

By Mr. Umana, petition of Mario Umana, John R. Sennott, Jr., and George W. Spartichino for legislation to provide that any defendant found guilty of a misdemeanor in any district court in the county of Middlesex may appeal and claim a jury of six in the third district court of Eastern Middlesex. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT PROVIDING THAT ANY DEFENDANT FOUND GUILTY OF A MISDEMEANOR IN ANY DISTRICT COURT IN THE COUNTY OF MIDDLESEX MAY APPEAL AND CLAIM A JURY OF SIX IN THE THIRD DISTRICT COURT OF EASTERN MIDDLESEX.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Any defendant, in any district court of Middle-
2 sex county, found guilty of a violation of a by-law, order,
3 ordinance, rule or regulation made by a city or town or public
4 officer or of any other misdemeanor, except libel, may appeal
5 and claim a jury of six in the third district court of eastern
6 Middlesex. By claiming such appeal, the said claimant shall
7 be deemed to have waived any claim of appeal to a trial by a
8 jury in the superior court or other disposition in said superior
9 court.

10 Any defendant, found guilty in any district court of Mid-
11 dlesex county, of a violation of any of the offenses enumer-
12 ated in the first paragraph of this section who has appealed
13 to the superior court, may at any time before trial on such
14 appeal, claim a trial by a jury of six in the third district court
15 of eastern Middlesex and by so doing shall be deemed to have
16 waived any right to a trial by a jury in the superior court or
17 other disposition in said superior court. When a claim for a
18 trial by a jury of six in the third district court of eastern
19 Middlesex has been made under the provisions of this para-

20 graph, the clerk of the superior court shall forthwith forward
21 to the clerk of said third district court of eastern Middlesex
22 all the papers in the case which have been filed in the superior
23 court.

24 The justice presiding at such session over a jury of six in
25 said third district court of eastern Middlesex shall have and
26 exercise all the powers and duties which a justice of the su-
27 perior court has, and may exercise in the trial and disposition
28 of such cases.

29 No justice so sitting shall act in a case in which he has
30 either sat or held an inquest in the district court or otherwise
31 has an interest.

32 Trials by such juries of six in said third district court of
33 eastern Middlesex shall proceed in accordance with the pro-
34 visions of law applicable to trials by jury in the superior
35 court, except that the number of peremptory challenges shall
36 be limited to two to each defendant, and the commonwealth
37 shall be entitled to as many such challenges as equal the whole
38 number to which all of the defendants in the case are entitled.
39 Jurors shall be drawn from the pool of jurors available for
40 the jury sessions in either civil or criminal sessions in the
41 superior court for Middlesex county. Either of the full time
42 justices of the third district court of eastern Middlesex shall
43 arrange jury sessions in his court and assign full time jus-
44 tices thereto, to the end that there may be a speedy disposi-
45 tion of cases tried by a jury in said court. In the event of a
46 trial by a jury of six in the third district court of eastern
47 Middlesex, review may be had directly by the supreme judi-
48 cial court, by a bill of exceptions, appeal, report or otherwise
49 in the same manner provided for trials by jury in the superior
50 court.

1 SECTION 2. Chapter five hundred and ninety-nine of the
2 acts of nineteen hundred and sixty-one is hereby repealed.

1 SECTION 3. The county commissioners of the county of
2 Middlesex are hereby authorized and directed to provide ad-
3 ditional facilities within the court house of the third district
4 court of eastern Middlesex for the purpose of carrying out
5 the provisions of this act.

1 SECTION 4. Section 10 of chapter 218 of the General Laws
2 is hereby amended by inserting after the third paragraph, in-
3 serted by chapter 772 of the acts of 1960, the following para-
4 graph: — A fourth assistant clerk with salary payable by
5 the county shall be appointed in the third district court of
6 eastern Middlesex.

1 SECTION 5. Section 61 of said chapter 218 is hereby
2 amended by striking out the first sentence and inserting in
3 place thereof the following sentence: — Court officers in dis-
4 trict courts shall be appointed by the justice of the court, or,
5 in the case of the municipal court of the city of Boston, by a
6 majority of the justices, or, in the case of court officers ap-
7 pointed in the third district court of eastern Middlesex to
8 serve in jury sessions, such court officers shall be appointed by
9 the justices of said court, and may likewise be removed for
10 any cause considered by such justice or majority or justices
11 to be sufficient, and any vacancy caused by removal or other-
12 wise may likewise be filled.

1 SECTION 6. Said chapter 218 is hereby further amended by
2 striking out section 62, as most recently amended by section 1
3 of chapter 601 of the acts of 1957, and inserting in place
4 thereof the following section: — *Section 62.* In the municipal
5 court of the city of Boston the court officers appointed shall
6 not exceed ten for criminal business, one of whom shall be
7 designated by the chief justice as chief court officer of said
8 court for criminal business and one as an assistant chief court
9 officer, nor five for civil business, one of whom shall be desig-
10 nated by said chief justice as chief court officer of said court
11 for civil business; in the municipal court of the Roxbury dis-
12 trict six court officers may be appointed; in the third district
13 court of eastern Middlesex two court officers shall be ap-
14 pointed; in the central district court of Worcester four court
15 officers shall be appointed; in the municipal court of the Dor-
16 chester district and in the municipal court of the West Rox-
17 bury district three court officers may be appointed; in the
18 municipal court of the South Boston district, of the Charles-
19 town district, the East Boston district court, the district court

20 of Chelsea, the first district court of eastern Middlesex, the
21 second district court of eastern Middlesex, the district court
22 of Springfield, the district court of Somerville and the dis-
23 trict court of East Norfolk two court officers for each court
24 may be appointed; and in each of the other district courts in
25 the commonwealth one court officer may be appointed.