

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	No. 65002-5-1
)	
v.)	DIVISION ONE
)	
JUSTIN MATTHEW BACANI,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: September 24, 2012

PER CURIAM. Justin Bacani appeals his conviction and sentence for second degree assault while armed with a deadly weapon. Citing State v. Bashaw, 169 Wn.2d 133, 234 P.3d 195 (2010), he contends the trial court improperly instructed the jury that they had to be unanimous to answer “no” on the deadly weapon special verdict form. After completion of the briefing in this case, our Supreme Court overruled the pertinent portion of Bashaw in State v. Nuñez, Nos. 85789-0, 85947-7, 2012 WL 2044377 (Wash. Jun. 7, 2012). Under Nuñez, the challenged instruction was proper.

Affirmed.

For the court:

Cox, J.
Everton, J.
Appelwick, J.