

SAC Rules of Criminal Procedure

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

(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, the trial judge may allow the defendant to waive the right to be tried by a full jury, after determining at 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 case.