

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-080369
Plaintiff-Appellee,	:	TRIAL NO. B-0704358B
vs.	:	<i>JUDGMENT ENTRY.</i>
ERRICH VON MINCY,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.<sup>1</sup>

Defendant-appellant Errich Von Mincy pleaded guilty to one count of aggravated robbery under R.C. 2911.01(A)(1), two counts of robbery under R.C. 2911.02(A)(2), two counts of kidnapping under R.C. 2905.01(A)(2), one count of failure to comply under R.C. 2921.331(B), and one count of having weapons under a disability under R.C. 2923.13(A)(2). The aggravated robbery, robbery, and kidnapping counts carried firearm specifications. Von Mincy agreed to an aggregate term of 18 years in prison.

Prior to accepting Von Mincy's plea, the trial court fully advised him of his rights. Von Mincy represented to the court that he understood the terms of his plea agreement and the rights that he was waiving by pleading guilty. And he signed a written waiver form.

The trial court then imposed the agreed 18-year sentence. The court sentenced Von Mincy to ten years on the aggravated-robbery and kidnapping

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<sup>1</sup> See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

charges, eight years on the robbery charges, four years on the weapons-under-a-disability charge, and one year on the failure-to-comply charge. The sentences for the latter two charges were to run consecutively to each other and to all other sentences. The firearm specifications merged and the court imposed a three-year term to run consecutively to the sentence for aggravated robbery.

On appeal, Von Mincy raises a sole assignment of error in which he argues that the trial court erred in imposing sentences for allied offenses of similar import under R.C. 2941.25.

In *State v. Sawyer*, we held that R.C. 2953.08(D)(1) bars an appeal of an agreed sentence, even if the sentence includes counts that are allied offenses of similar import.<sup>2</sup> Because Von Mincy and the state jointly recommended the 18-year sentence, the trial court imposed the jointly recommended sentence, and the sentence did not exceed the maximum term statutorily allowed for the offenses and was “thus authorized by law,” Von Mincy’s claim that his sentences violated R.C. 2941.25 is not subject to appellate review.<sup>3</sup> We, therefore, overrule the sole assignment of error and affirm the trial court’s judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HILDEBRANDT, P.J., SUNDERMANN, and DINKELACKER, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on June 26, 2009

per order of the Court \_\_\_\_\_  
Presiding Judge

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<sup>2</sup> 1st Dist. No. C-080433, 2009-Ohio-\_\_\_, at ¶167-72.

<sup>3</sup> See id. at ¶169-70.