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SENATE RESOLUTION

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WHEREAS, When co-defendants are represented by the same attorney, that attorney is ethically required to provide the same defense to all defendants and cannot defend one of the co-defendants by implicating another co-defendant; and

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WHEREAS, When the public defender is appointed to represent co-defendants in a capital case, the public defender may be unable to present the best defense for each co-defendant because of the possible harm to the defense of other co-defendants; and

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WHEREAS, The Illinois Supreme Court has the authority to require separate counsel for each co-defendant in capital cases; therefore be it

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RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we respectfully urge the Illinois Supreme Court to adopt rules that require, in capital cases with co-defendants, that the public defender be appointed to represent only one co-defendant; that each co-defendant has his or her own counsel, either retained by the co-defendant or appointed by the court; and be it further

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RESOLVED, That a copy of this resolution be delivered to the Illinois Supreme Court.

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