

## **SAC Rules of Criminal Procedure**

### **Recommended Changes to Mass. R. Crim. P. 19(a)**

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**(a) General.** A case in which the defendant has the right to be tried by a jury shall so be tried unless the defendant waives a jury trial in writing with the approval of the judge and files the waiver with the court, in which instance the defendant shall be tried by the judge instead of by a jury. If there is more than one defendant, all must waive the right to trial by jury, and if they do not so waive, there must be a jury trial 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.