

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

STATE OF OHIO,	:	APPEAL NO. C-240316
	:	TRIAL NO. 23/CRB/8487
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
GAYLE WATSON,	:	
	:	
Defendant-Appellee.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Plaintiff-appellant State of Ohio appeals the judgment of the Hamilton County Municipal Court dismissing a charge of child endangerment against defendant-appellee Gayle Watson. The charge was brought under Cincinnati Municipal Code (“CMC”) 915-3, which prohibits “creat[ing] a substantial risk to the health or safety of [a] child by violating a duty of care, protection, or support.” The complaint against Watson alleged that she violated CMC 915-3 by keeping a loaded 9 mm pistol under her pillow in the same bed as her sleeping three-year-old.

Watson filed a lengthy motion to dismiss in the trial court. Her motion alleged numerous bases for dismissal, including (1) that CMC 915-3 conflicts with R.C. 9.68, Ohio’s firearms-uniformity law; (2) that the charge is unconstitutional under the Second Amendment and the analogous provision of the Ohio Constitution; and (3) that the

charge unconstitutionally infringes on Watson’s Fourteenth Amendment due process rights because CMC 915-3 is overbroad.

On May 16, 2024, the trial court granted Watson’s motion. It did so based on the “arguments presented by the parties,” without otherwise specifying the basis for its ruling. Its use of the plural word “arguments” conveys that the trial court granted the motion for more than one reason.

The State raises a single assignment of error on appeal. It argues that, under the authority of *West v. City of Cincinnati*, 2024-Ohio-1951 (1st Dist.), no conflict exists between CMC 915-3(a) and R.C. 9.68. But the State does not address any of the other bases for dismissal raised by Watson in her motion to dismiss and necessarily considered by the trial court when it granted the motion based on Watson’s arguments.

“When a trial court grants judgment on multiple, alternative bases and an appellant does not challenge one of those bases on appeal, this Court will uphold the judgment on the unchallenged basis.” *Covel v. PNC Bank, NA*, 2022-Ohio-1477, ¶ 7 (9th Dist.). Thus, even if we agreed with the State that its prosecution survives challenge under R.C. 9.68, the State did not appeal the trial court’s judgment dismissing Watson’s charge on the basis of the Second Amendment, the Ohio Constitution, and the Fourteenth Amendment. There is accordingly no argument before us that the trial court erred in granting Watson’s motion to dismiss on these grounds, and we are not permitted to create one on the State’s behalf. *See id.*, citing App.R. 16(A)(7) (“The *appellant* shall include in its brief . . . [a]n argument containing the contentions of the appellant with respect to each assignment of error presented for review. . . .” (Emphasis added.)).

We accordingly overrule the State’s assignment of error and affirm the judgment of the trial court.

KINSLEY, P.J., BOCK and CROUSE, JJ.

To the clerk:

Enter upon the journal of the court on 2/7/2025 per order of the court.

By: _____
Administrative Judge