

[Cite as *State v. Casey*, 2003-Ohio-5722.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 19604
v.	:	T.C. NO. 02 CR 1734
CLARENCE CASEY	:	(Criminal Appeal from Common Pleas Court)
	:	Defendant-Appellant
	:	
	:	

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OPINION

Rendered on the 24th day of October, 2003.

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WOLFF, J.

{¶1} Clarence Casey, Jr. was indicted for carrying concealed weapons (firearm), a violation of R.C. 2923.12(A) and a fourth degree felony. Casey pleaded no contest and was found guilty. He was sentenced to community control sanctions.

{¶2} Casey advances three assignments of error:

{¶3} “1. THE TRIAL COURT SHOULD HAVE SUSTAINED THE MOTION TO DISMISS BECAUSE OHIO REVISED CODE 2923.12, AS APPLIED, IS UNCONSTITUTIONAL SINCE IT PRESUMES A PERSON GUILTY TILL PROVEN INNOCENT.

{¶4} “2. THE TRIAL COURT SHOULD HAVE GRANTED THE MOTION TO DISMISS BECAUSE OHIO REVISED CODE 2923.12 RESTRICTION OF CONCEALING WEAPONS INFRINGES ON AN INDIVIDUAL’S FUNDAMENTAL RIGHT TO BEAR ARMS.

{¶5} “3. THE TRIAL COURT SHOULD HAVE GRANTED THE MOTION TO DISMISS BECAUSE THE AFFIRMATIVE DEFENSES PROVIDED BY R.C. 2923.12 ARE UNCONSTITUTIONALLY VAGUE.”

{¶6} Each of these assignments assert the unconstitutionality of R.C. 2923.12. We overrule them on the authority of *Klein v. Leis* (2003), 99 Ohio St.3d 537.

{¶7} The judgment will be affirmed.

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FAIN, P.J. and YOUNG, J., concur.

Copies mailed to:

- Natalia S. Harris
- David H. Landon
- Hon. David A. Gowdown