

OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT, HAMILTON COUNTY

State v. Barrow

2026-Ohio-811 · No. C-250259 · Decided March 11, 2026

SUMMARY

The Ohio First District Court of Appeals reversed the Hamilton County Municipal Court’s dismissal of three child-endangerment charges against Anthony Barrow. The court held that Cincinnati Municipal Code 915-3(a) was not preempted by Ohio’s firearms-uniformity statute, R.C. 9.68, although subsection (b), which defined negligent firearm storage as a substantial risk, had previously been invalidated. The case was remanded for further proceedings, with the trier of fact to determine whether Barrow’s firearm storage created a substantial risk to the children.

CASE DETAILS

COURT	Ohio Court of Appeals, First Appellate District, Hamilton County
WRITING FOR THE COURT	Crouse, Judge; Crouse, J.; Bock, J.; Zayas, P.J.
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	March 11, 2026
DOCKET	C-250259
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed the Hamilton County Municipal Court's judgments granting Barrow's motions to dismiss three child-endangerment charges under Cincinnati Municipal Code 915-3.
STANDARD OF REVIEW	A dismissal is ordinarily reviewed for abuse of discretion, but dismissal based on a purely legal issue is reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential within the Ohio First Appellate District subject to further appellate review.
PARTIES	State of Ohio v. Anthony Barrow

TOPICS

- criminal procedure
- statutory interpretation
- municipal law
- federalism
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Cincinnati Municipal Code 915-3 was preempted by Ohio's firearms-uniformity statute, R.C. 9.68, such that the child-endangerment charges had to be dismissed.
2. Whether the State could charge violations of Cincinnati Municipal Code 915-3(a) involving negligent firearm storage after Cincinnati Municipal Code 915-3(b) was held preempted.
3. Whether the complaints sufficiently charged violations of Cincinnati Municipal Code 915-3(a) notwithstanding their references to negligent firearm storage.

HOLDINGS

1. Cincinnati Municipal Code 915-3(b) is preempted and nullified by R.C. 9.68, but Cincinnati Municipal Code 915-3(a) and (c) are not preempted. The ordinance therefore is not invalid in its entirety.
2. The State may bring charges under CMC 915-3(a), and those charges may relate to an offender's negligent storage of firearms.
3. The complaints sufficiently tracked CMC 915-3(a), and the trial court erred by dismissing them. The State must prove at trial that Barrow's firearm storage actually created a substantial risk to the health or safety of the children.

KEY QUOTATIONS

“where child-endangerment charges concern the negligent storage of firearms, the trier of fact must decide, based on the individual facts of each case, whether the offender’s storage of the firearm created a substantial risk to the health or safety of the child.” (§ 23)

“While CMC 915-3(b) was preempted by R.C. 9.68, the remaining provisions of CMC 915-3 were not.” (§ 27)

FACTUAL BACKGROUND

Three complaints alleged that Barrow created a substantial risk to the health or safety of three different children by violating a duty of care, protection, or support. The complaints alleged that he left a firearm unsecured in his residence and failed to use a trigger lock or storage box. Each complaint also specified that the substantial risk resulted from negligently storing or leaving the firearm where Barrow knew or reasonably should have known that a child could access it.

PROCEDURAL HISTORY

Three complaints charged Barrow with child endangerment based on allegations that he left an unsecured firearm in his residence without a trigger lock or storage box. Barrow moved to dismiss, arguing that Cincinnati Municipal Code 915-3 conflicted with Ohio's firearms-uniformity statute, R.C. 9.68. The municipal court granted the motions and dismissed the charges; the State appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause is remanded for further proceedings consistent with the law and the opinion. At trial, the State must prove that Barrow's storage of the firearm actually created a substantial risk to the health or safety of the children.

CASES CITED

- State v. West, 2024-Ohio-1951 (1st Dist.)
- Cincinnati v. State, 2024-Ohio-2425 (1st Dist.)
- State v. Cooper, 2026-Ohio-101, ¶ 10 (1st Dist.)
- Ohioans for Concealed Carry, Inc. v. Clyde, 2008-Ohio-4605, ¶ 20
- State v. Wyatt, 2004-Ohio-6546, ¶ 27 (9th Dist.)
- State v. Howard, 2007-Ohio-3170, ¶ 87 (7th Dist.)
- State v. Hoerig, 2009-Ohio-541, ¶ 14 (3d Dist.)
- State v. White-Barnes, 1992 Ohio App. LEXIS 6261, *5 (4th Dist. Dec. 8, 1992)
- City of Parma v. Mentch, 2014-Ohio-5690, ¶ 10 (8th Dist.)