

COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and  
for said Commonwealth on the seventeenth day of July, in  
the year two thousand and nineteen:

present,

<u>RALPH D. GANTS</u>	)	Chief Justice
	)	
<u>BARBARA A. LENK</u>	)	
	)	
<u>FRANK M. GAZIANO</u>	)	Justices
	)	
<u>DAVID A. LOWY</u>	)	
	)	
<u>KIMBERLY S. BUDD</u>	)	
	)	
<u>ELSPETH B. CYPHER</u>	)	
	)	
<u>SCOTT L. KAFKER</u>	)	

ORDERED: That the Massachusetts Rules of Criminal  
Procedure adopted by order dated October 19,  
1978, as amended, to take effect on July 1,  
1979, are hereby amended as follows:

Rule 12 By inserting a new Rule 12(b)(6) as attached.

The amendment accomplished by this order shall take effect on September 1, 2019.

ORDERED:

<u>RALPH D. GANTS</u>	)	Chief Justice
	)	
<u>BARBARA A. LENK</u>	)	
	)	
<u>FRANK M. GAZIANO</u>	)	Justices
	)	
<u>DAVID A. LOWY</u>	)	
	)	
<u>KIMBERLY S. BUDD</u>	)	
	)	
<u>ELSPETH B. CYPHER</u>	)	
	)	
<u>SCOTT L. KAFKER</u>	)	

Mass. R. Crim. P. 12(b)(6)

(6) Pleas Reserving Appellate Review. With the written agreement of the prosecutor, the defendant may tender a plea of guilty or an admission to sufficient facts while reserving the right to appeal any ruling or rulings that would, if reversed, render the Commonwealth's case not viable on one or more charges. The written agreement must specify the ruling or rulings that may be appealed, and must state that reversal of the ruling or rulings would render the Commonwealth's case not viable on one or more specified charges. The judge, in an exercise of discretion, may refuse to accept a plea of guilty or an admission to sufficient facts reserving the right to appeal. If the defendant prevails in whole or in part on appeal, the defendant may withdraw the guilty plea or the admission to sufficient facts on any of the specified charges. If the defendant withdraws the guilty plea or the admission to sufficient facts, the judge shall dismiss the complaint or indictment on those charges, unless the prosecutor shows good cause to do otherwise. The appeal shall be governed by the Massachusetts Rules of Appellate Procedure, provided that a notice of appeal is filed within thirty days of the acceptance of the plea.