**Rule 223 – Working Proposals**

**Version 11-3-2017**

**Rule 223. Trial by Jury or by the Court.**

**(a) Trial by Jury.** Trial shall be to the court, unless the defendant is entitled to a jury trial under the constitution, ordinance, charter, ~~or~~ general laws of the state, or carries the possible penalty of imprisonment, in which case the defendant shall have a jury, if, within 21 days after arraignment or entry of a plea, the defendant files with the court a written jury demand and at the same time tenders to that court a jury fee of $25, unless the fee is waived by the judge because of the indigence of the defendant. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant, having paid the jury fee, files with the court at least 7 days before the scheduled trial date a written waiver of jury trial, the jury fee shall be refunded. A defendant who fails to file with the court the written jury demand as provided above waives the right to a jury trial.

**(b) Numbers of Jurors.** When a jury trial is granted pursuant to section (a) of this Rule, the jury shall consist of three jurors unless a greater number, not to exceed six, is requested by the defendant in the jury demand.

**(c) Trial Without a Jury.** In a case tried without a jury, the court shall make a general finding and in addition on request shall make oral findings of fact and conclusions of law.