

COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the eighth day of July, in the year two thousand and twenty:

present,

<u>RALPH D. GANTS</u>)	Chief Justice
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<u>BARBARA A. LENK</u>)	
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<u>FRANK M. GAZIANO</u>)	Justices
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<u>DAVID A. LOWY</u>)	
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<u>KIMBERLY S. BUDD</u>)	
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<u>ELSPETH B. CYPHER</u>)	
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<u>SCOTT L. KAFKER</u>)	

ORDERED: That the Massachusetts Rules of Criminal Procedure adopted by order dated October 19, 1978, as amended, to take effect on July 1, 1979, are hereby amended as follows:

Rule 12 By deleting the current Mass. R. Crim. P. 12 (c)(3)(A)(iii) and inserting in lieu thereof the following:

(iii) that, if the defendant is not a citizen of the United States, the guilty plea, plea

of nolo contendere, or admission may have the consequence of deportation, exclusion of admission, or denial of naturalization.

Rule 12

By deleting the current Mass. R. Crim. P. 12 (d)(3)(A)(iii) and inserting in lieu thereof the following:

(iii) that, if the defendant is not a citizen of the United States, the guilty plea, plea of nolo contendere, or admission may have the consequence of deportation, exclusion of admission, or denial of naturalization.

Rule 19

By deleting the current Mass. R. Crim. P. 19 (a) and (b) and inserting in lieu thereof the following:

(a) General. Where the defendant has the right to be tried by a jury, the defendant may waive the right to be tried by a jury, provided that the judge determines after a colloquy that such waiver is knowing and voluntary, and the defendant signs a written waiver, which shall be filed with the court. If there is more than one defendant, each must waive the right to trial by jury, unless the judge exercises discretion to sever the cases. The judge may refuse to approve such a waiver for any good and sufficient reason provided that such refusal is given in open court and on the record.

(b) Less Than a Full Jury. If after jeopardy attaches there is at any time during the progress of a trial less than a full jury remaining, a defendant may waive the right to be tried by a full jury, provided that the judge determines after a colloquy that such waiver is knowing and voluntary. The defendant shall sign a written waiver, which shall be filed with the court. If there is more than one defendant, each must waive the right to be tried by a full jury unless the judge exercises discretion to sever the cases.

The amendments accomplished by this order shall take effect on September 1, 2020.

ORDERED:

<u>RALPH D. GANTS</u>)	Chief Justice
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<u>BARBARA A. LENK</u>)	
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