

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

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|-------------------------|---|--------------------------|
| STATE OF WASHINGTON, |) | |
| |) | DIVISION ONE |
| Respondent, |) | |
| |) | No. 66732-7-I |
| v. |) | |
| |) | UNPUBLISHED OPINION |
| KENNETH OZELL CAMPBELL, |) | ON REMAND |
| |) | |
| Appellant. |) | FILED: November 26, 2012 |
| _____ |) | |

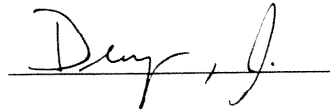
Dwyer, J. — The Washington Supreme Court granted the State’s petition for review of our first opinion in this matter and remanded the case to us for reconsideration in light of its decision in State v. Guzman Nuñez, 174 Wn.2d 707, 285 P.3d 21 (2012).

In our first opinion, we followed State v. Bashaw, 169 Wn.2d 133, 234 P.3d 195 (2010), and vacated two firearm sentence enhancements and remanded for resentencing.¹ Because the trial court did not instruct the jury that it need not be unanimous in order to answer “no” on the special verdict forms for the firearm enhancements, we determined that under Bashaw, the court’s instructions did not accurately inform the jury of the law. State v. Campbell, 163 Wn. App. 394, 400-02, 260 P.3d 235 (2011).

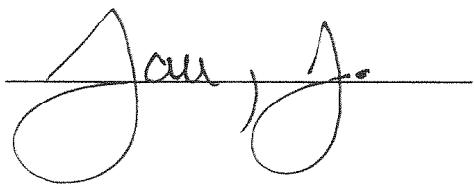
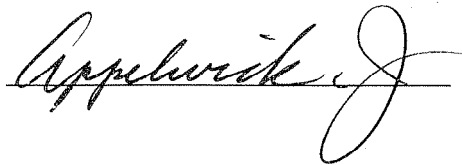
¹ The relevant facts in this matter are set forth in our first opinion. State v. Campbell, 163 Wn. App. 394, 397-98, 260 P.3d 235 (2011).

In Guzman Nuñez, however, the Supreme Court overruled Bashaw. The court held that jury unanimity is required in order to reject aggravating circumstances alleged on special verdict forms. Guzman Nuñez, 174 Wn.2d at 719. In light of the court's decision in Guzman Nuñez, it is clear that the trial court's instructions in the present matter did not misstate the law. There was no trial court error.

Affirmed.

A handwritten signature in cursive script, appearing to read "Dery, J.", written over a horizontal line.

We concur:

A handwritten signature in cursive script, appearing to read "Sawyer, J.", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Appelwick, J.", written over a horizontal line.

No. 66732-7-1/3