

By Mr. Weinberg of Boston, petition of Norman S. Weinberg that defendants found guilty of a misdemeanor in the district courts in Norfolk County be permitted an appeal and a claim to a jury of six in the District Court of East Norfolk. The Judiciary.

The Commonwealth of Massachusetts

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

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

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

9 Any defendant, found guilty in any district court of Norfolk
10 county, of a violation of any of the offenses enumerated in the
11 first paragraph of this section who has appealed to the superior
12 court, may at any time before trial on such appeal, claim a
13 trial by a jury of six in the district court of East Norfolk and
14 by so doing shall be deemed to have waived any right to a trial
15 by a jury in the superior court or other disposition in said supe-
16 rior court. When a claim for a trial by a jury of six in the dis-
17 trict court of east Norfolk has been made under the provisions
18 of this paragraph, the clerk of the superior court shall forth-
19 with forward to the clerk of said district court of East Norfolk
20 all the papers in the case which have been filed in the superior
21 court.

22 The justice presiding at such session over a jury of six in
23 said district court of East Norfolk shall have and exercise all
24 the powers and duties which a justice of the superior court
25 has, and may exercise in the trial and disposition of such cases.

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

29 Trials by such juries of six in said district court of East
30 Norfolk shall proceed in accordance with the provisions of law
31 applicable to trials by jury in the superior court, except that
32 the number of peremptory challenges shall be limited to two to
33 each defendant, and the commonwealth shall be entitled to as
34 many such challenges as equal the whole number to which all
35 of the defendants in the case are entitled. Jurors shall be drawn
36 from the pool of jurors available for the jury sessions in either
37 civil or criminal sessions in the superior court for Norfolk
38 county. The justice of the district court of East Norfolk shall
39 arrange jury sessions in said court and assign justices thereto,
40 to the end that there may be a speedy disposition of cases tried
41 by a jury in said court. In the event of a trial by a jury of six
42 in the district court of East Norfolk, review may be had di-
43 rectly by the supreme judicial court, by a bill of exceptions,
44 appeal, report or otherwise in the same manner provided for
45 trials by jury in the superior court.

1 SECTION 2. Section one of this act shall take effect on Sep-
2 tember first, nineteen hundred and sixty-four and shall become
3 inoperative on July first, nineteen hundred and sixty-six.