

**UNITED STATES AIR FORCE  
COURT OF CRIMINAL APPEALS**

---

**No. ACM S32454**

---

**UNITED STATES**

*Appellee*

v.

**Donald A. DEVITO**

Senior Airman (E-4), U.S. Air Force, *Appellant*

---

Appeal from the United States Air Force Trial Judiciary

Decided 16 November 2017

---

*Military Judge:* Marvin W. Tubbs II.

*Approved sentence:* Bad-conduct discharge, confinement for 60 days, reduction to E-1, and forfeiture of \$1,000.00 pay per month for 2 months. Sentence adjudged 24 January 2017 by SpCM convened at Vance Air Force Base, Oklahoma.

*For Appellant:* Lieutenant Colonel Judith A. Walker, USAF; Major Jarett Merk, USAF.

*For Appellee:* Major Mary Ellen Payne, USAF.

Before HARDING, SPERANZA, and HUYGEN, *Appellate Military Judges*.

---

**This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.**

---

PER CURIAM:

The approved findings and sentence are correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Articles 59(a) and 66(c), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a), 866(c).

Accordingly, the approved findings and sentence are **AFFIRMED**.



FOR THE COURT

*Kathleen M. Potter*

KATHLEEN M. POTTER  
Acting Clerk of the Court