

BRIAN PATRICK CONRY, P.C.
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

)	Post-Conviction Relief Case No
)	
Petitioner,)	GENERAL JUDGMENT (Granting
)	AMENDED PETITION FOR POST-
vs.)	CONVICTION RELIEF)
)	
STATE OF OREGON)	DA No.
Defendant,)	
)	

The above-entitled matter came before the Court for trial on May 31, 2017, on Petitioner's AMENDED PETITION FOR POST-CONVICTION RELIEF. The Petitioner, [REDACTED] appeared through counsel, Brian Patrick Conry. The defendant (State of Oregon) appeared through [REDACTED] Assistant District Attorney.

The Court considered the submitted filings, the arguments of counsel, admitted evidence, and the pertinent law,

NOW, THEREFORE, IT IS HEREBY ADJUDGED that the Petitioner's AMENDED PETITION FOR POST-CONVICTION RELIEF is granted, for the reasons more fully stated and explained on the record on May 31, 2017. These findings of fact and conclusions of law are incorporated by reference into this judgment. The Court finds

1 that trial counsel [REDACTED]'s performance and assistance to Petitioner was
2 inadequate and fell below an objective standard of reasonableness. [REDACTED]'s pre-
3 plea immigration consequence advisal, that there was "a significant likelihood" of
4 Petitioner's deportation, if he entered the plea, affirmatively misrepresented the likelihood
5 of Petitioner's deportation. Petitioner's deportation is a "virtually certain" immigration
6 consequence of his plea of guilty to Possession of a Controlled Substance-
7 Methamphetamine. [REDACTED]'s representation violated the Oregon Constitutional
8 guarantee of effectiveness of counsel as well as the United States guarantee of effective
9 assistance of counsel.
10

11
12 Petitioner was prejudiced by this ineffective assistance of counsel. Further, it is
13 reasonably probable that the outcome of the case would have been different if Petitioner
14 had been the beneficiary of effective assistance of counsel.

15 Petitioner's plea was unknowingly and involuntarily entered. Due process, under
16 the Fifth and Fourteenth Amendment of the US Constitution and in violation of Article 1
17 Section 10 of the Oregon Constitution.

18 This matter involves a Federal State Constitutional Issue(s). All questions were
19 presented and decided.
20

21 This judgment shall constitute a final general judgment for purposes of appellate
22 review and for purposes of res judicata.
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24 This judgment is a limited judgment; the final general judgment shall be prepared and
25 submitted by within days of the above-mentioned hearing date, or in any case, no later
26 than.

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General Judgment

For the reasons stated on the record, it is further ordered that a general judgment be, and hereby is given in favor of:

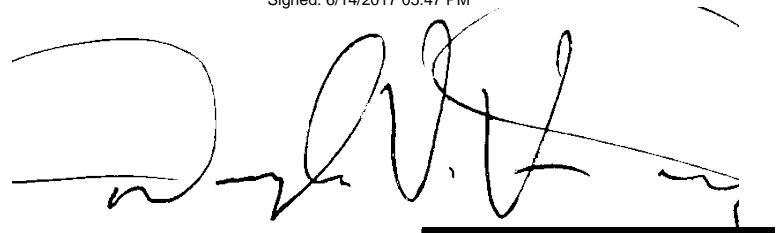
PLAINTIFF DEFENDANT

For the reasons stated on the record, it is further ordered that the general judgment include:

Attorney fees in the sum of \$0; and/or

Costs in the sum of \$0.

Signed: 6/14/2017 05:47 PM



Circuit Court Judge [REDACTED]

SUBMITTED BY: Brian Patrick Conry, OSB # 822245
534 SW Third Avenue, Suite 711
Portland, OR 97204

CERTIFICATE OF SERVICE

I, [REDACTED] hereby certify that on June 7, 2017, I made service of
Petitioner's GENERAL JUDGMENT (Granting AMENDED PETITION FOR
POST-CONVICTION RELIEF), by causing to be sent via e-mail a true copy to the
following:

[REDACTED]

Office of the District Attorney
807 Main Street
Oregon City, OR 97045

Respectfully submitted,

[REDACTED]

Law Office of Brian Patrick Conry

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