

SAC Rules of Criminal Procedure

Recommended Changes to Mass. R. Crim. P. 19(b) - Redlined Version

(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~~his right to be tried by a full jury, provided that the judge determines after a colloquy that such waiver is knowing and voluntary, and request trial by the remaining jurors by signing ~~The defendant shall sign~~ a written waiver, which shall be filed with the court. If there is more than one defendant, ~~each~~all must ~~waive the right to be tried by a full jury~~sign and file a waiver unless the ~~judge exercises discretion to~~court in its discretion severs the cases.