

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, the trial judge may allow the ~~a~~ defendant to ~~may~~ waive ~~his~~ the right to be tried by a full jury, after determining at a colloquy that such waiver is knowing and voluntary. The defendant shall ~~and request trial by the remaining jurors by signing~~ 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 ~~all must sign and file a waiver~~ unless the ~~court~~ judge exercises ~~in its~~ discretion to ~~severs~~ the cases.