

WEST VIRGINIA CODE: §15-1E-59

PART IX. POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL.

§15-1E-59. Error of law; lesser included offense.

- (a) A finding or sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.
- (b) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.