

Chapter 6

Joinder and Severance

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This chapter focuses on issues that arise when a defendant is charged with multiple offenses or when several defendants are charged with related offenses. Counsel then must decide whether to pursue joinder of offenses or defendants for trial or, if the State moves for joinder, to request severance of offenses or codefendants. The joinder or severance of offenses, and the joinder or severance of defendants, present distinct legal issues. Section 6.1 discusses the joinder and severance of offenses. Section 6.2 discusses the joinder and severance of defendants. The right to joinder or severance is primarily statutory, although certain constitutional protections also apply. To preserve your client's rights, you must comply with certain procedural requirements, discussed in Section 6.3.