

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

STATE OF OHIO,	:	APPEAL NO. C-150647
Plaintiff-Appellee,	:	TRIAL NO. B-1407088
vs.	:	
JONNELL BROWN,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Jonnell Brown pled guilty to voluntary manslaughter with a gun specification. He and the state agreed on a sentence of 11 years for voluntary manslaughter with a consecutive three-year term for the gun specification. The parties agreed that his sentence would be made consecutive to the sentence he had previously received for a weapons-under-disability (“WUD”) conviction stemming from the same incident. The trial court accepted Brown’s plea and imposed the agreed upon sentence. This appeal followed.

In a single assignment of error, Mr. Brown argues that he was improperly convicted of allied offenses of similar import, that the court failed to make the requisite findings before imposing consecutive sentences and that the court failed to notify him that he was required to submit to DNA testing. We disagree.

Mr. Brown contends the court incorrectly imposed sentences for the voluntary manslaughter and WUD charges because they are allied offenses of similar import. This court has previously held that having weapons while under disability is of a

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dissimilar import from other offenses “because the statute manifests a legislative purpose to punish the act of possessing a firearm while under a disability separately from any offense committed with the firearm.” *See State v. Dalmida*, 1st Dist. Hamilton No. C-140517, 2015-Ohio-4995, ¶ 33; *State v. Bates*, 1st Dist. Hamilton No. C-140033, 2015-Ohio-116, ¶ 30. Because they were of dissimilar import, Mr. Brown could be convicted of and sentenced for both.

Mr. Brown next asserts that the trial court erred by imposing consecutive sentences without making the required findings under R.C. 2929.14(C). But where—as here—the imposition of consecutive sentence is discretionary, and the parties have jointly recommended the sentence, a trial court's failure to make consecutive-sentence findings is not reviewable on appeal. R.C. 2953.08(D)(1); *State v. Sergeant*, ___ Ohio St.3d ___, 2016-Ohio-2696, ___ N.E.3d ___, ¶ 22, 43-44.

Finally, Mr. Brown complains that the trial court failed to properly inform him of the DNA-specimen requirement of R.C. 2901.07(B). Any such error was harmless. *State v. Taylor*, 1st Dist. Hamilton No. C-150488, 2016-Ohio-4548, ¶ 6.

Mr. Brown's sole assignment of error is overruled, and the judgment of the trial court is affirmed.

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.

HENDON, P.J., DEWINE and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on June 29, 2016

per order of the court _____.

Presiding Judge