

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 37
ERRORS AND MISTAKES

19-3701. DEFECTIVELY ENTITLED AFFIDAVIT VALID. It is not necessary to entitle an affidavit or deposition in the action, whether taken before or after indictment, or upon an appeal; but if made without a title, or with an erroneous title, it is as valid and effectual for every purpose as if it were duly entitled, if it intelligibly refer[s] to the proceeding, indictment or appeal in which it is made.

[(19-3701) Cr. Prac. 1864, sec. 587, p. 285; R.S., R.C., & C.L., sec. 8234; C.S., sec. 9190; I.C.A., sec. 19-3601.]

19-3702. IMMATERIAL ERRORS DISREGARDED. Neither a departure from the form or mode prescribed by this code in respect to any pleading or proceeding, nor an error or mistake therein, renders it invalid, unless it has actually prejudiced the defendant, or tended to his prejudice in respect to a substantial right.

[(19-3702) Cr. Prac. 1864, sec. 588, p. 285; R.S., R.C., & C.L., sec. 8236; C.S., sec. 9191; I.C.A., sec. 19-3602.]