

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

STATE OF WASHINGTON, )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 KHAIR A. SIDDIQ, )  
 )  
 Appellant. )  
 \_\_\_\_\_ )

No. 70234-3-I

UNPUBLISHED OPINION

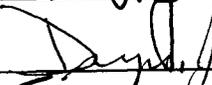
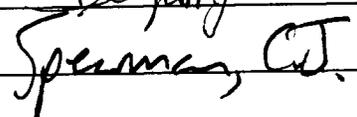
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STATE OF WASHINGTON  
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PER CURIAM — Khair Siddiq appeals his conviction for second degree assault, arguing that the court erred in refusing a “to-convict” instruction that required the State to prove the absence of self-defense. But Siddiq concedes that the court gave a separate instruction regarding the State’s burden of proof on self-defense and that our Supreme Court approved that procedure in State v. Hoffman, 116 Wn.2d 51, 109, 804 P.2d 577 (1991) (to-convict instruction need not contain the absence of self-defense so long as a separate instruction informs the jury of the State’s burden of proof). Although Siddiq argues that Hoffman is inconsistent with subsequent cases and should not be followed, none of the cited cases question Hoffman’s holding, which is binding on this court. State v. Gore, 101 Wn.2d 481, 487, 681 P.2d 227 (1984).

Affirmed.

FOR THE COURT:

  
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Speeman, C.J.