

SUPREME COURT OF LOUISIANA

*NO. 94-KA-0025*

STATE OF LOUISIANA

Versus

LAWSON EUGENE STRICKLAND

CALOGERO, Chief Justice, concurs.

I concur, but write separately to stress that this Court's decision merely limits the breadth of State v. McZeal, 352 So. 2d 592 (La. 1977) (on reh'g) by abandoning its prejudice per se standard for appellate review of improperly joined offenses. McZeal's explanation of the four modes by which an accused may be tried is still entirely relevant at the pretrial stage. Upon pretrial motion of defense counsel, severance is mandatory if all charged offenses are not properly triable by the same one of those four trial modes.