

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

SERGIO REYES-BROOKS,

Appellant.

No. 64012-7-I

DIVISION ONE

UNPUBLISHED OPINION
ON REMAND

FILED: November 13, 2012

Leach, C.J. — The Washington Supreme Court granted the State's petition for review of our first opinion in this matter and remanded the case to us for reconsideration in light of its decision in State v. Guzman Nuñez.¹

In our first opinion, we followed State v. Bashaw² and vacated a firearms sentence enhancement because the trial court instructed Reyes-Brooks's jury it must be unanimous to answer whether the State proved the facts necessary to support the sentence enhancement. In Guzman Nuñez, the Supreme Court overruled Bashaw and approved the instruction given by the trial court. Therefore, we now affirm Reyes-Brooks's judgment and sentence.

Leach, C.J.

WE CONCUR:

Dwyer, J.

Jain, J.

¹ 174 Wn.2d 707, 285 P.3d 21 (2012).

² 169 Wn.2d 133, 234 P.3d 195 (2010).