

**Defendant's Waiver of Jury of 12
and Consent to Jury of 6**

Docket No.

**Trial Court of Massachusetts
The Superior Court**

Commonwealth v.

County

Trial by Jury of 6 is Permitted in Superior Court

Because of the health risks from the COVID-19 pandemic, the Supreme Judicial Court temporarily suspended jury trials, and has directed that jury trials resume with juries of six first. At present, it is uncertain when a trial before a jury of twelve will be available in this case. The purpose of this form is to allow you, if you want, to agree to a trial by six jurors instead of twelve jurors.

Defendant's Waiver of Jury of 12 and Consent to Jury of 6

I hereby voluntarily give up my right to a trial by a jury of twelve in this case and instead agree to a trial by a jury of six. My decision to choose a jury of six is my own, and I make it knowingly and intelligently. My decision is not the result of force, threats, pressure, assurances, or promises.

I am satisfied that my attorney has represented me in an effective and competent manner. I have had enough time to talk with my attorney about my right to a jury of twelve and my option to waive that right and proceed with a jury of six. I understand that, with a jury of six, no matter how many alternate jurors are empaneled, I will be limited to four peremptory challenges and so will the Commonwealth. If additional defendants are being tried by the same six-person jury, the Commonwealth will have as many peremptories as equal the total number to which all defendants are entitled.

I am not now on, or under the influence of, any drug, medication, liquor, or other intoxicant or depressant that would impair my ability to fully understand the right to a jury of twelve that I am waiving by agreeing to a jury of six.

I am not aware of any mental illness, condition, or defect that would impair my ability to fully understand the right to a twelve-person jury that I am waiving.

Name of defendant: _____

Signature: _____ Date: _____

Counsel's Approval

I have discussed the defendant's right to a jury of twelve and the defendant's option to waive that right and proceed with a jury of six.

I am satisfied that the defendant understood my explanation and the consequences of waiving the right to a jury of twelve and proceeding with a jury of six. Also, I am satisfied that the defendant is not under the influence of any drug, medication, liquor, or other intoxicant that could impair the defendant's ability to fully understand the right that he or she is waiving. I am not aware of any mental illness, condition, or defect that would impair the defendant's ability to fully understand the right to a twelve-person jury that the defendant is waiving.

I represent to the Court that the defendant has signed this document in my presence freely, willingly, and voluntarily.

Signature of attorney: _____ BBO # _____

Date: _____