

UTAH COURT OF APPEALS

State v. Collard

2026 UT App 87 · No. 20240532-CA · Decided June 4, 2026

SUMMARY

The Utah Court of Appeals affirmed the denial of Kevin Michael Collard’s motion to arrest judgment on two convictions for violating a permanent protective order. The court held that sufficient evidence supported the convictions, but concluded that trial counsel provided ineffective assistance by failing to seek redaction of prejudicial and irrelevant findings in the temporary protective order. The court reversed Collard’s convictions and remanded for a new trial or other appropriate proceedings.

CASE DETAILS

COURT	Utah Court of Appeals
WRITING FOR THE COURT	John D. Luthy; Michele M. Christiansen Forster; Ryan M. Harris
JURISDICTION	Utah Court of Appeals
DECIDED	June 4, 2026
DOCKET	20240532-CA
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Collard appealed his convictions on three counts of violating a protective order and the district court’s denial of his motion to arrest judgment on two counts. He also raised an ineffective-assistance-of-counsel claim based on trial counsel’s failure to seek redaction of prejudicial language from the admitted temporary protective order.
STANDARD OF REVIEW	The denial of a motion to arrest judgment is reviewed for correctness. 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 and precedential
PARTIES	Kevin Michael Collard v. State of Utah

TOPICS

- ineffective assistance
- criminal procedure
- evidence
- appellate procedure
- preservation of error

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

Appellate practice

QUESTIONS PRESENTED

1. Whether the State presented sufficient evidence of the terms of the permanent protective order to support Collard's convictions for violating it on April 13, 2020.
2. Whether trial counsel rendered ineffective assistance by failing to seek redaction of the temporary protective order's finding that Collard had abused or committed domestic violence against Olivia or posed an immediate threat to her safety.
3. Whether the court erred in denying Collard's motion for a mistrial based on testimony concerning the grounds for the protective order.

HOLDINGS

1. The State presented sufficient evidence from which a reasonable jury could infer that the permanent protective order contained the same no-contact terms as the temporary protective order and that Collard violated those terms by indirectly contacting Olivia through her coworkers.
2. Counsel performed deficiently by failing to seek redaction of the temporary protective order's irrelevant and prejudicial finding concerning Collard's alleged domestic violence or threat to Olivia, and Collard established prejudice sufficient to prove ineffective assistance of counsel.

KEY QUOTATIONS

“Naturally, the State cannot prove that a person violated a protective order unless the State presents evidence of the relevant terms of the order the person is charged with violating.” (¶ 18)

“Thus, Counsel should have anticipated that the district court would have granted a motion to redact the damaging and irrelevant finding from the temporary restraining order.” (¶ 25)

“In sum, because (1) Counsel rendered deficient performance, (2) Collard has made a prima facie showing of a plausible basis for concluding that he was prejudiced by Counsel’s deficient performance, and (3) the State has not rebutted Collard’s prejudice argument, we conclude that Collard has established his ineffective assistance claim.” (¶ 32)

FACTUAL BACKGROUND

In March 2020, the district court issued a temporary protective order prohibiting Collard from contacting Olivia directly or indirectly; the order was served on him the day it issued and was made permanent on April 9, 2020. Collard called Olivia's workplace on April 7 and twice on April 13, telling employees that he missed Olivia and wanted to speak with her or give her some things. At trial, the State admitted an unredacted copy of the temporary protective order containing a finding that there was reason to believe Collard had abused or committed domestic violence against Olivia or posed an immediate threat to her safety, and counsel did not seek redaction.

PROCEDURAL HISTORY

The district court denied Collard's motion to arrest judgment after a jury convicted him on three counts of violating a protective order. The Utah Court of Appeals affirmed the denial of the motion to arrest judgment, but held that trial counsel rendered ineffective assistance by failing to seek redaction of the temporary protective order's finding concerning domestic violence or a threat to Olivia's safety. The court reversed the convictions and remanded for a new trial or other appropriate proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded for a new trial or such other proceedings as may now be appropriate. The denial of the motion to arrest judgment is affirmed, but the convictions are reversed based on ineffective assistance of counsel.

CASES CITED

- State v. Liti, 2015 UT App 186, ¶ 3 n.2, 355 P.3d 1078
- State v. Yusuf, 2025 UT App 189, n.1, 582 P.3d 1270
- State v. Dew, 2025 UT App 22, ¶ 27, 566 P.3d 53
- State v. Alvarado, 2023 UT App 123, ¶ 12, 538 P.3d 633
- State v. Law, 2020 UT App 74, ¶ 14, 464 P.3d 1192
- Krajieski v. Krajieski, 2025 UT App 19, ¶ 47 n.9, 565 P.3d 544
- Hillam v. Hillam, 2024 UT App 102, ¶ 40, 554 P.3d 1137
- State v. Fowers, 2023 UT App 128, ¶¶ 13, 15, 538 P.3d 1274
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- State v. Baugh, 2024 UT 33, ¶ 19, 556 P.3d 35
- Martin v. State, 2024 UT App 89, ¶ 18, 552 P.3d 758
- AL-IN Partners, LLC v. LifeVantage Corp., 2021 UT 42, ¶ 19, 496 P.3d 76
- State v. Rynhart, 2025 UT App 148, ¶¶ 50-57, 585 P.3d 57