

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK, SS.

SJC-13093

COMMONWEALTH vs. MARTIN P. CURRAN.

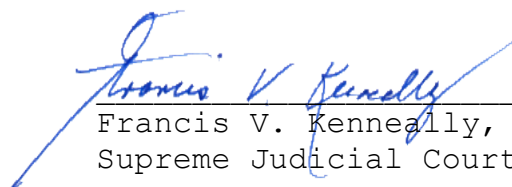
ORDER

The conviction of the defendant, Martin P. Curran, is affirmed. In the exercise of the general superintendence powers of this court, see G. L. c. 211, § 3, we provide the following guidance to be used prospectively by trial judges in the event that a virtual bench trial is contemplated in criminal cases.

Prior to the commencement of such a trial, the judge shall obtain a defendant's assent to a virtual bench trial on the record. In so doing, the judge shall satisfy him- or herself that the defendant understands that he or she has the option of appearing in person. In addition, the judge shall explain to the defendant the procedure to be followed during the trial, including how to communicate with counsel, and the arrangements made for witness testimony and the public's access to the proceedings. Finally, the judge shall ensure that the defendant has had an opportunity to discuss the decision to proceed with a virtual bench trial with trial counsel. This guidance shall apply to cases tried after the date of this order.

The Reporter of Decisions will publish this order, and the Clerk will provide a copy of the order to the Chief Justice of the Trial Court, who is asked to ensure that it is distributed promptly to the affected departments of the Trial Court. Opinion or opinions to follow.

By the Court,


Francis V. Kenneally, Clerk
Supreme Judicial Court

Entered: September 29, 2021