

SEP - 8 2005
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Time: 9:20 AM By: LA

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MALHEUR

IMMIGRANT DEFENDANT)

Petitioner,)

v.)

STATE OF OREGON,)

Respondent.)

No. 05-06-4517-M

ORDER GRANTING PETITION
FOR POST CONVICTION RELIEF

This matter came before the above entitled court on the 7th day of ~~August~~ ^{Sept}, 2005, before
the Honorable J. Burdette Pratt ~~Circuit Judge~~ Circuit Court Judge; the Petitioner is represented by his attorney,
Brian Patrick Conry, and the State of Oregon appeared ex parte by Erin Landis, Deputy District
Attorney for Malheur County, at the request of and with the permission of Brian Conry; 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 inasmuch as Petitioner's constitutional rights were
violated in the prior proceedings, in that he was advised by neither his attorney nor the court that
due to his plea and conviction for Felon in Possession of a Firearm he would be required to be
deported, his plea was not knowing and intelligent. Criminal defense counsel was
constitutionally ineffective for failure to advise Petitioner of the required immigration
consequences of his plea.

Accordingly, based upon Gonzalez v. State of Oregon, 191 Or App 587, 83 P.3d 921
(2004), Article § 11 of the Oregon Constitution, and 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 challenging
2 Petitioner's conviction for Felon in Possession of a Firearm in original case number 04085231C,
3 entitled *State v. IMMIGRANT DEFENDANT* is hereby granted due to the constitutionally ineffective
4 assistance of criminal defense counsel, Mr. Steven Stoddard.

The Petitioner's conviction in Multnomah Co. Circuit Court Case # 04-08-5381 is vacated and the matter is remanded to that Court for further proceedings on the original charges

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6 DATED this 7th day of ~~August~~, 2005.
7 *Sept.*

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10 Circuit Court Judge J. Burdette Pratt
Circuit Judge

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12 Submitted by:
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