

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

No. ACM 40658

UNITED STATES

Appellee

v.

Chase L. SIMMONS

Staff Sergeant (E-5), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary

Decided 8 October 2025

Military Judge: Lance R. Smith (pretrial); Brian M. Thompson.

Sentence: Sentence adjudged 2 April 2024 by GCM convened at Davis-Monthan Air Force Base, Arizona. Sentence entered by military judge on 3 July 2024: Bad-conduct discharge, confinement for 6 months, and reduction to E-1.

For Appellant: Major Frederick J. Johnson, USAF.

For Appellee: Lieutenant Colonel Jenny A. Liabenow, USAF; Major Vanessa Bairos, USAF; Major Abhishek S. Kambli, USAF; Major Kate E. Lee, USAF; Major Jocelyn Q. Wright, USAF; Mary Ellen Payne, Esquire.

Before DOUGLAS, MASON, and KUBLER, *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**This is an unpublished opinion and, as such, does not serve as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:

A military judge sitting alone as general court-martial convicted Appellant, in accordance with his pleas and pursuant to a plea agreement, of two specifications of committing the service discrediting conduct of recording an

individual in a private place and out of public view without their consent in accordance with Title 16, Chapter 11, Section 62 of the Code of Georgia, in violation of Article 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 934.* Appellant was sentenced to a bad-conduct discharge, confinement for six months, reduction to E-1 and a reprimand. Appellant requested deferment of the reduction in rank and the automatic forfeitures. The convening authority denied Appellant's requests. He took no action on the findings. He disapproved the reprimand and left the remainder of the sentence unchanged.

Appellant raises one issue on appeal, whether the Government can prove that 18 U.S.C. § 922 is constitutional as applied to Appellant. We find no relief from this court is warranted. *See United States v. Johnson*, __ M.J. __, No. 24-0004, 2025 CAAF LEXIS 499, at *14 (C.A.A.F. 24 Jun. 2025) (holding this court is not authorized to modify the 18 U.S.C. § 922 firearm prohibition indication on the staff judge advocate indorsement to the entry of judgment).

The findings and sentence as entered are correct in law and fact, and no error materially prejudicial to the substantial rights of Appellant 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

A handwritten signature in cursive script that reads "Carol K. Joyce".

CAROL K. JOYCE
Clerk of the Court

* References to the punitive articles of the UCMJ are to the *Manual for Courts-Martial, United States* (2019 ed.).