

**39-6-37 Second trial on an offense prohibited.**

- (1) A person may not, without his written consent, be brought to trial a second time in any military or civilian court of the state for the same offense.
- (2) A proceeding in which an accused has been found guilty by a military court upon any charge or specification, is not a trial under this section until the finding of guilty has become final and the review of the case has been completed.
- (3) A proceeding that, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial under this section.

Enacted by Chapter 210, 1988 General Session