

**39-6-56 Rehearing ordered by convening authority -- Grounds -- Procedure.**

- (1)
  - (a) If the convening authority disapproves the findings and sentence of a military court he may, except if there is lack of sufficient evidence in the record to support the findings, order a rehearing, and shall state the reasons for disapproval.
  - (b) If he disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges.
- (2)
  - (a) Each rehearing shall take place before a military court composed of members who are not members of the military court that first heard the case.
  - (b) At rehearing, the accused may not be tried for any offense of which he was found not guilty by the first military court. A sentence imposed may not exceed or be more severe than the original sentence, unless based on a finding of guilty regarding an offense not considered on the merits in the original proceedings.

Amended by Chapter 15, 1989 General Session