

[Cite as *State v. Harris*, 2003-Ohio-5961.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 19397
v.	:	T.C. NO. 2001 CR 3081
	:	
ERIC DARNELL HARRIS	:	(Criminal Appeal from Common Pleas Court)
	:	Defendant-Appellant
	:	
	:	

.....

OPINION

Rendered on the 7th day of November, 2003.

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WOLFF, J.

{¶1} Eric Harris was found guilty after a bench trial of carrying concealed weapons, a fourth degree felony. He was sentenced to community control sanctions. On appeal, Harris advances three assignments of error:

{¶2} “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.

{¶3} “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.

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

{¶5} All three assignments implicate the constitutionality of R.C. 2923.12, and they are overruled on the authority of *Klein v. Leis*, 99 Ohio St.3d 537, 2003-Ohio-4779.

{¶6} The judgment will be affirmed.

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FAIN, P.J. and BROGAN, J., concur.

Copies mailed to:

- Natalia S. Harris
- David H. Landon
- Hon. Michael T. Hall