

SUMMARY STATEMENT

State v. Nava

Docket No. 47439

In an appeal arising from Canyon County, the Idaho Supreme Court affirmed Quentin Nava's judgment of conviction for one count of lewd and lascivious conduct and one count of sex abuse. Nava argued that the district court erred when it denied his motion to sever the two counts. He argues that the similarities between the two counts did not constitute a common scheme or plan as to justify joinder of the two charges.

The Idaho Supreme Court initially clarified that the propriety of joinder pursuant to I.C.R. 8 is reviewed *de novo* and prejudicial joinder under I.C.R. 14 is reviewed for an abuse of discretion. Next, the Court held that the district court did not err in denying Nava's motion to sever because the two charges contained sufficient common characteristics to constitute a common scheme or plan. Finally, the Court held that the district court did not abuse its discretion in denying Nava's motion to sever because the joinder was not prejudicial.