

**UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS  
WASHINGTON, D.C.**

**Before  
M.D. MODZELEWSKI, E.C. PRICE, M. MCALEVY  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**DONOVAN L. HECKER  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201200177  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 13 December 2011.

**Military Judge:** Maj Eric L. Emerich, USMC.

**Convening Authority:** Commanding Officer, Infantry Training Battalion, School of Infantry East, Training Command, Camp Lejeune, NC.

**Staff Judge Advocate's Recommendation:** LtCol M.E. Sayegh, USMC.

**For Appellant:** LtCol Richard D. Belliss, USMCR.

**For Appellee:** Mr. Brian K. Keller, Esq.

**31 August 2012**

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**OPINION OF THE COURT**  
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After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).<sup>1</sup>

For the Court

R.H. TROIDL  
Clerk of Court

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<sup>1</sup> To the extent that the convening authority's action purports to direct that the punitive discharge will be executed after final judgment it is a legal nullity. See *United States v. Tarniewicz*, 70 M.J. 543 (N.M.Ct.Crim.App. 2011).