

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

STATE OF OHIO,	:	APPEAL NOS. C-150278
		C-150279
Plaintiff-Appellee,	:	TRIAL NOS. B-1405507
		B-1403089
vs.	:	
CURTIS SHAW,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these appeals 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.

Defendant-appellant Curtis Shaw pleaded guilty to one count of nonsupport of dependants and four counts of trafficking in heroin—three as felonies of the fifth degree and one as a felony of the fourth degree. He agreed to a sentence of 12 months in prison for nonsupport, six months in prison for each fifth-degree-felony trafficking charge, and 18 months in prison for the remaining trafficking charge. The trial court imposed the agreed sentences. It ordered Shaw to serve the terms concurrently, for a total of 18 months in prison.

In one assignment of error, Shaw argues that the record does not support his sentences. But an agreed sentence is not appealable pursuant to R.C. 2953.08(D) “if the sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge.” *See State v. Underwood*, 124 Ohio St.3d 365, 2010-Ohio-1, 922 N.E.2d 923, ¶ 16. Such sentences are protected from review “precisely because the parties agreed that the sentence is appropriate. Once a defendant stipulates that a particular sentence is justified, the sentencing judge no longer needs to independently justify the sentence.” *Id.* at ¶ 27,

OHIO FIRST DISTRICT COURT OF APPEALS

quoting *State v. Porterfield*, 106 Ohio St.3d 5, 2005-Ohio-3095, 829 N.E.2d 690, ¶ 25.

In this case, Shaw entered into agreements on all of his pleas and the resulting sentences. He has not argued that the pleas were not knowing, voluntary, or intelligent. See *State v. Sarkozy*, 117 Ohio St.3d 86, 2008-Ohio-509, 881 N.E.2d 1224, ¶ 7. He has also not argued that the trial court failed to comply with a mandatory sentencing provision. See *Underwood* at ¶ 20. Therefore, he may not challenge his sentences on appeal. We overrule his sole assignment of error and affirm the judgment of the trial court.

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.

CUNNINGHAM, P.J., MOCK and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on January 20, 2016
per order of the court _____
Presiding Judge