

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

STATE OF OHIO,	:	APPEAL NO. C-170270
	:	TRIAL NO. B-1606696
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
JOHN OLAGBEMIRO,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant pleaded guilty to one count of possession of cocaine, a fifth-degree felony, and one count of having a weapon while under a disability, a third-degree felony. The disability arose from a juvenile adjudication. He was sentenced to two years of community control and ordered to complete the treatment program at River City Correctional Center. He did not appeal that judgment.

He pleaded guilty and was found guilty of a community-control violation after he was unsuccessfully discharged from the treatment program. The court revoked his community control and imposed a 12-month prison term on the possession-of-cocaine offense and a 36-month term on the weapons-under-a-disability offense, to be served consecutively. Olagbemi appeals, arguing that the use of a prior juvenile adjudication as the basis for a charge of having a weapon while under a disability violated his due-

process rights, and that his original guilty pleas were not made voluntarily, knowingly, or intelligently.

Olagbemi did not raise these issues in the trial court or on appeal from the judgment entry of conviction. Therefore, he has waived these issues. *Anderson v. Kellog (In re Appropriation for Juveniles and Probate Div.)*, 62 Ohio St.2d 99, 101, 403 N.E.2d 974 (1980). Accordingly, we overrule the first and second assignments of error.

We note that the sentencing entry incorrectly states that Olagbemi was sentenced to a 48-month prison term on the weapons-under-a-disability offense and a 12-month prison term on the possession of cocaine, to be served concurrently. Therefore, we remand the matter so that the trial court can correct this clerical mistake by a nunc pro tunc entry to reflect the actual sentence imposed in open court.

We affirm the judgment of the trial court, but remand the cause for a nunc pro tunc entry reflecting that Olagbemi was sentenced to a 12-month prison term on the possession-of-cocaine offense and a 36-month term on the weapons-under-a-disability offense, to be served consecutively.

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

MOCK, P.J., ZAYAS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on June 6, 2018

per order of the court _____.

Presiding Judge