

BOISE, WEDNESDAY, NOVEMBER 4, 2026, AT 11:15 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	
	)	
v.	)	Docket No. 53828
	)	
YOVANY GARCIA LOPEZ,	)	
	)	
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the Third Judicial District of the State of Idaho,
Canyon County. Randall S. Grove, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

Yovany Garcia Lopez appeals from his judgment of conviction for two counts of lewd conduct with a minor under sixteen, sexual abuse of a child under sixteen, and felony injury to a child. Garcia Lopez argues that the district court abused its discretion when it admitted testimony from an expert witness diagnosing the victim with child sexual abuse during trial.

During Garcia Lopez's trial, Jenna Gere, a nurse practitioner with CARES who examined the victim, testified that she diagnosed the victim with child sexual abuse. Gere based her diagnosis on psychosocial interviews with the victim's mother, her observation of forensic interviews with the victim, and her own physical examinations of the victim. However, during the physical examinations, the victim refused to consent to genital examinations and to leave a urine sample for STD and pregnancy testing. Garcia Lopez objected to the admission of Gere's testimony diagnosing the victim, arguing that the testimony lacked a sufficient scientific basis and methodology to satisfy the requirements of Idaho Rule of Evidence 702. Rather, Garcia Lopez argued that Gere's testimony constituted impermissible vouching of the victim's credibility. The district court overruled the objection and allowed Gere to testify to her diagnosis of the victim.

After a jury found Garcia Lopez guilty on all counts, he appealed his conviction. On appeal, Garcia Lopez renews his argument that the district court abused its discretion by allowing Gere to testify to her diagnosis of the victim because the diagnosis is not based on sufficient science or methodology and constitutes impermissible vouching. The State argues that Gere was properly qualified as an expert to give the testimony, that the district court properly found Gere's testimony was supported by a sufficient indication of reliability to satisfy Idaho Rule of Evidence 702, that the testimony did not constitute vouching, and that any error in admitting Gere's testimony was harmless. The Idaho Court of Appeals affirmed the district court. Garcia Lopez then petitioned for review with the Idaho Supreme Court, which granted review of the case.