

Rule 8. Joinder of Offenses and of Defendants

(a) Joinder of Offenses. The indictment or information may charge a defendant in separate counts with 2 or more offenses if the offenses charged—whether felonies or misdemeanors or both—are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

(b) Joinder of Defendants. The indictment or information may charge 2 or more defendants if they are alleged to have participated in the same act or transaction, or in the same series of acts or transactions, constituting an offense or offenses. The defendants may be charged in one or more counts together or separately. All defendants need not be charged in each count.

COMMENT TO 2016 AMENDMENTS

With one proviso, this rule has been redrafted to conform to the general restyling of the federal rules in 2002. Paragraph (a) conforms to the federal rule's stylistic changes only up to the word "are." Adopting the other changes to paragraph (a) of the federal rule would make this rule differ from Title 23 of the D.C. Code, which provides for joinder of offenses that "are of the same or similar character or are based on the same act or transaction *or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.*" D.C. Code § 23-311 (a) (2012 Repl.) (emphasis added). The 2002 amendments of the federal rule eliminated the italicized language from paragraph (a), and rephrased the remainder of the paragraph. This rule retains all of the quoted language and thus conforms to D.C. Code § 23-311 (2012 Repl.).

Paragraph (b) is identical to its federal counterpart.