## WEST VIRGINIA CODE: §15-1E-50

## §15-1E-50. Admissibility of records of courts of inquiry.

- (a) In any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.
- (b) Such testimony may be read in evidence only by the defense in cases extending to the dismissal of a commissioned officer.
- (c) Such testimony may also be read in evidence before a court of inquiry.