

UTAH COURT OF APPEALS

State v. Elton

2026 UT App 7 (Utah Ct. App. 2026) · No. 20230151-CA · Decided January 23, 2026

SUMMARY

The Utah Court of Appeals affirmed Matthew Elton’s convictions for six counts of violating a protective order. Elton raised ineffective-assistance, prosecutorial-misconduct, evidentiary, and jury-unanimity claims concerning prior convictions, communications introduced at trial, and the unanimity instruction. The court concluded that Elton failed to establish prejudice, emphasizing the admissibility and relevance of the prior convictions, the strength of the evidence, and the jury’s split verdict.

CASE DETAILS

COURT	Utah Court of Appeals
WRITING FOR THE COURT	Michele M. Christiansen Forster; David N. Mortensen; Ryan D. Tenney
JURISDICTION	Utah Court of Appeals
DECIDED	January 23, 2026
DOCKET	20230151-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Elton appealed his convictions on six counts of violating a protective order after a jury acquitted him on nine other counts. He raised ineffective-assistance, prosecutorial-misconduct, evidentiary, and jury-unanimity claims.
STANDARD OF REVIEW	Ineffective-assistance claims raised for the first time on appeal and plain-error claims are reviewed for correctness as questions of law. Evidentiary rulings are reviewed for abuse of discretion. Prosecutorial-misconduct claims reviewed under plain error require a showing of harmful error that should have been obvious to the trial court.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Matthew Elton v. State of Utah

TOPICS

- ineffective assistance
- evidence
- criminal procedure
- harmless error
- appellate procedure

PRACTICE AREAS

Criminal procedure

Evidence

Appellate procedure

Ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for stipulating to the admission of Elton's prior convictions and introducing a prior protective-order conviction.
2. Whether the prosecutor engaged in prejudicial misconduct by eliciting or arguing from prior-conviction and communication evidence for character or propensity purposes, and whether the trial court plainly erred by failing to intervene sua sponte.
3. Whether trial counsel was ineffective for stipulating to Exhibit 7 and whether the trial court abused its discretion by refusing to withdraw the exhibit after admission.
4. Whether the trial court plainly erred by failing to intervene in alleged prosecutorial misuse of Exhibit 7 and other communications.
5. Whether the unanimity instruction for Counts 2 through 5 was erroneous and, if so, whether counsel was ineffective for approving it.

HOLDINGS

1. Elton failed to establish prejudice from counsel's stipulation to the prior child-abuse and aggravated-assault convictions or counsel's introduction of the prior protective-order conviction; the ineffective-assistance claims therefore failed.
2. Elton failed to show prejudicial prosecutorial misconduct or plain error arising from the prosecutor's questioning and closing argument concerning his prior convictions and domestic-violence history.
3. The court did not need to decide whether Exhibit 7 was properly admitted or whether the trial court had authority to withdraw it because Elton failed to demonstrate prejudice from its admission or retention in evidence.
4. Elton failed to establish plain error or prejudice from the prosecutor's alleged encouragement that the jury use Exhibit 7 and other communications as character or propensity evidence.
5. Although invited error foreclosed Elton's claim of trial-court error based on the unanimity instruction, it did not foreclose ineffective-assistance review. Elton nevertheless failed to show prejudice because the jury's convictions necessarily rested on unanimously credited acts, and there was no reasonable probability that a different instruction would have produced acquittals.

KEY QUOTATIONS

“A jury must be unanimous on all elements of a criminal charge for a conviction to stand.” (§57)

“Because any of these calls would have been a violation, if Elton was guilty of doing one of the acts—which the jury found he was—he was guilty of them all.” (§62)

FACTUAL BACKGROUND

In October 2020, while Elton faced domestic-violence-related charges, the trial court entered a no-contact order covering his former wife and children and stating that it would remain effective during incarceration unless modified in writing. After Elton was sentenced to prison, he repeatedly called and wrote to the protected persons, continued attempting contact after his former wife blocked his calls, and arranged for his daughter to contact her. Prison investigators reviewed the order with Elton and instructed him to stop, but the jury convicted him on six of fifteen charged violations.

PROCEDURAL HISTORY

The State charged Elton with fifteen counts of violating a protective order based on communications he made to his former wife and children while incarcerated. After a jury trial, Elton was convicted on six counts and acquitted on nine, and he was sentenced to prison. The Utah Court of Appeals affirmed, concluding that all asserted errors failed for lack of prejudice.

DISPOSITION

affirmed

CASES CITED

- State v. Vallejo, 2019 UT 38, ¶ 2 n.1, 449 P.3d 39
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Popp, 2019 UT App 173, ¶¶19, 25, 36, 453 P.3d 657
- State v. Nunez, 2021 UT App 86, ¶27, 498 P.3d 458
- State v. Wright, 2021 UT App 7, ¶52, 481 P.3d 479
- State v. Griffin, 2015 UT 18, ¶21, 441 P.3d 1166
- State v. Blackwing, 2025 UT 60, ¶¶31, 34
- State v. Hummel, 2017 UT 19, ¶¶26, 29, 105, 107, 110, 393 P.3d 314
- State v. Henfling, 2020 UT App 129, ¶31, 474 P.3d 994
- State v. Millett, 2025 UT App 67, ¶34, 572 P.3d 389
- State v. Ringstad, 2018 UT App 66, ¶62, 424 P.3d 105
- State v. Macleod, 2024 UT App 32, ¶53, 546 P.3d 366
- State v. Wright, 2013 UT App 142, ¶42, 304 P.3d 887
- State v. Leech, 2020 UT App 116, ¶44, 473 P.3d 218
- State v. Beckering, 2015 UT App 53, ¶24, 346 P.3d 672
- Avalos v. TL Custom, LLC, 2014 UT App 156, ¶19, 330 P.3d 727
- State v. Gallegos, 2020 UT App 162, ¶62, 479 P.3d 631
- State v. Bair, 2012 UT App 106, ¶35, 275 P.3d 1050
- State v. Chadwick, 2024 UT 34, ¶32, 554 P.3d 1098
- State v. Geukgeuzian, 2004 UT 16, ¶9, 86 P.3d 742
- State v. Mottaghian, 2022 UT App 8, ¶66, 504 P.3d 773

- State v. Grunwald, 2020 UT 40, ¶22, 478 P.3d 1

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