

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.