

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

STATE OF OHIO

Appellant

v.

JEREMY TEMPLE JR.

Appellee

:
:
:
:
:
:
:
:
:
:
:

C.A. No. 30769

Trial Court Case No. 2025 CR 02318

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

.....

Pursuant to the opinion of this court rendered on September 25, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



CHRISTOPHER B. EPLEY, JUDGE

LEWIS, P.J., and HANSEMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30769

ANDREW T. FRENCH, Attorney for Appellant
CHRISTOPHER BAZELEY, Attorney for Appellee

EPLEY, J.

{¶ 1} Pursuant to R.C. 2945.67(A), the State of Ohio appeals from the Montgomery County Common Pleas Court’s judgment that dismissed a single-count indictment of carrying a concealed weapon against Jeremy Temple Jr. Based on our opinion in *State v. Matosky*, 2025-Ohio-5658 (2d Dist.), we affirm the trial court’s judgment.

I. Procedural History

{¶ 2} On October 2, 2025, a Montgomery County grand jury indicted Temple on one count of carrying a concealed weapon in violation of R.C. 2923.12(A)(2), a fourth-degree felony. At the time of the alleged offense, Temple was 19 years old. Temple pled not guilty to the charge, and on January 5, 2026, he filed a motion to dismiss the indictment, arguing that it violated his right to bear arms as protected by the Second Amendment to the United States Constitution and Article I, Section 4 of the Ohio Constitution. On January 30, 2026, the trial court granted Temple’s motion to dismiss based on our decision in *Matosky*, which found that restricting a person’s ability to possess a concealed firearm, based solely on the person’s age, was unconstitutional as applied to 18- to 20-year-olds. The State filed a timely notice of appeal.

II. Assignment of Error and Analysis

{¶ 3} The State’s lone assignment of error states:

Ohio’s restriction on the ability of eighteen-to-twenty-year-olds to carry concealed firearms is consistent with this Nation’s historical tradition of firearm

regulation and falls outside the Second Amendment’s protection. The trial court erred in finding otherwise, notwithstanding prevailing precedent.

{¶ 4} The assignment of error raised in this appeal and the arguments made by the parties mirror those raised by the State in the first assignment of error in *Matosky*. Likewise, the key fact in this appeal—that Temple was not yet 21 years old at the time of his alleged carrying a concealed weapon offense—is identical to the key fact in *Matosky*. Therefore, for the same reasons as we expressed in *Matosky*, we conclude that the concealed-carry statute, R.C. 2923.12(A)(2), is unconstitutional as applied to Temple. *Matosky* at ¶ 30-36. The assignment of error is overruled.

III. Conclusion

{¶ 5} Having overruled the assignment of error, the judgment of the trial court is affirmed.

.....

LEWIS, P.J., and HANSEMAN, J., concur.