

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

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**No. ACM 40481**

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**UNITED STATES**

*Appellee*

**v.**

**Kris A. HOLLENBACK**

Major (O-4), U.S. Air Force, *Appellant*

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Appeal from the United States Air Force Trial Judiciary

Decided 2 August 2024

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*Military Judge:* Thomas A. Smith.

*Sentence:* Sentence adjudged 31 January 2023 by GCM convened at Minot Air Force Base, North Dakota. Sentence entered by military judge on 28 March 2023: Dismissal and confinement for 3 years.

*For Appellant:* Major Spencer R. Nelson, USAF.

*For Appellee:* Lieutenant Colonel J. Pete Ferrell, USAF; Major Brittany M. Speirs, USAF; Captain Kate E. Lee, USAF; Mary Ellen Payne, Esquire.

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**This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.**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

A military judge sitting as a general court-martial convicted Appellant, in accordance with his pleas and pursuant to a plea agreement, of one specification of wrongful possession of child pornography and one specification of wrongful viewing of child pornography in violation of Article 134, Uniform of

Code Military Justice (UCMJ), 10 U.S.C. § 934.<sup>1</sup> The military judge sentenced Appellant to a dismissal and three years' confinement. The convening authority took no action on the findings or the adjudged sentence. Further, the convening authority waived automatic forfeitures for six months for the benefit of Appellant's two dependent children.

Appellant raises one issue on appeal: whether as applied to Appellant, reference to 18 U.S.C. § 922 in the Statement of Trial Results and entry of judgment is unconstitutional where the Government cannot demonstrate that barring his possession of firearms is constitutional<sup>2</sup> when he was not convicted of a violent offense.<sup>3</sup>

After carefully considering this issue and for the reasons explained in *United States v. Vanzant*, \_\_ M.J. \_\_, No. ACM 22004, 2024 CCA LEXIS 215, at \*24 (A.F. Ct. Crim. App. 28 May 2024), and *United States v. Lepore*, 81 M.J. 759, 763 (A.F. Ct. Crim. App. 2021) (en banc), we find Appellant is not entitled to relief.

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), UCMJ, 10 U.S.C. §§ 859(a), 866(d). Accordingly, the findings and sentence are **AFFIRMED**.



FOR THE COURT

*Carol K. Joyce*

CAROL K. JOYCE  
Clerk of the Court

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<sup>1</sup> All references to the UCMJ are to the *Manual for Courts-Martial, United States* (2019 ed.).

<sup>2</sup> Citing *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111, 2130 (2022).

<sup>3</sup> Appellant personally raised this issue pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).