

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

STATE OF OHIO,	:	APPEAL NO.	C-250332
	:	TRIAL NO.	B-2500912
Plaintiff-Appellee,	:		
vs.	:		
	:		<i>JUDGMENT ENTRY</i>
YOSIAH STEWART,	:		
Defendant-Appellant.	:		

CROUSE, Judge.

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.

Defendant-appellant Yosiah Stewart was indicted for carrying a concealed weapon in violation of R.C. 2923.12(A)(2). He filed a motion to dismiss the charge, arguing that it violated his right to keep and bear arms under the Second Amendment to the United States Constitution. The trial court denied that motion. Stewart then withdrew his guilty plea and entered a plea of “no contest.” The trial court accepted Stewart’s plea, found him guilty, and sentenced him to one year of community control.

Stewart now appeals and argues, in a single assignment of error, that “the trial court erred by denying Mr. Stewart’s motion to dismiss.”

Ohio law prohibits an individual from knowingly carrying or having a handgun concealed on their person or concealed ready at hand, but not if they hold a valid concealed-handgun license. R.C. 2923.12(A)(2) and (C)(2). And if said individual

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meets the definition of a “qualifying adult” in R.C. 2923.111(A)(2), then they are “deemed” by operation of law “to have been issued a valid concealed handgun license.” R.C. 2923.11(C)(1)(a).

The parties to this appeal agree that Stewart was not a “qualifying adult,” because he was only 20 years old at the time of his arrest—below the 21-year threshold set by R.C. 2923.111(A)(2)(a).

This court has already held that “prohibiting [a defendant] from carrying a concealed weapon until he turns 21 does not prevent him from exercising his Second Amendment right to carry a handgun in public.” *State v. Stonewall*, 2025-Ohio-4974, ¶ 25 (1st Dist.). We therefore reject Stewart’s Second Amendment challenge.

Stewart further argues that Article I, Section 4 of the Ohio Constitution independently bars his prosecution under R.C. 2923.12(A)(2). But neither Stewart’s motion to dismiss below nor his supplemental memorandum in support of that motion mentioned the Ohio Constitution. Stewart has therefore “forfeit[ed] all but plain error” on this issue, and he has failed to argue plain error here. *See State v. Thurmond*, 2025-Ohio-5328, ¶ 10 (1st Dist.). But even if Stewart had not forfeited his state-constitutional argument, that argument would plainly be barred under *Klein v. Leis*, 2003-Ohio-4779. In *Klein*, the Ohio Supreme Court held that “there is no constitutional right to bear concealed weapons” under the Ohio Constitution and categorically upheld Ohio’s concealed-carry prohibition. *Id.* at ¶ 15. Because the Ohio Supreme Court has not overruled *Klein*’s interpretation of Article I, Section 4 of the Ohio Constitution, we remain bound by it, and Stewart’s challenge must fail. *See State v. Reed*, 2025-Ohio-4708, ¶ 4 (1st Dist.) (per curiam).

We therefore hold that the trial court did not err in denying Stewart’s motion to dismiss. Stewart’s sole assignment of error is overruled, and the judgment of

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conviction is affirmed.

We further order 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.

BOCK, J., concurs.

KINSLEY, P.J., concurs separately.

KINSLEY, P.J., concurring.

I fully concur with the court's resolution of Stewart's claim under the Ohio Constitution. I write separately to acknowledge that the court's precedent in *State v. Stonewall*, 2025-Ohio-1644 (1st Dist.), controls the resolution of Stewart's Second Amendment claim. If not constrained by precedent, however, I would be inclined to agree with Stewart's Second Amendment argument for the reasons I explained in my dissent in *Stonewall*.

To the clerk:

Enter upon the journal of the court on 1/30/2026 per order of the court.

By:  _____
Administrative Judge