

Rule Change 2002(11)

**The Colorado Rules of Criminal Procedure
Chapter 29. Colorado Rules of Criminal Procedure
For All Courts of Record In Colorado**

The following rule is amended as of September 12, 2002:

Rule 8. Joinder of Offenses and of Defendants

(a) Joinder of Offenses.

(1) **Mandatory Joinder.** If several offenses are actually known to the prosecuting attorney at the time of commencing the prosecution and were committed within his judicial district, all such offenses upon which the prosecuting attorney elects to proceed must be prosecuted by separate counts in a single prosecution if they are based on the same act or series of acts arising from the same criminal episode. Any such offense not thus joined by separate count cannot thereafter be the basis of a subsequent prosecution; except that, if at the time jeopardy attaches with respect to the first prosecution against the defendant, the defendant or counsel for the defendant actually knows of additional pending prosecutions that this subsection (a)(1) requires the prosecuting attorney to charge and the defendant or counsel for the defendant fails to object to the prosecution's failure to join the charges, the defendant waives any claim pursuant to this subsection (a)(1) that a subsequent prosecution is prohibited.

(2) **Permissive Joinder.** [***NO CHANGE]

(b) **Joinder of Defendants.** [***NO CHANGE]

Amended and Adopted by the Court, En Banc, September 12, 2002, effective January 1, 2003.

BY THE COURT:

**Alex J. Martinez
Justice, Colorado Supreme Court**