



voluntary, knowing, and intelligent by determining whether Appellant understood the nature of the charges.

{¶2} On January 16, 2009, D.M.S. accompanied by counsel, attended a hearing in the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch. His grandmother was also present. Both his parents are deceased.

{¶3} On that day, D.M.S. entered an admission to the charge of aggravated robbery with a firearm specification as a part of a plea bargain under the terms of which two other charges and a separate case against him were dismissed.

{¶4} A magistrate addressed D.M.S. and indicated to him that he was admitting to an aggravated robbery with a gun specification. The magistrate then addressed the individual rights D.M.S. was giving up by not going to trial. The magistrate explained in detail the potential penalties to D.M.S., including a commitment to the Ohio Department of Youth Services until D.M.S. turned 25. The magistrate further explained to D.M.S. that because a firearm specification was involved, D.M.S. would have to serve at least one year at the Ohio Department of Youth Services if he were committed to the Ohio Department of Youth Services.

{¶5} The magistrate then requested and was provided a brief statement of facts. The magistrate was informed that, on July 6, 2008, D.M.S. and another juvenile robbed a Donatos Pizza man. Both young men wore masks and brandished a firearm. The guns used were stolen by D.M.S. from the grandfather of D.M.S. Neither D.M.S. nor his counsel objected to the statement of facts as presented.

{¶6} After accepting the admission, the magistrate ordered D.M.S. to be committed to the Ohio Department of Youth Services for one year on the firearm

specification and indicated that he would consider early release after the one-year commitment.

{¶7} No one filed objections to the magistrate's decision or to any of the proceedings conducted before the magistrate. The proceedings were journalized via a judgment entry on January 26, 2009.

{¶8} On February 23, 2009, the office of the Ohio Public Defender filed a notice of appeal on behalf of D.M.S. Subsequently, different counsel filed the appellate briefs on behalf of D.M.S., including the assignment of error set forth above.

{¶9} Nothing in the record before us indicates that D.M.S. did not fully understand that what he did was an aggravated robbery. The complaint which initiated the charge against him plainly explains that D.M.S. was accused of committing a theft while armed with a handgun. The complaint was provided to D.M.S. and he initially entered a denial to the charge. D.M.S. did not question his guilt at the time his admission was proffered and accepted, nor did he express any confusion about the charge against him.

{¶10} While in some cases due process concerns might be presented by invoking the mandates of Juv.R. 40(D)(3)(b), this is not one of those cases.

{¶11} Juv.R. 40(D)(3)(b)(iv) provides:

[A] party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Juv. R. 40(D)(3)(a)(ii), unless the party has objected to that finding or conclusion as required by Juv. R. 40(D)(3)(b).

{¶12} We have invoked this mandate repeatedly. See *In re Vinson*, 10th Dist. No. 01AP-752, 2002-Ohio-1010; *In re Hunter* (Mar. 6, 2001), 10th Dist. No. 00AP-507; *In re Antonio Harris*, 10th Dist. No. 02AP-1188, 2003-Ohio-2485; and *In re Daniel*, 10th Dist. No. 01AP-313, 2002-Ohio-579.

{¶13} We invoke the mandate again here. The error assigned is not permitted by Juv.R. 40(D) and is therefore overruled. As a result, the judgment and sentence of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, is affirmed.

*Judgment affirmed.*

FRENCH, P.J., and BRYANT, J., concur.

---