

WEST VIRGINIA CODE: §15-1E-44

§15-1E-44. Former jeopardy.

- (a) No person may, without his or her consent, be tried a second time for the same offense.
- (b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.
- (c) A proceeding which, 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 in the sense of this article.