

COURT OF APPEALS OF UTAH

State v. Draughon

2026 UT App 52 · No. 20240514-CA · Decided April 2, 2026

SUMMARY

The Utah Court of Appeals affirmed Damien Michael Draughon’s convictions for child sexual abuse, dealing in materials harmful to a minor, and obstruction of justice. The court rejected his challenges to the sufficiency and inherent improbability of the victim’s testimony and addressed claims of ineffective assistance concerning a recorded telephone conversation and expert grooming testimony. The court also considered, among other issues, preservation and alleged plain error regarding the jury’s instruction on offense classifications.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	David N. Mortensen; Ryan M. Harris; Ryan D. Tenney
JURISDICTION	Utah Court of Appeals
DECIDED	April 2, 2026
DOCKET	20240514-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Draughon appealed jury convictions for child sexual abuse, dealing in materials harmful to a minor, and obstruction of justice, challenging the denial of his directed-verdict motion, alleged ineffective assistance of counsel, and plain error in the jury instructions.
STANDARD OF REVIEW	Denial of a directed-verdict motion is reviewed for correctness, while the district court's decision not to disregard testimony under the inherent-improbability doctrine is reversed only if clearly erroneous. General sufficiency of the evidence is upheld if, viewing the evidence in the light most favorable to the State, some evidence supports a finding beyond a reasonable doubt. Plain-error and ineffective-assistance claims are reviewed as questions of law, and cumulative-prejudice claims are reviewed under the standards applicable to the underlying errors.
PRECEDENTIAL VALUE	Published precedential opinion of the Utah Court of Appeals
PARTIES	Damien Michael Draughon v. State of Utah

TOPICS

criminal procedure

ineffective assistance

suppression of evidence

evidence

preservation of error

PRACTICE AREAS

criminal procedure

criminal appeals

evidence

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the district court erred in denying a directed-verdict motion because Sarah's testimony was inherently improbable.
2. Whether trial counsel was ineffective for failing to raise an inherent-improbability objection.
3. Whether the evidence was insufficient to support the sexual-abuse conviction arising from the Recliner Incident.
4. Whether trial counsel was ineffective for failing to object to the recorded telephone call under Utah's wiretap law or the Utah Rules of Evidence.
5. Whether trial counsel was ineffective for failing to object to expert testimony concerning grooming.
6. Whether the district court plainly erred by informing the jury of the felony classifications of the charged offenses.
7. Whether the asserted errors cumulatively prejudiced Draughon.

HOLDINGS

1. A general challenge to the sufficiency of the evidence did not preserve an argument that a witness's testimony was inherently improbable because counsel did not specifically ask the district court to disregard the testimony under that doctrine or cite supporting authority.
2. Counsel was not ineffective for failing to raise an inherent-improbability objection because such an objection would have been futile.
3. The evidence was sufficient to support the conviction because Sarah testified that Draughon touched her breast, and the jury was entitled to credit her refreshed recollection.
4. Any assumed deficient performance concerning the phone-call recording or grooming testimony, and the district court's obvious error in informing the jury of offense classifications, did not prejudice Draughon individually or cumulatively.

KEY QUOTATIONS

“The court nonetheless cautioned against “inflexible reliance” on those factors and clarified that “the proper test is, and always has been, whether reasonable minds must have entertained a reasonable doubt that the defendant committed the crime.”” (¶ 38)

“In short, the evidence of Draughon’s guilt would still have been overwhelming even if trial had proceeded without the three potential errors we have identified.” (¶ 65)

FACTUAL BACKGROUND

Damien Michael Draughon married Sarah's mother and developed an inappropriate relationship with Sarah, who was thirteen when much of the charged conduct occurred. Sarah testified that Draughon touched her breasts and buttocks, exposed her to pornography, and involved her in sexualized conduct; text messages corroborated the allegations. After Mother discovered the messages, Draughon admitted inappropriate conduct during a telephone call that a friend recorded, and he later factory-reset the iPad. A jury convicted him of eight offenses.

PROCEDURAL HISTORY

Draughon was charged in the Third District Court, Salt Lake Department, after authorities investigated allegations that he sexually abused his thirteen-year-old stepdaughter, exposed her to pornography, and reset an iPad containing incriminating messages. One sexual-abuse count was dismissed before trial. A jury convicted him on all eight remaining counts, and the district court sentenced him to prison. The Utah Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Barlow, 2025 UT App 152, 579 P.3d 422
- State v. Hofeling, 2025 UT App 180, 582 P.3d 1263
- State v. Skinner, 2020 UT App 3, 457 P.3d 421
- State v. Thomas, 2025 UT App 145, 579 P.3d 416
- State v. McNeil, 2013 UT App 134, 302 P.3d 844
- Cove at Little Valley Homeowners Ass'n v. Traverse Ridge Special Service Dist., 2022 UT 23, 513 P.3d 658
- State v. Doyle, 2018 UT App 239, 437 P.3d 1266
- Scott Anderson Trucking Inc. v. Nielson Constr., 2020 UT App 43, 462 P.3d 822
- State v. Gallegos, 2018 UT App 112, 427 P.3d 578
- State v. Hernandez, 2025 UT App 90, 572 P.3d 1156
- State v. Robbins, 2009 UT 23, 210 P.3d 288
- State v. Jok, 2021 UT 35, 493 P.3d 665
- State v. Prater, 2017 UT 13, 392 P.3d 398
- State v. Barnes, 2023 UT App 148, 542 P.3d 108
- State v. Carrell, 2018 UT App 21, 414 P.3d 1030
- State v. Dever, 2022 UT App 35, 508 P.3d 158
- State v. Estes, 2025 UT App 10, 564 P.3d 239
- State v. Corona, 2025 UT App 93, 574 P.3d 988
- State v. Hatch, 2025 UT App 132, 577 P.3d 903

- State v. Kelley, 2000 UT 41, 1 P.3d 546
- State v. Cesspooch, 2024 UT App 15, 544 P.3d 1046
- State v. Cheek, 2015 UT App 243, 361 P.3d 679
- State v. Williams, 2025 UT App 118, 576 P.3d 1142
- State v. Chase, 2025 UT App 158, 580 P.3d 421
- United States v. Chambers, 642 F.3d 588 (7th Cir. 2011)
- Kofford v. Flora, 744 P.2d 1343 (Utah 1987)
- State v. Yusuf, 2025 UT App 189, 582 P.3d 1270
- State v. King, 2017 UT App 43, 392 P.3d 997
- State v. Akins, 315 P.3d 868 (Kan. 2014)
- United States v. Isabella, 918 F.3d 816 (10th Cir. 2019)
- State v. Braham, 841 P.2d 785 (Wash. Ct. App. 1992)
- State v. MacMillan, 872 A.2d 1031 (N.H. 2005)
- Rupley v. State, 560 P.2d 146 (Nev. 1977)
- State v. Mitchell, 779 P.2d 1116 (Utah 1989)
- State v. Allen, 241 P.3d 1045 (Mont. 2010)