

CPL ARTICLE 320:
WAIVER OF JURY (SUPERIOR COURT).

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Defendant may waive jury as of right, at any time before trial, for any charge
EXCEPT: Murder 1.

Waiver shall be written, signed by defendant in open court. The Court *must* accept it UNLESS: it be a "stratagem" to obtain an otherwise impermissible procedural advantage; **OR:** if the defendant does not comprehend rights/consequences. If the Court refuses on such grounds, must state reasons on record.

When jury is waived, case shall be tried by a single judge of the Superior Court where action pending = "exclusive trier of fact".

Order of "*bench*" trial is the same as for jury; motion procedure shall also be consistent with same where practicable.

Before summations, judge must designate on record what counts/defendants will be under consideration (which shall be the same generally as those which would be submitted to a jury).