

[Cite as *State v. Moore*, 2003-Ohio-5409.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. CASE NO. 19351
v.	:	T.C. NO. 01 CR 2972
MONICA MOORE	:	(Appeal from Common Pleas Court, Criminal Division)
Defendant-Appellant	:	
	:	
	:	

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OPINION

Rendered on the 10th day of October, 2003.

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WOLFF, J.

{¶1} Monica Moore was found guilty after a trial by jury of carrying a concealed weapon, a felony of the fourth degree. Moore was sentenced to community control sanctions. Moore advances a single assignment of error as follows:

{¶2} “THE TRIAL COURT ERRED BY OVERRULING DEFENDANT’S MOTION FOR ACQUITTAL OF CARRYING A CONCEALED WEAPON, SINCE R.C. 2923.12 IS UNCONSTITUTIONAL.”

{¶3} Moore’s argument is based exclusively on *Klein v. Leis*, 146 Ohio App.3d 526, 2002-Ohio-1634, a case in which the Court of Appeals for Hamilton County determined that R.C. 2923.12 is unconstitutional.

{¶4} Because the Supreme Court of Ohio accepted jurisdiction of this case on September 4, 2002, we deferred deciding this appeal until such time as the supreme court ruled.

{¶5} On September 24, 2003, the supreme court determined that R.C. 2923.12 is constitutional. See *Klein v. Leis*, 99 Ohio St.3d 537, 2003-Ohio-4779. Based on the ruling of the supreme court in *Klein v. Leis*, the judgment appealed from in this case will be affirmed.

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BROGAN, J. and GRADY, J., concur.

Copies mailed to:

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Hon. Michael L. Tucker