

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUDE EBELE ADUKA,

Defendant.

CR 01-60-RE
CV 04-154-RE

ORDER GRANTING
PETITION FOR POST-
CONVICTION RELIEF

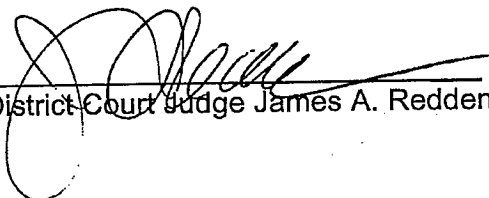
This matter came before the above entitled court on the 31st day of October, 2005, before the Honorable James A. Redden. The Petitioner is represented by his attorney, Brian Patrick Conry, and the United States of America by Claire M. Fay, Assistant United States Attorney, based on the stipulations of counsel, and the records and files herein and the Court being fully advised in the premises;

THE COURT HEREBY FINDS that Petitioner's constitutional right to counsel under the Sixth Amendment of the United States Constitution was violated in the prior proceedings. He was not advised by his criminal defense attorney that due to his plea and conviction for Interstate and Foreign Transportation of Stolen Property in violation of 18 U.S.C. § 2314 with a loss of more than \$10,000 he was virtually certain to be ordered deported from the United States as required under INA 240A(a) and INA 101(a)(43)(M). Criminal defense counsel was constitutionally ineffective for failure to advise Petitioner of this legally required immigration consequences of his plea.

Accordingly, based upon the right to effective assistance of counsel under the Sixth Amendment of the Constitution on the United States;

1 IT IS THEREFORE ADJUDGED that the Petition for Post-Conviction Relief
2 challenging Petitioner's conviction for Interstate and Foreign Transportation of Stolen
3 Property in violation of 18 U.S.C. § 2314 in original case numbers CR 01-60-RE and CV
4 04-154-RE, entitled *United States of America v. Jude Ebele Aduka* is hereby granted
5 due to the constitutionally ineffective assistance of criminal defense counsel, Mr.
6 Papak. The Petitioner's conviction in United States District Court for the District of
7 Oregon numbers CR 01-60-RE and CV 04-154-RE is vacated and the matter is
8 remanded to that court for further proceedings on the original charges.
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10 DATED this 5 day of November, 2005.
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13 _____
14 District Court Judge James A. Redden
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16 Submitted by:
17 Brian Conry, #82224
18 Brian Patrick Conry, P.C.
19 711 Willamette Building
20 534 SW Third Avenue
21 Portland, OR 97204
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