

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

STATE OF OHIO,	:	APPEAL NO. C-250317
Plaintiff-Appellant,	:	TRIAL NO. C/24/CRB/7019
vs.	:	
AARON PULLINS,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellee.	:	

MOORE, 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-appellee Aaron Pullins was arrested following an OVI stop and charged with violating R.C. 2923.15(A), which prohibits individuals from carrying or using firearms while under the influence.

Pullins moved for an order from the court dismissing the State’s case against him, arguing that the charging statute offends both the United States and Ohio Constitutions. The court heard oral arguments on the motion and granted Pullins’s motion with respect to his as-applied challenge under the United States Constitution. The court’s entry granting the motion relied entirely on the analysis contained in *State v. Riffie*, Hamilton M.C. No. 23/CRB/15255/A (Sep. 4, 2024) (“*Riffie I*”).

However in *State v. Riffie*, 2025-Ohio-4886 (1st Dist.) (“*Riffie II*”), we held the trial court’s analysis in *Riffie I* was erroneous and concluded that R.C. 2923.15(A)

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was constitutional under the United States Constitution as applied to Riffée. Because the trial court entirely relied on its decision in *Riffée I*, which is no longer good law, a remand is necessary for the trial court to apply the correct and current legal authority as set forth in this court's opinion in *Riffée II*.

The State's assignment of error is sustained. The judgment of the trial court is reversed and the cause is remanded for further proceedings consistent with the law and this Judgment Entry.

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., and **NESTOR, J.**, concur.

To the clerk:

Enter upon the journal of the court on 2/6/2026 per order of the court.

By: 
Administrative Judge