

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

STATE OF OHIO,	:	APPEAL NO.	C-240281
Plaintiff-Appellee,	:	TRIAL NO.	B-2305072-A
vs.	:		
CIEAR WHATLEY,	:		<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:		

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.

On October 19, 2023, defendant-appellant Ciear Whatley was indicted for carrying a concealed weapon pursuant to R.C. 2923.12(A)(2) and improperly handling a weapon in a motor vehicle pursuant to R.C. 2923.16(B). Whatley moved to dismiss the indictment on the grounds that the charges against him abridged his right to keep and bear arms under the Second Amendment to the United States Constitution, as construed in *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. 1, 70 (2022). The trial court denied that motion, and Whatley pled no contest. The trial court accepted his pleas and entered a judgment of conviction and sentence on May 8, 2024. Whatley now appeals, raising a single assignment of error: “The trial court erred by denying Whatley’s motion to dismiss.”

Having reviewed the merits of Whatley’s appeal, in order to ensure a disposition, the court has agreed to reverse the trial court’s judgment of conviction and

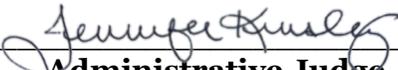
remand the cause to the trial court in light of the United States Supreme Court's opinion in *United States v. Rahimi*, 602 U.S. 680 (2024). On remand, the trial court should determine whether and to what extent *Rahimi*, which was decided after the trial court had entered its judgment, alters its disposition of Whatley's motion to dismiss.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

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

To the clerk:

Enter upon the journal of the court on 7/3/2025 per order of the court.

By:  _____
Administrative Judge