

<b>TRIAL COURT OF MASSACHUSETTS BOSTON MUNICIPAL COURT DEPARTMENT</b>	DIVISION _____
COMMONWEALTH vs. _____ Defendant's Name	DOCKET NUMBER _____

**ELECTION AS TO TRIAL**  
(Mass. R. Crim. P. 11 (b), 11 (c); Dist./Mun. Cts. R. Crim. P. 4 (e))  
*(To be completed after all discovery is completed)*

The Defendant elects a trial by       JURY                       JUDGE WITHOUT A JURY

Date: \_\_\_\_\_  
Defendant's Signature
Defense Counsel's Signature

**WAIVER OF RIGHT TO BE TRIED BY JURY** (G.L. c. 263, § 6)  
*(To be completed only if defendant elects trial without jury)*

I, the undersigned Defendant, have been informed of my right to be tried by a jury. I understand that right. I have decided to waive that right. I HAVE CHOSEN TO BE TRIED BY THE COURT WITHOUT A JURY.

Date: \_\_\_\_\_                      Defendant's Signature: \_\_\_\_\_

**DEFENSE COUNSEL'S CERTIFICATE** (G.L. c. 218, § 26A)  
*(To be completed only if defendant elects trial without jury)*

I, the undersigned counsel for the above-named Defendant in the case captioned above, certify that with regard to the waiver of the right to jury trial, I have explained the following to said Defendant:

- That the jury consists of members of the community;
- That the defendant may participate in their selection;
- That the jury just decide guilt or innocence while the judge makes rulings of law in the course of the trial and instructs the jury on the law, and imposes sentence in the case of guilt; and
- That when a jury is waived, the judge alone decides guilt or innocence in accordance with the facts and the law.

Date: \_\_\_\_\_                      Defense Counsel's Signature: \_\_\_\_\_