

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

STATE OF OHIO

Appellee

v.

URIEL CACERES

Appellant

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C.A. No. 2026-CA-5

Trial Court Case No. 25-CR-0514

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on October 9, 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,



MARY K. HUFFMAN, JUDGE

LEWIS, P.J., and TUCKER, J., concur.

OPINION
CLARK C.A. No. 2026-CA-5

GARY C. SCHAENGOLD, Attorney for Appellant
JOHN M. LINTZ, Attorney for Appellee

HUFFMAN, J.

{¶ 1} Uriel Caceres appeals from a judgment entry of conviction on one count of improper handling of a firearm in a motor vehicle (“improper handling”). For the following reasons, the judgment of the Clark County Common Pleas Court is affirmed.

Facts and Procedural History

{¶ 2} On July 14, 2025, Caceres was indicted on one count of carrying a concealed weapon and one count of improper handling. The indictment included a forfeiture specification for a Glock firearm. On November 6, 2025, Caceres pleaded guilty to an amended charge of attempted improper handling, and the remaining count was dismissed. At the time of the offense, Caceres was 18 years old. The court imposed a sentence of 10 months on December 15, 2025, and Caceres timely appealed.

Assignment of Error and Analysis

{¶ 3} Caceres asserts one assignment of error. He claims that he received ineffective assistance of counsel “due to trial counsel’s failure to argue the unconstitutionality” of R.C. 2923.16(B) as applied to him. He directs our attention to *State v. Matosky*, 2025-Ohio-5658 (2d Dist.), which on December 19, 2025, found the statute unconstitutional as applied to adults 18 to 20 years of age. The State concedes that based upon *Matosky*, “Caceres would not have even been charged if the case had been filed today.” However, according to the State, an “inability to predict the future cannot be ineffective assistance of counsel,” noting that when Caceres pleaded guilty on November 6, 2025, and when he was sentenced

on December 10, 2025, R.C. 2923.16(B) was “valid.” The State directs our attention to *State v. Stonewall*, 2025-Ohio-4974 (1st Dist.), decided October 31, 2025, and *State v. Reed*, 2025-Ohio-4708 (1st Dist.), decided October 10, 2025.

{¶ 4} We review alleged instances of ineffective assistance of trial counsel pursuant to the two-prong analysis set forth in *Strickland v. Washington*, 466 U.S. 668 (1984), which has been adopted by the Ohio Supreme Court in *State v. Bradley*, 42 Ohio St.3d 136 (1989). See also *State v. Blanton*, 2023-Ohio-89, ¶ 56 (2d Dist.). To prevail on a claim of ineffective assistance, Caceres must show that his trial counsel rendered deficient performance and that counsel’s deficient performance prejudiced him. *Strickland* at 687; *Bradley* at paragraph two of the syllabus. Absent a showing of either deficient performance or prejudice, a claim of ineffective assistance of counsel fails. *Blanton* at ¶ 56, citing *Strickland* at 697.

{¶ 5} To establish deficient performance, a defendant must show that his trial counsel’s performance fell below an objective standard of reasonable representation. *Strickland* at 688. In evaluating counsel’s performance, a reviewing court “must indulge in a strong presumption that counsel’s conduct falls within the wide range of reasonable professional assistance.” *Id.* at 689. “The adequacy of counsel’s performance must be viewed in light of all of the circumstances surrounding the trial court proceedings.” *State v. Jackson*, 2005-Ohio-6143, ¶ 29 (2d Dist.), citing *Strickland*.

{¶ 6} To establish prejudice, a defendant must show that there is “a reasonable probability that, but for counsel’s errors, the proceeding’s result would have been different.” *State v. Hale*, 2008-Ohio-3426, ¶ 204, citing *Strickland* at 687-688 and *Bradley* at paragraph two of the syllabus. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Bradley* at 142, quoting *Strickland* at 694.

{¶ 7} In reviewing ineffective assistance claims, we must not second-guess trial strategy decisions. *State v. Mason*, 82 Ohio St.3d 144, 157 (1998); *Strickland*, 466 U.S. at 689. Therefore, “trial counsel is allowed wide latitude in formulating trial strategy.” *State v. Collins*, 2011-Ohio-4475, ¶ 15 (2d Dist.), quoting *State v. Olsen*, 2011-Ohio-3420, ¶ 121 (2d Dist.). “Debatable strategic and tactical decisions may not form the basis of a claim for ineffective assistance of counsel, even if, in hindsight, it looks as if a better strategy had been available.” *State v. Conley*, 2015-Ohio-2553, ¶ 56 (2d Dist.), citing *State v. Cook*, 65 Ohio St.3d 516, 524-525 (1992).

{¶ 8} R.C. 2923.16(B) states: “No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.” Pursuant to R.C. 2923.111, a “qualifying adult” is a person who meets three specific criteria that exempts him or her from the requirement to obtain a concealed handgun license to carry a concealed firearm. A “qualifying adult” is someone who is: “(a) Twenty-one years of age or older; (b) Not legally prohibited from possessing or receiving a firearm under 18 U.S.C. 922(g)(1) to (9) or under section 2923.13 of the Revised Code or any other Revised Code provision; and (c) Satisfies all of the criteria listed in divisions (D)(1)(a) to (j), (m), (p), (q), and (s) of section 2923.125 of the Revised Code.” R.C. 2923.111(A)(2). “Qualifying adults are treated as though they possessed a concealed handgun license and may carry a concealed handgun ‘anywhere in this state in which a person who has been issued a concealed handgun license may carry a concealed handgun.’” *State v. Storms*, 2024-Ohio-1954, ¶ 21 (1st Dist.), quoting R.C. 2923.111(B)(2) and (3). A “qualifying adult who ‘is carrying or has, concealed on the person’s person or ready at hand, a handgun that is not a restricted firearm shall be deemed to have been issued a valid concealed handgun license.’” *Id.*, quoting R.C. 2923.111(C)(1). A qualifying

adult is not subject to prosecution for a violation of R.C. 2923.16(B). *State v. Barber*, 2025-Ohio-1193, ¶ 26 (1st Dist.).

{¶ 9} In *Stonewall*, the appellant was 19 years old at the time of his indictment. *Stonewall*, 2025-Ohio-4974, at ¶ 5 (1st Dist.). The trial court denied his motion to dismiss the indictment based on an assertion that R.C. 2923.12(A)(2) (which proscribes carrying a concealed weapon) and R.C. 2923.16(B) unconstitutionally violated his right to bear arms. *Stonewall* pleaded no contest and appealed. The First District determined that both statutes were constitutional under the two-part test set forth in *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. 1 (2023). *Stonewall* at ¶ 25, 39. Under the first prong of the test, “when the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.” *Id.* at ¶ 12, quoting *Bruen* at 17. “Then, if it is determined that the plain text covers an individual’s conduct, the burden shifts to the government to justify its regulation by demonstrating that ‘the regulation is consistent with this Nation’s historical tradition of firearm regulation.’” *Id.*, quoting *Bruen* at 17.

{¶ 10} Reiterating that “the Second Amendment guarantees an individual a right to carry a handgun in public for self-defense,” *Bruen* held that “New York’s public-carry licensing scheme, which required an applicant to demonstrate a special need for self-defense, violated the Second Amendment.” *Stonewall* at ¶ 11, citing *Bruen* at 10, 14. In *Stonewall*, the court determined that “[t]he founding generation shared the view that minors lacked the reason and judgment necessary to be trusted with legal rights, and that, accordingly, infants were subject to the power of their parents until they reached age 21.” (Cleaned up.) *Id.* at ¶ 28, quoting *Commonwealth v. Williams*, 341 A.3d 144, 155 (Pa.Super. 2025), citing *Natl. Rifle Assn. v. Bondi*, 133 F.4th 1108, 1117 (11th Cir. 2025), citing 1 William Blackstone, *Commentaries on the Laws of England*, at 452-53 (1871). *Stonewall* noted that

by the end of the nineteenth century, 19 states and the District of Columbia expressly restricted the ability of individuals under 21 to purchase or use firearms. *Id.* at ¶ 30. The court found that restricting a minor’s access to a loaded gun in a vehicle was relevantly similar to other public-carry restrictions that proliferated after the Second Amendment was ratified. *Id.* at ¶ 38.

{¶ 11} Similarly, *Reed*, which involved a nineteen-year old defendant, determined that “the Second Amendment, as construed in [*Bruen*] and *United States v. Rahimi*, [602 U.S. 680 (2024)], does not preclude the State’s prosecution of [the defendant] for carrying a concealed weapon,” and that the State “adequately demonstrated that, as applied to [the defendant], R.C. 2923.12 [was] “relevantly similar” to laws that our tradition is understood to permit.” *Reed*, 2025-Ohio-4708, at ¶ 5 (1st Dist.), quoting *Rahimi* at 692, quoting *Bruen* at 29.

{¶ 12} In *Matosky*, the defendant was indicted on one count of carrying concealed weapons in violation of R.C. 2923.12(A)(2) and one count of improper handling in violation of R.C. 2923.16(B). *Matosky*, 2025-Ohio-5658, at ¶ 2 (2d Dist.). The defendant was about 10 weeks shy of her 21st birthday at the time of the offense, and she moved to dismiss the indictment as an infringement on her Second Amendment right to bear arms. *Id.* at ¶ 6. The trial court applied the two-part *Bruen* test and found that R.C. 2923.12 and 2923.16 were unconstitutional as applied to the defendant. *Id.* at ¶ 36, 43. Accordingly, the trial court sustained the motion to dismiss the indictment, and this court affirmed the judgment of the trial court. *Id.* at ¶ 45. On April 8, 2026, the Ohio Supreme Court determined that a conflict exists between *Matosky*, *Reed*, and *Stonewall*, and the issue remains unresolved. *04/08/2026 Case Announcements*, 2026-Ohio-1248.

{¶ 13} We conclude that ineffective assistance is not demonstrated. First, it “is well established that statutes are presumed constitutional.” *State v. Robeson*, 2021-Ohio-3705, ¶ 43 (12th Dist.), citing *State v. Lowe*, 2007-Ohio-606, ¶ 17; *State v. Cook*, 83 Ohio St.3d 404, 409 (1998). Further, it “is not ineffective assistance for a trial lawyer to maneuver within the existing law, declining to present untested or rejected legal theories.” *State v. McNeil*, 83 Ohio St.3d 438, 449 (1998). At the time Caceres was sentenced, no appellate court had found R.C. 2923.16(B) unconstitutional. As the State asserts, Caceres was sentenced on December 10, 2025, nine days before *Matosky* was decided, and when *Stonewall* and *Reed* were good law. Counsel may well have considered that the historical tradition of restricting access by minors to firearms provided sufficient justification under *Bruen* to uphold the statute as applied. Accordingly, counsel was not deficient for not challenging the constitutionality of a statute that was presumed constitutional and that had previously been found to be so. Caceres’s assignment of error is overruled.

Conclusion

{¶ 14} The trial court’s judgment is affirmed.

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LEWIS, P.J., and TUCKER, J., concur.