

## SUMMARY STATEMENT

*State v. Anderson*

Docket Nos. 46565/46566

Justin Lee Anderson appealed from his convictions for lewd and lascivious conduct with a minor under the age of sixteen, sexual abuse of a child under the age of sixteen, and multiple counts of sexual exploitation of a child. He challenged the district court's denial of his motion to sever, admission of Rule 404(b) evidence against him, and delivery of a jury instruction on deliberation that varied from the standard instruction.

The Idaho Supreme Court affirmed in part and reversed in part the district court's rulings. First, the Court held that the district court did not err in denying Anderson's motion to sever because the charges against him were properly joined. Next, the Court reversed the district court's evidentiary rulings with respect to the admission of Rule 404(b) evidence, holding that the district court erred in failing to conduct a Rule 403 balancing test with respect to that evidence. Finally, the Court held the district court did not err in delivering a jury instruction on deliberation that varied from the standard instruction because the instruction did not mislead the jury or prejudice Anderson. After holding that the accumulated errors with respect to the admission of Rule 404(b) evidence were not harmless, the Court vacated Anderson's judgment of conviction and remanded the case for further proceedings.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*