

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

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**No. ACM 40828 (f rev)**

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**UNITED STATES**

*Appellee*

**v.**

**Chyron L. TALLEY**

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

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Appeal from the United States Air Force Trial Judiciary

Decided 27 August 2026<sup>1</sup>

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*Military Judge:* Christopher D. James.

*Sentence:* Sentence adjudged 26 February 2025 by GCM convened at Nellis Air Force Base, Nevada, and entered by military judge on 17 March 2025: Dishonorable discharge, confinement for 18 months, reduction to E-1, and a reprimand. Sentence approved by the convening authority on 16 June 2026 after remand and reentered by military judge on 25 June 2026: No punishment.

*For Appellant:* Scott R. Hockenberry, Esquire (argued); Major Samantha M. Castanien, USAF; Captain John M. Fredericks, USAF.

*For Appellee:* Major Catherine D. Mumford, USAF (argued); Colonel Matthew D. Talcott, USAF; Major Vanessa Bairos, USAF; Mary Ellen Payne, Esquire.

Before MORGAN, GRUEN, and KINDNESS, *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**This is an unpublished opinion and, as such, does not serve as  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 30.3.**

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<sup>1</sup> The court heard oral argument in this case on 22 January 2026.

PER CURIAM:

A military judge sitting as a general court-martial convicted Appellant, contrary to his pleas, of one specification of sexual assault and one specification of domestic violence, in violation of Articles 120 and 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 920 and 928b, respectively.<sup>2</sup> The military judge sentenced Appellant to a dishonorable discharge, confinement for 18 months, reduction to the grade of E-1, and a reprimand. The convening authority took no action on the findings or sentence.

Appellant asserted four issues before this court that we reworded: (1) whether the Specification of Charge II (sexual assault) is legally and factually insufficient due to the charging scheme; (2) whether the Specification of Charge II is factually insufficient due to weaknesses in the evidence, to include whether the Government failed to disprove mistake of fact as to consent; (3) whether the Specification of Charge I (domestic violence) is factually insufficient; and (4) whether the military judge abused his discretion by excluding evidence under Mil. R. Evid. 412.

In its 9 April 2026 opinion, this court set aside the findings of guilty as to the Specification of Charge II and Charge II and the sentence, authorizing a rehearing on the sentence. *See United States v. Talley*, ACM No. 40828, 2026 CCA LEXIS 171, at \*61 (A.F. Ct. Crim. App. 9 Apr. 2026) (unpub. op.). The remaining findings, as entered, were found to be correct in law and fact, and were affirmed. The case was returned to the Judge Advocate General for further processing consistent with the court's 9 April 2026 opinion.

Appellant's case was returned to the court and docketed on 17 August 2026. In a memorandum by the convening authority, dated 16 June 2026, the convening authority determined that while a rehearing on sentence was authorized, "[b]oth a findings rehearing for Charge II and its Specification and a sentence rehearing were found to be impracticable," and approved a sentence of no punishment pursuant to Rule for Courts-Martial 1203(e)(3)(B) (*Manual for Courts-Martial, United States* (2024 ed.)).<sup>3</sup> On 25 June 2026, the military judge signed a new entry of judgment reflecting that Appellant was convicted of one

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<sup>2</sup> Unless otherwise noted, references to the UCMJ and Rules for Courts-Martial are to the *Manual for Courts-Martial, United States* (2019 ed.).

<sup>3</sup> According to the convening authority's memorandum of 16 June 2026, "[b]oth a findings rehearing for Charge II and its Specification and a sentence rehearing were found to be impracticable following review of the case by the Office of Special Trial Counsel (OSTC). OSTC dismissed Charge II and its Specification on 15 June 2026."

specification of domestic violence in violation of Article 128b, UCMJ (the Specification of Charge I), with a sentence of no punishment.

Accordingly, the findings of guilty to the Specification of Charge I and Charge I were previously affirmed. *See Talley*, unpub. op. at \*61. In addition, the sentence of no punishment is 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 sentence as entered is **AFFIRMED**.



FOR THE COURT

*Carol K. Joyce*

CAROL K. JOYCE  
Clerk of the Court