

**Subject:** RE: OSC Klein v. Leis (fwd)  
**From:** Joe Eaton <joe.eaton@usaconnect.com>  
**Date:** Mon, 6 Oct 2003 15:27:11 -0500 (CDT)  
**To:** joeaton@shell.core.com

----- Forwarded message -----  
Date: Mon, 6 Oct 2003 13:14:14 -0500 (CDT)  
From: Joe Eaton <j.eaton@usaconnect.com>  
To: Christine Burk <christine.burk@cityofmiamisburg.com>  
Cc: j.eaton@usaconnect.com  
Subject: RE: OSC Klein v. Leis

Christine Burk,

Thank you for your response. I was not soliciting either legal advice nor opinion, I was only wanting to be made aware of any local ordinances which would prohibit the open carry of a firearm for my defense and security while in Miamisburg. I have asked for similar information from Chief Sedlak and I am waiting his response. Are you permitted to contact Mr. Sedlak as Chief of Police with any relevant information on this matter? If you can that would be most appreciated.

Thank you for your service as Prosecutor for the people of Miamisburg.  
Joe Eaton

On Mon, 6 Oct 2003, Christine Burk wrote:

Mr. Eaton,

I am not permitted to give legal advice or opinion to individual citizens. Accordingly, it would be inappropriate for me to respond to your questions.

Sincerely,

Christine Burk

-----Original Message-----  
From: Joe Eaton [mailto:joeaton@usaconnect.com]  
Sent: Tuesday, September 30, 2003 4:31 PM  
To: prosecutor  
Subject: OSC Klein v. Leis

On Wednesday, September 24th, 2003 the Ohio Supreme Court ruled in Klein v. Leis indicating Ohio Revised Code 2923.12 and 2923.16 (prohibits carrying concealed firearms) are constitutional.

However, the court stated that the fundamental right to bear arms for defense and security, protected by the Ohio Constitution, Article I, Section 4 is protected by a citizens ability to carry a firearm openly in the State of Ohio.

For instance, a citizen can exercise his rights under the Ohio Constitution by carrying a loaded firearm in an openly visible holster, but he may not conceal his firearm.

So long as this citizen is not breaking any other laws that prohibit possession of a firearm, his actions are constitutionally protected.

Based upon this ruling, there are some questions that I would appreciate

your answers to:

- 1) Would any person or I be arrested for walking through town with an openly visible firearm holstered on the belt?
- 2) Are there any local ordinances that prohibit this that would be enforced? If so, please cite these ordinances.
- 3) Is there any situation in which a citizen, not otherwise in violation of any law, would be arrested for carrying openly, since this has been deemed by the Supreme Court of Ohio to be the proper way to exercise the fundamental right of bearing arms?

I would appreciate a written response, via USPS, Email ([j.eaton@usaconnect.com](mailto:j.eaton@usaconnect.com)) or a facsimile sent to my attention at (810)277-2472. You may also contact me by phone at either number listed below.

Sincerely,

Joe Eaton  
317 Melanie Drive  
Franklin Ohio 45005  
Home: 937-746-8875  
Work: 513-679-3377