

UTAH COURT OF APPEALS

State v. Bunton

2026 UT App 59 · No. 20240392-CA · Decided April 16, 2026

SUMMARY

The Utah Court of Appeals held that the district court abused its discretion by denying the defendant’s for-cause challenge to a prospective juror who expressly stated that he could not be impartial in a child-sexual-abuse case. Because the biased juror served on the jury, the court treated the error as prejudicial, vacated the convictions, and remanded for a new trial. The court did not reach the defendant’s additional claims concerning DNA evidence, ineffective assistance of counsel, or cumulative error.

CASE DETAILS

COURT	Utah Court of Appeals
WRITING FOR THE COURT	David N. Mortensen; Michele M. Christiansen Forster; Ryan M. Harris
JURISDICTION	Utah Court of Appeals
DECIDED	April 16, 2026
DOCKET	20240392-CA
DISPOSITION	vacated
PROCEDURAL POSTURE	Bunton appealed his criminal convictions, challenging the denial of his motion to strike a prospective juror for cause, the admission of DNA evidence, and ineffective assistance of counsel relating to recorded conversations. The court addressed only the juror-bias issue, vacated the convictions, and remanded for a new trial.
STANDARD OF REVIEW	The denial of a challenge for cause is reviewed for abuse of discretion. The court examines the entire voir dire exchange and applies that review in light of the ease of avoiding bias by excusing the prospective juror.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Brian Keith Bunton v. State of Utah

TOPICS

- jury selection
- criminal procedure
- appellate procedure
- standard of review
- harmless error

PRACTICE AREAS

criminal procedure

criminal appeals

jury selection

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by denying Bunton's challenge for cause to Juror 23 after the juror expressly stated that he did not think he could give an unbiased opinion in a child-sexual-abuse case.
2. Whether the seating of the allegedly biased juror prejudiced Bunton and required reversal or vacatur of his convictions.
3. Whether the court should address Bunton's separate claims concerning ineffective assistance of counsel, DNA evidence, and cumulative error.

HOLDINGS

1. The district court exceeded its discretion by denying Bunton's for-cause challenge because Juror 23 made an unsolicited, unequivocal admission that he could not give an unbiased opinion in a child-sexual-abuse case, and the subsequent questioning did not sufficiently rebut that indication of actual bias.
2. The presence of a biased juror on the empaneled jury prejudiced Bunton and required vacatur of his convictions because it denied him a fair trial and constituted structural error.
3. The court did not address Bunton's ineffective-assistance, DNA-evidence, or cumulative-error claims because the juror-bias error independently required a new trial.

KEY QUOTATIONS

“Once statements are made during voir dire that facially raise a question of partiality or prejudice, an abuse of discretion occurs unless the challenged juror is removed by the court or unless the court or counsel investigates further and finds the inference rebutted.” (2026 UT App 59, ¶ 14)

“It is not enough if a juror believes that he or she can be impartial and fair.” (2026 UT App 59, ¶ 18)

“Here, the questioning by the prosecutor wasn’t designed to find out if Juror 23 was truly biased; instead, its purpose was to convince Juror 23 that he really wasn’t biased.” (2026 UT App 59, ¶ 19)

FACTUAL BACKGROUND

Bunton prepared hot chocolate containing ketamine for his wife and thirteen-year-old stepdaughter, causing both to become seriously ill and seek medical treatment. The next day, the stepdaughter disclosed that Bunton had sexually abused her on multiple occasions. At trial, the stepdaughter, mother, and Bunton's father-in-law testified, and the jury convicted Bunton on most of the charged offenses.

PROCEDURAL HISTORY

Bunton was charged in the Third District Court, Salt Lake Department, with three counts of aggravated sexual abuse of a child, one count of child endangerment, and one count of surreptitious administration of a substance.

After trial, the jury acquitted him on the aggravated-sexual-abuse count involving slapping the victim's buttocks but convicted him on the remaining charges. The Utah Court of Appeals held that the district court abused its discretion by denying Bunton's for-cause challenge to Juror 23 and remanded for a new trial.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case is remanded to the district court for a new trial.

CASES CITED

- State v. Moore, 2009 UT App 386, n.1, 223 P.3d 1137
- State v. Ellis, 2020 UT App 119, ¶ 10, 473 P.3d 211
- State v. Wach, 2001 UT 35, ¶¶ 25, 27, 33, 24 P.3d 948
- State v. Maestas, 2012 UT 46, ¶ 41, 299 P.3d 892
- State v. King, 2008 UT 54, ¶ 18, 190 P.3d 1283
- State v. Carrera, 2022 UT App 100, ¶ 83, 517 P.3d 440
- State v. Ball, 685 P.2d 1055, 1058 (Utah 1984)
- State v. Williams, 2018 UT App 96, ¶ 28, 427 P.3d 434
- Hernandez v. State, 742 A.2d 952, 962 (Md. 1999)
- Dingle v. State, 759 A.2d 819, 825 (Md. 2000)

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