

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

No. ACM S32678

UNITED STATES
Appellee

v.

Joshua A. SINGH
Airman First Class (E-3), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary
Decided 25 January 2022

Military Judge: James R. Dorman.

Sentence: Sentence adjudged on 15 October 2020 by SpCM convened at Joint Base Pearl Harbor-Hickam, Hawaii. Sentence entered by military judge on 8 November 2020: Bad-conduct discharge, confinement for 45 days, and reduction to E-1.

For Appellant: Major Amanda E. Dermady, USAF; Major Kasey W. Hawkins, USAF; Major Sara J. Hickmon, USAF.

For Appellee: Mary Ellen Payne, Esquire.

Before LEWIS, ANNEXSTAD, and MEGINLEY, *Appellate Military Judges*.

This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.

PER CURIAM:

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

866(d) (*Manual for Courts-Martial, United States* (2019 ed.)). Accordingly, the findings and sentence are **AFFIRMED**.^{1,2}



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

¹ The entry of judgment (EoJ) incorrectly lists the UCMJ article that Appellant violated. The correct statutory reference is Article 112a, UCMJ, 10 U.S.C. § 912a. The Chief Trial Judge, Air Force Trial Judiciary, is accordingly directed to detail a military judge to correct the EoJ prior to completion of the final order under Rule for Courts-Martial 1209(b) and Air Force Instruction 51-201, *Administration of Military Justice*, Section 14J (18 Jan. 2019).

² The court was unable to access the audio recordings of the proceedings. Appellant has not claimed error and we find none, as we were able to complete our review under Article 66, UCMJ, using the certified transcript. The court was also unable to access a videorecorded interview of Appellant by investigators that accompanied the charge sheet during preferral and referral, but was not admitted into evidence. According to Department of the Air Force Manual 51-203, *Records of Trial*, ¶¶ 2.2.4.2 and 2.8.1 (21 Apr. 2021), digital and audio media files in records of trial “must be in a format playable on the factory installed version of Windows Media® player (e.g., WMV, WMA, MPEG, MP3, AVI).” The files the court could not access do not appear to be in the required format.