

1 (hereafter CDC) that he would not be deported as consequence of his conviction, and this
2 was false.

3 The parties agree that petitioner did suffer actual legal prejudice as a result of the
4 incorrect advice he was provided.

5 In this case, the petitioner was effectively, though not deliberately, misled into
6 believing that if he entered his plea to the PCS charge that he would not be deported. In
7 fact, he is virtually certain to be deported and found inadmissible under applicable federal
8 law because of this conviction.
9

10 Pursuant to ORS 138.530, petitioner was denied his 6th Amendment right to
11 effective counsel when his attorney misadvised him concerning the probable
12 consequences of his plea and conviction on his immigration status. Therefore, the parties
13 agree that vacation of his conviction for Unlawful Possession of a Controlled Substance-
14 Schedule I, due to the ineffective assistance of counsel, is warranted.
15

16 As to Count 2, Giving False Information to a Peace Officer in Connection with a
17 Citation:

18 Stipulate that the Post-Conviction Relief Petition is to be dismissed.

19 It is so stipulated:
20
21

22 /s/Brian Conry
23 Brian Conry
24 Petitioner's attorney

11/17/2021
Date

25 
26 Respondent's attorney

11/17/2021
Date

1 It is ORDERED and ADJUDGED that Petitioner's Petition for Post-Conviction
2 Relief is hereby:

3
4 Count 1-Unlawful Possession of a Controlled Substance-Schedule I—GRANTED and his
5 conviction in Circuit Court Case Number 20CR12556 is hereby VACATED on that
6 count, based upon the stipulation of the parties and on this Court's finding that Petitioner
7 was deprived of his right to effective assistance of counsel under the Sixth and Fourteenth
8 Amendment of the U.S. Constitution.

9
10 Count 2-Giving False Information to a Peace Officer in Connection with a Citation—
11 DISMISSED

12 DATED this ____ day of November, 2021.

11/18/2021 12:01:42 PM

13
14 

15 Circuit Court Judge Jennifer K. Chapman

16
17
18
19
20 SUBMITTED BY:
21 Brian Patrick Conry
22 OSB # 822245
23 1300 SW 6th AVE Suite 310
24 Portland, OR 97201
25 503-274-4430
26 bpconry@gmail.com

CERTIFICATE OF SERVICE

I, Brad Gourley-Paterson, hereby certify that on November 17, 2021, I made service of Petitioner’s STIPULATED GENERAL JUDGMENT, by causing to be sent by via Email a true copy, enclosed in an envelope and addressed to the following:

[REDACTED]

Respectfully submitted,

/s/Brad Gourley-Paterson
Brad Gourley-Paterson
Law Office of Brian Patrick Conry

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26