

UTAH COURT OF APPEALS

State v. Young

Young, 2026 UT App 64 (Utah Ct. App. 2026) · No. Case No. 20240307-CA · Decided April 23, 2026

SUMMARY

The Utah Court of Appeals held that Marc Perry Young was entitled to a jury instruction on the baseline defense of habitation because the evidence, viewed in the light most favorable to the defense, could support a reasonable belief that force was necessary to prevent an unlawful entry into his home. The court reversed Young’s aggravated-assault conviction on that ground. It rejected Young’s ineffective-assistance claim based on counsel’s failure to request a self-defense instruction because the evidence did not entitle him to such an instruction.

CASE DETAILS

COURT	Utah Court of Appeals
WRITING FOR THE COURT	Ryan D. Tenney; Gregory K. Orme; Michele M. Christiansen Forster
JURISDICTION	Utah Court of Appeals
DECIDED	April 23, 2026
DOCKET	Case No. 20240307-CA
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Young appealed his aggravated-assault conviction after the district court refused to give a defense-of-habitation jury instruction and the jury found him guilty. He also raised an ineffective-assistance claim based on counsel's failure to separately request a self-defense instruction.
STANDARD OF REVIEW	Correctness for whether the defendant was legally entitled to an affirmative-defense instruction; the evidence is viewed in the light most favorable to the defense. An ineffective-assistance claim raised for the first time on appeal without a lower-court ruling is resolved as a matter of law.
PRECEDENTIAL VALUE	Published and precedential Utah Court of Appeals opinion
PARTIES	Marc Perry Young v. State of Utah

TOPICS

jury instructions

criminal procedure

self defense

standard of review

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the district court erred by refusing to instruct the jury on the baseline defense of habitation under Utah Code section 76-2-405.
2. Whether the refusal to give the defense-of-habitation instruction prejudiced Young.
3. Whether trial counsel provided ineffective assistance by failing to separately request a self-defense instruction.

HOLDINGS

1. A criminal defendant is entitled to an affirmative-defense jury instruction when the evidence, viewed in the light most favorable to the defense, provides any reasonable basis for the jury to find that the defense applies. Under Young's version of the evidence, a jury could reasonably find the elements of the baseline defense of habitation because he reasonably believed that an apparent trespasser was refusing to leave and that holding the shotgun was necessary to prevent an unlawful entry into his house.
2. The district court's refusal to give the baseline defense-of-habitation instruction was prejudicial because there was a reasonable likelihood that the jury would have reached a different result if it had been permitted to consider whether Young's conduct was justified.
3. Young was not entitled to a self-defense instruction because, even viewing the evidence favorably to him, there was no evidentiary basis for finding that he reasonably believed Contractor was about to use unlawful force imminently. Counsel therefore did not provide ineffective assistance by failing to request the instruction.

KEY QUOTATIONS

"A defendant in a criminal case is legally entitled to an affirmative defense jury instruction if there is an evidentiary basis for the instruction." (§ 25)

"The district court therefore erred in ruling that Young was not entitled to a jury instruction about it." (§ 37)

"In these circumstances, our confidence in this verdict is undermined. We therefore reverse." (§ 48)

FACTUAL BACKGROUND

A contracted utility worker arrived at Young's property to replace a power meter. Young doubted that the worker was genuinely employed by the utility company because the worker was not in uniform, appeared to be wandering in the yard, and could not be verified by a utility employee contacted by telephone. Young retrieved a shotgun and held it while questioning the worker, who later reported the encounter to law enforcement; the parties disputed whether Young pointed the shotgun at him.

PROCEDURAL HISTORY

The State charged Young with aggravated assault under Utah Code section 76-5-103(1)(a)(ii). After a jury trial, the Eighth District Court, Duchesne Department, denied Young's requested defense-of-habitation instruction and entered a guilty verdict. The Utah Court of Appeals held that the instruction was warranted and that its omission was prejudicial, rejected the ineffective-assistance claim concerning self-defense, reversed the conviction, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for a new trial, with a properly given instruction on the baseline defense of habitation.

CASES CITED

- State v. Suhail, 2023 UT App 15, n.1, 525 P.3d 550
- State v. Farmer, 2025 UT App 57, ¶¶ 41, 54, 569 P.3d 267
- State v. Hunt, 2025 UT 54, ¶ 46, 582 P.3d 772
- State v. Johnson, 2025 UT App 13, ¶¶ 24, 30-32, 564 P.3d 519
- State v. Devan, 2024 UT App 193, ¶ 54, 562 P.3d 1233
- Keisel v. Westbrook, 2023 UT App 163, ¶ 52 n.9, 542 P.3d 536
- State v. Thompson, 2014 UT App 14, ¶ 73, 318 P.3d 1221
- State v. Reece, 2015 UT 45, ¶ 40, 349 P.3d 712
- State v. Ogden, 2018 UT 8, ¶ 49, 416 P.3d 1132
- State v. Kitches, 2021 UT App 24, ¶¶ 27-28, 484 P.3d 415
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- State v. Miller, 2023 UT App 85, ¶ 25, 535 P.3d 390
- State v. Popp, 2019 UT App 173, ¶ 25, 453 P.3d 657
- State v. Sandoval, 2024 UT App 186, ¶ 19, 562 P.3d 731
- State v. Broadwater, 2024 UT App 184, ¶ 35, 562 P.3d 739

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