

COMMONWEALTH OF MASSACHUSETTS

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At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twenty ninth day of April, in the year of our Lord two thousand and fifteen:

present,

<u>HON. RALPH D. GANTS</u>	)	Chief Justice
	)	
<u>HON. FRANCIS X. SPINA</u>	)	
	)	
	)	
<u>HON. ROBERT J. CORDY</u>	)	Justices
	)	
	)	
<u>HON. MARGOT BOTSFORD</u>	)	
	)	
	)	
<u>HON. FERNANDE R.V. DUFFLY</u>	)	
	)	
	)	
<u>HON. BARBARA A. LENK</u>	)	
	)	
	)	
<u>HON. GERALDINE S. HINES</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 23                      By inserting the new Rule 23, attached hereto.

The amendment accomplished by this order shall take effect on July 1, 2015.

ORDERED:

<u>RALPH D. GANTS</u>	)	Chief Justice
	)	
<u>FRANCIS X. SPINA</u>	)	
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<u>ROBERT J. CORDY</u>	)	Justices
	)	
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<u>MARGOT BOTSFORD</u>	)	
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<u>FERNANDE R.V. DUFFLY</u>	)	
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<u>BARBARA A. LENK</u>	)	
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	)	
<u>GERALDINE S. HINES</u>	)	

## **Rule 23 STIPULATIONS**

**(a) Essential Elements.** Any stipulation to an essential element of a charged offense entered by the parties before or during trial shall be in writing and signed by the prosecutor, the defendant, and defense counsel. Any such stipulation shall be read to the jury before the close of the Commonwealth's case and may be introduced into evidence.

**(b) Other Stipulations.** Any other stipulation shall be placed on the record before the close of evidence and may be read or otherwise communicated to the jury or introduced into evidence in the discretion of the court.