

BOISE, IDAHO, FRIDAY, DECEMBER 10, 2021, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

V.

MATTHEW MICHAEL FOX,

Defendant-Appellant.

**Docket Nos. 45832, 45833, 45834,
43835**

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Scott Wayman, District Judge.

Eric D. Fredericksen, State Appellate Public Defender, Boise, for Appellant.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Respondent.

This case concerns challenges to the joinder of charges against a defendant, evidentiary rulings, denial of a motion for mistrial, sentencing decisions, as well as allegations of prosecutorial misconduct. Matthew Michael Fox appeals from his convictions for robbery, aggravated battery, possession of marijuana, and possession of methamphetamine. On appeal, Fox challenges the district court's denial of his motion to sever, arguing the charges against him were not based on the same act or transaction or part of a common scheme or plan. Next, Fox contends the district court improperly admitted 404(b) evidence and hearsay statements. Additionally, Fox contends the district court erred in denying his motion for mistrial, arguing the trial was compromised when a witness impermissibly testified that Fox was involved in additional criminal activity. Finally, Fox claims the district court abused its discretion in sentencing Fox and subsequently denying Fox's motion for reduction of sentence. Fox also argues that the State committed prosecutorial misconduct by misrepresenting the evidence in closing argument.