

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

**Before  
F.D. MITCHELL, J.A. FISCHER, J.E. STOLASZ  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**DUANE A. HERBERT  
CULINARY SPECIALIST SECOND CLASS (E-5), U.S. NAVY**

**NMCCA 201300213  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 26 February 2013.

**Military Judge:** CAPT John K. Waits, JAGC, USN.

**Convening Authority:** Commanding Officer, Naval Submarine  
Base, Kings Bay, GA.

**Staff Judge Advocate's Recommendation:** LT Jessica J.  
Burrell, JAGC, USN.

**For Appellant:** Capt David A. Peters, USMC.

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

**14 November 2013**

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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).

For the Court

R.H. TROIDL  
Clerk of Court