

[Cite as *State v. Wilmore*, 2014-Ohio-4938.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101408

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

MICHAEL WILMORE

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-96-338286-ZA

BEFORE: Stewart, J., Kilbane, P.J., and E.T. Gallagher, J.

RELEASED AND JOURNALIZED: November 6, 2014

FOR APPELLANT

Michael Wilmore, pro se
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ATTORNEYS FOR APPELLEE

Timothy J. McGinty
Cuyahoga County Prosecutor

BY: Mary McGrath
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The Justice Center
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MELODY J. STEWART, J.:

{¶1} Defendant-appellant Michael Wilmore requested that this appeal be placed on this court's accelerated calendar pursuant to App.R. 11.1 and Loc.R.11.1. By doing so, he has agreed that we may render a decision in "brief and conclusionary form" consistent with App.R. 11.1(E).

{¶2} In July 1996, Wilmore pleaded guilty to one count of involuntary manslaughter, an aggravated felony of the first degree, and received a sentence of 9-25 years in prison. In April 2014, Wilmore filed a motion to correct a void sentence on grounds that at the time it imposed sentence, the court could only sentence him to four, five, six, or seven years on the minimum term of the indefinite sentence he received for a first-degree felony. The court denied the motion.

{¶3} The court did not err. Wilmore pleaded guilty to an *aggravated* felony of the first degree. Under former R.C. 2929.11(B)(1)(a), the minimum term for an aggravated felony of the first degree was five, six, seven, eight, nine, or ten years to 25 years. The sentence he received was legal and not void.

{¶4} Judgment affirmed.

It is ordered that appellee recover of appellant its costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Cuyahoga County Court of Common Pleas to carry this judgment into execution. A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MELODY J. STEWART, JUDGE

MARY EILEEN KILBANE, P.J., and
EILEEN T. GALLAGHER, J., CONCUR