

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

STATE OF OHIO,	:	APPEAL NO.	C-250600
Plaintiff-Appellee,	:	TRIAL NO.	B-2305072-A
vs.	:		
CIEAR WHATLEY,	:		<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:		

CROUSE, Presiding 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 Clear Whatley was indicted for carrying a concealed weapon in violation of R.C. 2923.12(A)(2) and improperly handling a firearm in a motor vehicle in violation of R.C. 2923.16(B). Whatley filed a motion to dismiss the charges, arguing that they violated his right to keep and bear arms under the Second Amendment to the United States Constitution. The trial court denied that motion. Whatley then entered a plea of “no contest.” The trial court accepted his plea, found him guilty, and entered a judgment of conviction against him on May 8, 2024.

This court reversed that conviction and remanded the cause to the trial court for consideration of Whatley’s motion to dismiss in light of *United States v. Rahimi*, 602 U.S. 680 (2024). *State v. Whatley*, 2025 Ohio App. LEXIS 2313 (1st Dist. July 3,

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2025). On remand, the trial court reiterated its denial of Whatley’s motion to dismiss and entered a new judgment of conviction and sentence.

Whatley again appeals, arguing that the trial court should have granted his motion to dismiss because his prosecutions were barred by the Second Amendment.

We begin by noting what neither party disputes. *First*, both parties accept that Whatley was not a “qualifying adult” exempted from the concealed-carry and improper-handling laws because he was under 21 years old at the time of his arrest. *See* R.C. 2923.111(A)(2)(a) and (C)(1)(a). Neither protest that, because the record contains no bill of particulars and because Whatley’s age appeared nowhere in the indictment, that fact was beyond the scope of the motion to dismiss. *Second*, neither party disputes that Whatley’s weapon was, in fact, concealed from view at the time of his arrest. *Third*, Whatley did not argue below and does not assert now that his concealed-carry conviction was improper because his weapon was “not on [his] person” and was being “transport[ed] . . . in a motor vehicle for [a] lawful purpose.” R.C. 2923.12(C)(1)(c).

We thus accept this case as it has been presented to us: as an application of R.C. 2923.12(A)(2) and 2923.16(B) to an 18-to-20-year-old who concealed a handgun in a motor vehicle. So understood, Whatley’s Second Amendment challenge is squarely foreclosed by our precedent.

This court has already held that “prohibiting [an individual] 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.), *appeal accepted*, 2026-Ohio-475; *accord State v. Reed*, 2025-Ohio-4708 (1st Dist.) (per curiam), *appeal accepted*, 2026-Ohio-667; *State v. Baxter*, 2025-Ohio-5722, ¶ 2, 9-10 (1st Dist.). And this court has likewise upheld improper-handling

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convictions under R.C. 2923.16(B) for individuals under 21 years of age—at least where the individual’s weapon was, in fact, concealed. *See Stonewall* at ¶ 38-39; *Baxter* at ¶ 11-14; *see also State v. Ngaide*, 2026-Ohio-478, ¶ 19 (1st Dist.) (Crouse, J., concurring) (noting that “recent opinions from this court affirming improper-handling convictions have likewise involved weapons that were ‘concealed’ under any ordinary definition”).

Under *Reed*, *Stonewall*, and *Baxter*, then, the Second Amendment did not prohibit the State from prosecuting Whatley under R.C. 2923.12(A)(2) and 2923.16(B), and the trial court did not err by denying Whatley’s motion to dismiss.

Whatley also seeks to challenge his convictions under Ohio Const., art. I, § 4, which guarantees that “[t]he people have the right to bear arms for their defense and security.” With respect to Whatley’s concealed-carry conviction, his argument is foreclosed by *Klein v. Leis*, 2003-Ohio-4779, which categorically upheld Ohio’s concealed-carry statutes under the Ohio Constitution. *See Reed* at ¶ 4. And Whatley provides no clear explanation for why a law prohibiting the concealment of a firearm in a motor vehicle would be “unreasonable” and so unconstitutional under Ohio Const., art. I, § 4. Finally, because we have no reason to believe Whatley’s weapon was *not*, in fact, concealed, we have no occasion to consider an as-applied challenge to R.C. 2923.16(B) on that basis—either under the Ohio or United States Constitution. *Compare Ngaide* at ¶ 21-22 (Crouse, J., concurring).

Whatley’s sole assignment of error is therefore overruled, and the trial court’s judgment is affirmed.

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.

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NESTOR, J., concurs.

BOCK, J., concurs in judgment only.

To the clerk:

Enter upon the journal of the court on 5/8/2026 per order of the court.

By:  _____
Administrative Judge