

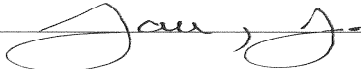
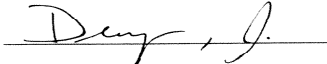
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	No. 66218-0-I
)	
v.)	DIVISION ONE
)	
SAMUEL A. LIZARRAGA-GUTIERREZ,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: July 30, 2012

PER CURIAM. Samuel Lizarraga-Gutierrez appeals his conviction and sentence for attempting to elude a pursuing police vehicle and a special verdict that his actions threatened others with physical injury or harm. 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 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.