§ 340.40 Modes of trial.

1. Except as otherwise provided in this section, a trial of an information in a local criminal court must be a single judge trial.

2. In any local criminal court a defendant who has entered a plea of not guilty to an information which charges a misdemeanor must be accorded a jury trial, conducted pursuant to article three hundred sixty. The defendant may at any time before trial waive a jury trial in the manner prescribed in subdivision two of section 320.10 of this chapter, and consent to a single judge trial.

3. A defendant entitled to a jury trial pursuant to subdivision two of this section, shall be so entitled even though the information also charges an offense for which he is otherwise not entitled to a jury trial. In such case, the defendant is not entitled both to a jury trial and a separate single judge trial and the court may not order separate trials.

4. Notwithstanding any other provision of law, in any local criminal court the trial of a person who is an eligible youth within the meaning of the youthful offender procedure set forth in article seven hundred twenty of this chapter and who has not prior to commencement of the trial been convicted of a crime or adjudicated a youthful offender must be a single judge trial.