

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

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**No. ACM S32600**

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**UNITED STATES**  
*Appellee*

**v.**

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

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Appeal from the United States Air Force Trial Judiciary  
Decided 9 January 2020

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*Military Judge:* Shaun S. Speranza.

*Sentence:* Sentence adjudged 7 May 2019 by SpCM convened at Dover Air Force Base, Delaware. Sentence entered by military judge on 3 June 2019: Bad-conduct discharge, confinement for 30 days, and reduction to E-1.

*For Appellant:* Major Benjamin H. DeYoung, USAF.

*For Appellee:* Mary Ellen Payne, Esquire.

Before J. JOHNSON, POSCH, and KEY, *Appellate Military Judges*.

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**This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.**

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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, 10 U.S.C. §§ 859(a), 866(d).

*Manual for Courts-Martial, United States* (2019 ed.). Accordingly, the findings and sentence are **AFFIRMED**.\*



FOR THE COURT

*Carol K. Joyce*

CAROL K. JOYCE  
Clerk of the Court

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\* The 3 June 2019 entry of judgment in this case omitted the convening authority's denial of Appellant's request to defer the adjudged reduction in grade required by Rule for Courts-Martial (R.C.M.) 1111(b)(3)(A). However, the request and denial were properly reflected in the convening authority's 28 May 2019 decision on action, which is attached to the entry of judgment. Therefore, we find no colorable showing of possible prejudice from this minor omission, *see United States v. Scalo*, 60 M.J. 435, 436–37 (C.A.A.F. 2005) (citing *United States v. Kho*, 54 M.J. 63, 65 (C.A.A.F. 2000)), and corrective action is not necessary. *See* R.C.M. 1111(c).