**STATE OF ILLINOIS**

 **IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT**

 **COUNTY OF DU PAGE**

PEOPLE OF THE STATE OF ILLINOIS )

 PLAINTIFF, )

)

) CRIMINAL

VS ) No.

)

)

 )

DEFENDANT. )

 **MOTION FOR SEVERANCE**

NOW COMES the Defendant, , by his attorney, , pursuant to Illinois Compiled Statutes, Chapter 725, Section 5/114-8, and the Due Process and Equal Protection Clauses of the 14th Amendment to the United States Constitution, and moves for the entry of an order severing his trial under this Information from the trial of Defendant, . In support of this motion, defendant states:

1. That in addition to the moving defendant, is jointly charged with the offense of .

2. That petitioner, , has been informed and believes the fact to be that co-defendant, has made written and/or oral statements implicating .

3. That petitioner further believes that the statements made by , even if properly admissible into evidence against , are not admissible against , because the admission of such statements violates his right to confront and cross-examine adverse witnesses, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution.

4. Your petitioner has been informed and believes the fact to be that co-defendant , intends to invoke his privilege against self-incrimination by refusing to take the witness stand in his own defense.

5. Your petitioner further believes that the defense of the co-defendant, , is in conflict with, inconsistent with and antagonistic toward your petitioner's defense, and that unless a severance is granted to your petitioner, he cannot obtain a fair and impartial trial as guaranteed by the Fifth, Sixth and Fourteenth Amendments to the United States Constitution because of the prejudice created by the inconsistent, conflicting and antagonistic defense of co-defendant .

WHEREFORE, Defendant, prays that this Honorable Court enter an order granting him a severance of the trial of this case from the trial of , and that this Court try petitioner in a separate trial.

 , Defendant

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 , His Attorney