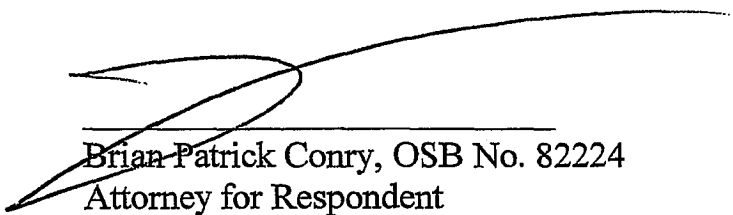


1 Respondent hereby submits the attached copy of the General Judgment
2 granting Respondent's Post-Conviction Relief as a supplemental exhibit to the
3 previously filed Motion to Terminate Proceedings.

4 DATED this 19th of August, 2013.

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6 Respectfully Submitted,

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10 Brian Patrick Conry, OSB No. 82224
11 Attorney for Respondent

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

██)
SID # N/A) Case No. ██)
Petitioner/Plaintiff,) GENERAL JUDGMENT)
vs.))
STATE OF OREGON))
Respondent/Defendant.))

The above-entitled matter came before the Court for a hearing/trial on June 18, 2013 on Plaintiff's Petition for Post-conviction Relief.

PETITIONER
 Appeared in person or by telephone/video
 Did not appear
 Attorney: D. Conry

RESPONDENT
 Appeared in person or by telephone/video
 Did not appear
 Attorney: C. Lewman

NOW, THEREFORE, IT IS HEREBY ADJUDGED THAT:

- 1. The Plaintiff's Petition for Post-conviction Relief is:
 - Allowed;
 - Denied;
- 1a. Per ORS 138.525, the Petition is dismissed as meritless, and this judgment is therefore not appealable.

findings

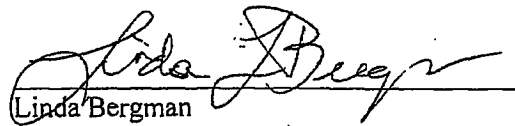
1. Att knew that pet had entered the US illegally with his family when he was 3 years old. He also knew that pet's parents were now citizens and pet a legal permanent resident.
2. Att knew that conviction of an aggravated felony would have immigration consequences for pet.
3. Pet was also charged with other crimes that would not have immigration consequences, but that could be used in crafting a sentence that a court might find appropriate for the acts.
4. There was a factual basis to argue that pet was guilty of an 8I, not a 9I Burg.
5. By the time of the plea, the advice to pet about deportation was totally conflicting. At the plea, the DA told the court that pet "may or may not be deported". The plea petition states "may result." Att testified that he told pet to "assume" he would be deported. At the plea he told the court "no concrete answer to what will happen with immigration" and that the plea was "putting him in the best position to have the least amount of trouble with immigration". (In actuality, it was making deportation mandatory.) In no way did these comments make it clear to pet or anyone else that pet was basically giving up any ability to stay with his family in the US, to ever visit them or to ever return legally. The advise was constitutionally inadequate to enable pet to make a knowing and voluntary waiver of his trial rights.
6. Att failed to recognize and advise pet that pet could have qualified for cancellation of removal if sentenced to less than 365 days on any one charge. Therefore he could have gone to trial on his viable defense and if convicted of an 8I, could have argued for less than 365 or a total of any amount of consecutive sentences as long as no one sentence exceeded 365 days. He could have argued for a total sentence of at least as much time as under the plea.
7. Based on the testimony of the immigration attorney, pet would have had a reasonable chance of winning cancellation of removal.
8. DA would not have offered less than 365 days. It is unclear if at the time of the negotiations, the DA understood that the real issue was the length of the felony sentence.
9. The pet was 16 at the time of the charges. He had lived here with his family since age 3. His family was in close touch with the att. This court believes that had they known of any way to prevent pet's permanent removal from this country, pet would have chosen to go to trial where he had some chance of remaining here.
10. Att's incomplete and inaccurate knowledge of immigration law caused him to provide inadequate representation and that representation has prejudiced pet since he is currently in deportation proceedings
11. Pet's petition for post conviction relief is granted. Pet's plea and sentence are vacated. The case is returned to the trial court for trial.

2. This matter involves a Federal State Constitutional issue(s). All questions were presented and decided.

3a. This judgment shall constitute a final general judgment for purposes of appellate review and for purposes of res judicata.

3b. This judgment is a limited judgment; the final general judgment shall be prepared and submitted by _____ within _____ days of the above-mentioned hearing date, or in any case, no later than _____.

DATED: 8/13/13


Linda Bergman
Senior Judge

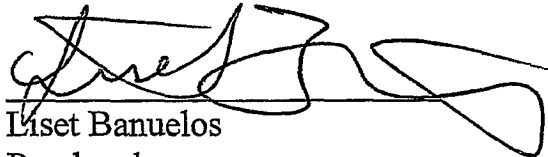
CERTIFICATE OF SERVICE

1
2 I, Liset Banuelos, hereby certify that, on August 19, 2013, I made service of
3 Respondent's SUPPLEMENTAL EXHIBIT FOR MOTION TO TERMINATE
4 PROCEEDINGS with attachments, enclosed herein, via e-mail to
5 james.yi@ice.dhs.gov, and via Federal Express Mail, enclosed in an envelope and
6 addressed to the following:
7

8
9 Office of the Chief Counsel
10 ICE/DHS
11 1623 East J Street, Suite 2
12 Tacoma, WA 98421

13 DATED: August 19, 2013.

14 Respectfully Submitted,

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16 Liset Banuelos

17 Paralegal
18 Law Office of Brian Patrick Conry
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