

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT

State v. McKenzie

2025-Ohio-5487 · No. L-25-00052 · Decided December 9, 2025

SUMMARY

The Sixth District Court of Appeals of Ohio held that the trial court applied the wrong constitutional standard when evaluating an as-applied Second Amendment challenge to Ohio's weapons-under-disability statute, R.C. 2923.13. The court reversed and vacated the conviction and remanded for factual findings or stipulations concerning the appellant's prior conviction and circumstances relevant to the Bruen analysis. The court deemed the challenge to supervision costs moot.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District
WRITING FOR THE COURT	Gene A. Zmuda, J.; Christine E. Mayle, J.; Charles E. Sulek, P.J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	December 9, 2025
DOCKET	L-25-00052
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	McKenzie appealed his conviction for having weapons while under a disability, challenging the denial of his motion to dismiss the indictment on Second Amendment grounds and the imposition of supervision costs.
STANDARD OF REVIEW	The denial of a Crim.R. 12(C) motion to dismiss was reviewed de novo.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Antwon McKenzie v. State of Ohio

TOPICS

- second amendment
- constitutional law
- statutory interpretation
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal law
- constitutional law
- firearms law
- appellate law

QUESTIONS PRESENTED

1. Whether the trial court erred by denying McKenzie's as-applied Second Amendment challenge to R.C. 2923.13 without applying the two-step framework established in *New York State Rifle & Pistol Ass'n v. Bruen*.
2. Whether the record was sufficiently developed to permit resolution of McKenzie's as-applied challenge on appeal.
3. Whether the challenge to the imposition of supervision costs was moot after reversal of the conviction.

HOLDINGS

1. The trial court erred by relying solely on *Heller*'s discussion of the presumptive lawfulness of felon-in-possession restrictions and failing to apply *Bruen*'s two-step test to McKenzie's as-applied challenge to R.C. 2923.13.
2. The court could not resolve the as-applied challenge because the record lacked evidence or stipulations concerning the facts underlying McKenzie's prior conviction and other facts relevant to the constitutional analysis.
3. The assignment of error challenging supervision costs was moot because the conviction and judgment were reversed and vacated.

KEY QUOTATIONS

“An individual found by a court to pose a credible threat to the physical safety of another may be temporarily disarmed consistent with the Second Amendment.” (§ 15)

“Our tradition of firearm regulation allows the Government to disarm individuals who present a credible threat to the physical safety of others.” (§ 21)

“Based on the foregoing, we find McKenzie’s first assignment of error well-taken, and reverse and remand the matter for hearing or stipulations of fact so that the trial court might apply the test articulated in Bruen.” (§ 25)

FACTUAL BACKGROUND

Police encountered McKenzie on the steps of a residence while responding to a burglary report and arrested him after finding him in possession of a firearm. He was charged with having weapons while under a disability based on a 2000 felony conviction for attempted possession of crack cocaine. The record contained no evidence or stipulation concerning the circumstances of that prior conviction or whether McKenzie had sought relief from disability under R.C. 2923.14(A)(1).

PROCEDURAL HISTORY

McKenzie was indicted in the Lucas County Court of Common Pleas under R.C. 2923.13(A)(3) and (B). The trial court denied his motion to dismiss without conducting a hearing or developing factual stipulations concerning the circumstances of his prior felony conviction, after applying *Heller* rather than the *Bruen* framework. McKenzie then entered a no-contest plea, was convicted, received one year of community control,

and was ordered to pay supervision costs and restitution. The Sixth District reversed and vacated the judgment and remanded for factual development and application of Bruen.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Lucas County Court of Common Pleas must conduct a hearing or accept factual stipulations concerning the circumstances of McKenzie's prior conviction and other relevant facts, then apply the two-step Bruen test to McKenzie's as-applied challenge to R.C. 2923.13. The judgment is reversed and vacated.

CASES CITED

- District of Columbia v. Heller, 554 U.S. 579 (2008)
- New York State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1 (2022)
- United States v. Williams, 113 F.4th 637 (6th Cir. 2024)
- United States v. Rahimi, 602 U.S. 680 (2024)
- McDonald v. City of Chicago, 561 U.S. 742 (2010)
- State v. Latham, 2025-Ohio-495, ¶¶ 19-20, 34-35 (6th Dist.)
- State v. Palmer, 2012-Ohio-580, ¶ 22
- State v. Parker, 2023-Ohio-2127, ¶ 20 (5th Dist.)
- State v. Owens, 2017-Ohio-2909, ¶ 11 (6th Dist.)
- State v. Barber, 2025-Ohio-1193, ¶ 18 (1st Dist.)
- State v. Elam, 2025-Ohio-1092, ¶ 15 (6th Dist.)
- Rivera v. Petition for Relief from Disability, 2025-Ohio-2225, ¶ 19 (8th Dist.)