

THE UTAH COURT OF APPEALS

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STATE OF UTAH,  
Appellee,

*v.*

CHAD D. CONNELLEY,  
Appellant.

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Per Curiam Opinion  
No. 20241110-CA  
Filed August 20, 2026

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Third District Court, Salt Lake Department  
The Honorable Coral Sanchez  
No. 211910246

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Peter Daines, Emily Adams, and Brittany Urness,  
Attorneys for Appellant

Derek E. Brown and Jeffrey G. Thomson Jr.,  
Attorneys for Appellee

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Before JUDGES GREGORY K. ORME, DAVID N. MORTENSEN, and  
RYAN D. TENNEY.

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PER CURIAM:

¶1 Chad D. Connelley was convicted of two counts of aggravated sexual assault, one count of aggravated assault, one count of aggravated robbery, and three counts of unlawful acquisition of a credit card, all as a result of a violent encounter with a woman, Jessica.<sup>1</sup> On appeal, we are asked to determine whether the district court erred by not merging the unlawful acquisition charges into the aggravated robbery charge, whether the district court adequately resolved Connelley's objections to the presentence investigation report (PSI), and whether the court

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1. A pseudonym.

abused its discretion by ordering that Connelley's sentences run consecutively. Because we agree that the charges should have merged, we vacate the three unlawful acquisition convictions. Additionally, because we agree that the district court did not adequately resolve the objections to the PSI, we remand this matter for the limited purpose of permitting the district court to resolve the objections on the record. However, we conclude that the alleged inaccuracies in the PSI did not impact the court's sentencing decision and that the district court did not abuse its discretion by imposing consecutive sentences under the circumstances presented here, so we therefore affirm Connelley's sentences on the aggravated sexual assault, aggravated assault, and aggravated robbery convictions.

## BACKGROUND

¶2 Jessica encountered Connelley, who was a stranger to her, while she was walking home late at night through a construction site. Connelley grabbed her by the neck and strangled her. When Jessica tried to fight back, Connelley pulled out a pocketknife and threatened her. He then forced her to perform oral sex on him and anally sodomized her. After he was done, Connelley threatened to take Jessica's phone and wallet. She begged him not to take her wallet and offered him her credit cards instead. He also forced Jessica to give him her car keys.

¶3 At trial, Connelley claimed that when he asked Jessica what time it was, she laughed at him like he was "beneath her." He followed her and told her she was a "fuckin' bitch" and that maybe he should "kick her ass." Connelley claimed that Jessica then suggested that he have sex with her instead. Connelley said she then voluntarily performed oral sex on him and allowed him to have anal sex with her. Connelley testified that after a brief conversation following the anal sex, Jessica allowed him to use her phone. The phone case had a pocket for credit cards, and

Connelley took one, intending to steal it. But he testified that Jessica told him that credit card did not work and voluntarily gave him two additional cards.

¶4 Connelley was charged with two counts of aggravated sexual assault, one count of aggravated assault, one count of aggravated robbery (for the car keys), and three counts of unlawful acquisition of a credit card (one for each credit card). Connelley argued that the three counts of unlawful acquisition of credit cards should merge into the aggravated robbery charge. The district court disagreed, and the jury convicted Connelley of all charges.

¶5 At Connelley's sentencing hearing, the court asked defense counsel whether any corrections or additions were needed on the PSI. Defense counsel responded that there were errors in several statements in the PSI: (1) that Connelley's two "prosocial" friends have criminal backgrounds; (2) that he "doesn't have regular communication with any family members, except his mother" and that "many in his family are substance abusers or criminals"; and (3) that he had "[a]t least six violations during [his] current incarceration." After defense counsel identified these concerns, the court responded, "Okay. Anything else?" Counsel responded, "No, Your Honor, that's it." The court did not make any findings regarding the alleged inaccuracies but proceeded with the sentencing hearing.

¶6 The State emphasized Connelley's history of "victimizing people" over many decades. It opined that Connelley had "taken no accountability" and that he was someone who had "done nothing but caused problems to society" and "victimized people to all sorts of extremes, just constantly." The State asked the court to impose the maximum sentences on all charges and to run the sentences consecutively. Jessica then testified about the impact Connelley's actions had on her. She said she believed she was going to die when he attacked her and that she is now "afraid to

leave [her] house or to go anywhere, especially alone and especially at night.” She said she has experienced insomnia, nightmares, flashbacks, and panic attacks and that she also suffered a lot of physical pain after the assault.

¶7 Defense Counsel asked the court to show leniency based on Connelley’s age and pointed out that because Connelley is fifty-two years old, even concurrent sentencing would likely result in an effective “life sentence without possibility of parole.”

¶8 The court observed that Connelley had “a criminal history that goes back almost three decades” and that the attack in this case “was especially brutal” and caused serious harm to Jessica. The court found that imposing any sentence less than fifteen years to life on the aggravated sexual assault convictions would “not be in the interests of justice.” The court also imposed sentences of five years to life on the aggravated robbery conviction, zero to five years on the aggravated assault conviction, and zero to five years on each of the unlawful acquisition convictions.

¶9 The court ordered that the sentences run consecutively to each other and to the sentences imposed against Connelley in two other criminal cases. The court indicated that it had “considered the gravity and the circumstances of the offenses, the number of victims, [and] the history, character, and rehabilitative needs” of Connelley. The court again pointed to Connelley’s lengthy criminal history in both the juvenile and adult criminal system. The court noted that Connelley had already had many previous opportunities to rehabilitate himself. The court characterized the incident as “a violent and disturbing attack . . . on a complete stranger” and stated that the violence Connelley inflicted on Jessica was “horrendous.” It also observed that Connelley’s version of events, which he had “doubled down” on, was “just not credible,” and the court found it troubling that Connelley had “created this narrative that defies credulity” and that he “believe[d] that that’s what happened.” The court expressed its

view that if Connelley were out of custody, he would “attack someone else again.” The court stated that Connelley was a danger to the public, that he had been for almost three decades, and that he would continue to be. The court explained that Connelley’s criminal history and attitude, the violence he inflicted, and the court’s concerns about public safety demonstrated that leniency for Connelley was not appropriate.

## ANALYSIS

### I. Merger

¶10 Connelley first argues that the district court erred by not merging the three charges for unlawful acquisition of a credit card into the aggravated robbery charge. “Merger issues present questions of law, which we review for correctness.” *State v. Lopez*, 2020 UT App 101, ¶ 7, 468 P.3d 604 (cleaned up). The State concedes that the district court erred on this point, and we agree.

¶11 Under the doctrine of merger, if a “greater offense cannot be committed without necessarily having committed the lesser, then the lesser offense merges into the greater crime.” *State v. Calvert*, 2017 UT App 212, ¶ 25, 407 P.3d 1098 (cleaned up). An offense is a lesser offense if it “is established by proof of the same or less than all the facts required to establish the commission of the offense charged.” *Id.* ¶ 24 (cleaned up). Additionally, under Utah’s single-criminal-episode statute, a defendant cannot typically be convicted twice for separate items stolen in the course of the same robbery. *See* Utah Code § 76-1-402; *see also State v. Irvin*, 2007 UT App 319, ¶¶ 18–19, 169 P.3d 798. Connelley’s theft of the car keys and the three credit cards was all part of the same robbery. And while unlawful acquisition may be based on several theories, the variant relied on by the State in this case—that Connelley acquired a “financial transaction card from another without the consent of the card holder”—was a lesser included

offense of the aggravated robbery charge. *See* Utah Code § 76-6-506.3(2)(a). Thus, the three unlawful acquisition charges should have merged into the aggravated robbery charge, and we must vacate Connelley's convictions on those charges.

## II. Objection to the PSI

¶12 Next, Connelley argues that the district court erred by not resolving several alleged inaccuracies in his PSI. "Whether the trial court properly complied with a legal duty to resolve on the record the accuracy of contested information in sentencing reports is a question of law that we review for correctness." *State v. Perez*, 2026 UT App 92, ¶ 19 (cleaned up).

¶13 The statute governing a district court's duty to resolve objections to the accuracy of a PSI was previously found at Utah Code section 77-18-1. In relevant part, that statute read,

Any alleged inaccuracies in the presentence investigation report, which have not been resolved by the parties and the department prior to sentencing, shall be brought to the attention of the sentencing judge, and the judge may grant an additional 10 working days to resolve the alleged inaccuracies of the report with the department. If after 10 working days the inaccuracies cannot be resolved, the court shall make a determination of relevance and accuracy on the record.

Utah Code § 77-18-1(6)(a) (2020). In interpreting that version of the statute, this court has held that to adequately resolve a defendant's objections to a PSI, "the district court *must* do three things: first, consider the objection raised; second, make findings on the record regarding the accuracy of the information at issue; and third, determine on the record the relevance of that

information as it relates to sentencing.” *State v. Monroe*, 2015 UT App 48, ¶ 6, 345 P.3d 755.

¶14 The statute was replaced with a new statute in 2021, however, and that version has since been amended several times. The current version of the controlling statute reads as follows:

(i) If there is an alleged inaccuracy in the presentence investigation report that is not resolved by the parties and the department or law enforcement agency before sentencing:

(A) the alleged inaccuracy shall be brought to the attention of the court at sentencing; and

(B) the court may grant an additional 10 working days after the day on which the alleged inaccuracy is brought to the court's attention to allow the parties and the department to resolve the alleged inaccuracy in the presentence investigation report.

(ii) If the court does not grant additional time under Subsection (5)(a)(i)(B), or the alleged inaccuracy cannot be resolved after 10 working days, *and if the court finds that there is an inaccuracy in the presentence investigation report*, the court shall:

(A) enter a written finding as to the relevance and accuracy of the challenged portion of the presentence investigation report; and

(B) provide the written finding to the department or the law enforcement agency.

Utah Code § 77-18-103(5)(a) (2025) (emphasis added). The amended version of the statute makes a significant change by

adding the condition “if the court finds that there is an inaccuracy in the presentence investigation report” as a prerequisite to the requirement that the court enter written findings regarding relevance and accuracy. *See id.* Thus, “without first finding that [a challenged] statement in the PSI [is] inaccurate, the court [is] not required to make further written findings.” *Perez*, 2026 UT App 92, ¶ 35.

¶15 However, the amendment does nothing to change the first duty of the district court in addressing an objection to a PSI: the court still “*must . . . consider the objection raised.*”<sup>2</sup> *Monroe*, 2015

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2. The State argues that the statute requires a defendant to satisfy certain “prerequisites to trigger a sentencing court’s duty to determine if the [PSI] had an inaccuracy” and to preserve a challenge to the PSI. Specifically, the State reads the statute as requiring the following: (1) the defendant must “make a good faith effort to confer and resolve” the alleged inaccuracy with the opposing party and Adult Probation & Parole (AP&P) before sentencing; (2) at sentencing, the defendant must “explain the efforts made to resolve the allegation and seek additional time to confer and attempt to resolve the allegation”; and (3) if the court does not grant additional time, the defendant must “introduce some supporting evidence” regarding the alleged inaccuracy.

We do not agree with the State that these steps are necessary to trigger the court’s duty to consider or rule on objections to a PSI. The statute does not impose any affirmative duty on the defendant to confer and resolve an objection prior to sentencing, and there is no difference between the previous version of the statute and the current version on that point. Both versions of the statute imply that efforts may be made to resolve the objection before sentencing, and the relevant language has not substantively changed. *Compare* Utah Code § 77-18-1(6)(a) (2020) (requiring that AP&P provide the defendant’s attorney, the prosecutor, and the court with a copy of the PSI “three working  
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UT App 48, ¶ 6. This requires, at a minimum, that the court make a finding as to whether the PSI is inaccurate.<sup>3</sup> Because the statute does not require written findings in the absence of a finding of inaccuracy, the court's finding regarding accuracy need not be explicit. *See Perez*, 2026 UT App 92, ¶ 35. However, the circumstances must make it "reasonable to assume that the court actually made" the finding. *See State v. Samul*, 2018 UT App 117, ¶ 21, 436 P.3d 298, *quoted in Perez*, 2026 UT App 92, ¶ 35.

¶16 Recently, this court held that the district court had adequately resolved a defendant's objection to a PSI, even though it did not make an explicit finding as to accuracy, because it could be inferred from the circumstances that the court had found the challenged statement not to be inaccurate. *See Perez*, 2026 UT App 92, ¶ 35. In that case, the court had "discussed the allegedly inaccurate statement at some length at the sentencing hearing" before ultimately denying the defendant's request for a

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days prior to sentencing" and permitting a defendant to bring "[a]ny alleged inaccuracies in the presentence investigation report, which have not been resolved by the parties and the department prior to sentencing" to the court's attention), *with id.* § 77-18-103(4), (5)(i) (2025) (requiring that AP&P provide the defendant's attorney, the prosecutor, and the court with a copy of the PSI "three working days before the day on which the defendant is sentenced" and permitting a defendant to bring "an alleged inaccuracy in the [PSI] that is not resolved by the parties and the department or law enforcement agency before sentencing" to the attention of the court).

3. To hold otherwise would lead to an absurd result. If the court is not required to make written findings in the absence of a finding that the PSI is inaccurate, but the court also has no duty to make any finding as to accuracy, courts would be free to simply ignore a defendant's objections altogether.

continuance to resolve the objection. *Id.* But the circumstances here are different: the court did not discuss Connelley's objections, and there is no indication from the record that the court considered them. Rather, after Connelley identified three alleged inaccuracies in the PSI, the court responded simply, "Okay. Anything else?"<sup>4</sup> and then continued with the sentencing hearing.

¶17 "Because the statements in a defendant's PSI may be utilized in future settings, such as parole hearings, it is necessary that a defendant's objections be resolved on the record." *Monroe*, 2015 UT App 48, ¶ 7 (cleaned up); accord *State v. Samulski*, 2016 UT App 226, ¶ 18, 387 P.3d 595. Although the current version of the statute no longer requires a court to make written findings unless it first finds that there is an inaccuracy in the PSI, it is still important that the court resolve the defendant's objections on the record. The court in *Perez* did that by discussing the alleged inaccuracies, implicitly rejecting them, and denying a continuance. See *Perez*, 2026 UT App 92, ¶ 35. When a court does not address the objection at all, however, we cannot say that it adequately considered or resolved the objection raised. Cf. *Monroe*, 2015 UT App 48, ¶¶ 6–7. Thus, we must remand this matter "for the limited purpose of resolving [Connelley's] objections to the PSI that were not adequately addressed on the

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4. To be sure, this was the point when defense counsel would have been well-advised to either request a continuance or attempt to put on some evidence to support the challenge to the PSI. But ultimately, the court has a statutory duty to consider and resolve an objection to the accuracy of the PSI, and it did not do so here. Cf. *State v. Samulski*, 2016 UT App 226, ¶¶ 18, 23, 387 P.3d 595 (recognizing that counsel "should have . . . asked the district court to make specific findings on the record" regarding the accuracy of the PSI but resting reversal on the fact that the court failed to fulfill its statutory duty by not making sufficient findings).

record by the district court.” See *Samulski*, 2016 UT App 226, ¶ 19 (cleaned up).<sup>5</sup>

### III. Consecutive Sentencing

¶18 Finally, Connelley asserts that the district court abused its discretion by imposing consecutive sentences for all of his convictions. “In determining whether state offenses are to run concurrently or consecutively, the court shall consider the gravity and circumstances of the offenses, the number of victims, and the history, character, and rehabilitative needs of the defendant.” Utah Code § 76-3-401(2). “An abuse of discretion results when the judge fails to consider all legally relevant factors or if the sentence imposed is clearly excessive.” *State v. Valdovinos*, 2003 UT App 432, ¶ 14, 82 P.3d 1167 (cleaned up). “An appellate court may only find abuse if it can be said that no reasonable person would take the view adopted by the trial court.” *Id.* (cleaned up).

¶19 Connelley asserts that the court did not adequately consider that the interaction between Connelley and Jessica was brief, that there was only one victim, that most of Connelley’s criminal history involved drugs and theft, and that he had never been charged with a sex crime before.<sup>6</sup>

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5. Although Connelley challenges the court’s decision to impose consecutive rather than concurrent sentences, *see infra* section III, he raises other arguments in support of that challenge and does not assert that any of the alleged inaccuracies in the PSI impacted the sentence.

6. Connelley also asserts that the unlawful acquisition charges, in particular, should run concurrently. He argues that those crimes were not violent because Jessica “gave” him the credit cards in exchange for him returning her wallet to her. He asserts that those  
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¶20 When reviewing a district court’s sentencing decision, “we generally presume that the district court appropriately considered all the relevant evidence and statutory factors.” *State v. Valdez*, 2017 UT App 185, ¶ 9, 405 P.3d 952 (cleaned up). While the failure to “consider all legally relevant sentencing factors is an abuse of discretion, a sentencing court is not required to weigh all the factors equally. The fact that the district court assessed the relevant factors differently than a defendant would have liked does not indicate that it exceeded its discretion.” *State v. Wood*, 2018 UT App 98, ¶ 12, 427 P.3d 452 (cleaned up).

¶21 Here, the court was clearly aware of all the factors identified by Connelley, and there is no indication that the court did not consider them. Rather, the court weighed the factors differently than Connelley would have liked. Although Connelley’s encounter with a single victim was not protracted, that encounter was extremely violent and had significant negative consequences for Jessica. Furthermore, although Connelley did not have previous convictions for sex offenses, his criminal history includes past convictions for assault and domestic violence. Moreover, his criminal history is extensive, with over fifty charges and convictions on his adult record alone. Under these circumstances, we are not convinced that the court failed to consider all the legally relevant factors or that no reasonable person would have imposed consecutive sentences.

## CONCLUSION

¶22 Connelley’s three convictions for unlawful acquisition of a credit card are vacated, Connelley’s sentences for the remaining

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offenses were not as “grave” and therefore should not have been treated the same as the other offenses with respect to consecutive sentencing. Because we have vacated the unlawful acquisition convictions, we need not address this argument.

*State v. Connelley*

convictions are affirmed, and this matter is remanded for the limited purpose of having the district court consider and resolve Connelley's objections to the PSI on the record.

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