53, ¶ 28, 424 P.3d 171
- State v. Low, 2008 UT 58, ¶ 25, 192 P.3d 867
- State v. Burke, 2011 UT App 168, ¶ 81, 256 P.3d 1102
- State v. Sorbonne, 2022 UT 5, ¶ 2, 506 P.3d 545
- State v. Wilcox, 2025 UT 31, ¶¶27, 43, 579 P.3d 277
- State v. Clara, 2024 UT 10, ¶¶36-44, 546 P.3d 963
- State v. Jennings, 2026 UT 4, ¶ 53, 585 P.3d 1217
- State v. King, 2024 UT App 151, ¶ 34, 559 P.3d 96
- State v. Isom, 2015 UT App 160, ¶ 65, 354 P.3d 791
- State v. Christensen, 2014 UT App 166, ¶ 10, 331 P.3d 1128
- Knowles v. Mirzayance, 556 U.S. 111, 123 (2009)
- State v. Hart, 2020 UT App 25, ¶ 29, 460 P.3d 604

- State v. Ellis, 2018 UT 2, ¶ 42, 417 P.3d 86
- State v. Soto, 2022 UT App 107, ¶ 25, 518 P.3d 157
- State v. Norton, 2015 UT App 263, ¶ 6, 361 P.3d 719
- State v. Mason, 2024 UT App 171, ¶ 63, 562 P.3d 1158, cert. denied, 570 P.3d 658 (Utah 2025)
- State v. Griffin, 2015 UT 18, ¶ 20, 441 P.3d 1166

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