ĺ	BRIAN PATRICK CONRY, P.C.	
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6	IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR YAMHILL COUNTY	
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8	Petitioner,) Post-Conviction Case No. 21CV42371
9	V.) Yamhill County Case No. 20CR12556
10		
11	STATE OF OREGON,) STIPULATED GENERAL
12	Respondent.) JUDGMENT
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14	The Petitioner appearing by counsel, Brian Patrick Conry, and Respondent State	
15	of Oregon appearing by , Deputy District Attorney for Yamhill County,	
16	hereby stipulate to the disposition of Petitioner's Post-Conviction Relief Petition for	
17	Yamhill County Circuit Court case 20CR12556 as follows:	
18	As to Count 1, Unlawful Possession of a Controlled Substance-Schedule I:	
19	Stipulate that in as much as Petitioner's constitutional rights were violated in the	
20	Supulate that in as much as I entioner's constitutional rights were violated in the	
21	prior proceedings, and that the prejudice to the petitioner is that the federal laws require	
22	his deportation from and inadmissibility into the United States without the right to return.	
23	Petitioner was told by his attorney that if he entered the plea to Possession of a Controlled	
24	Substance (hereafter PCS) he would not be deportable or inadmissible under the	
25	Immigration laws. Petitioner was, in fact, mistakenly advised by criminal defense counsel	
26	miningration laws. Felluoner was, in i	raci, mistakemy advised by criminal defense counser

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

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

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

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

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

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

It is so stipulated:

/s/Brian Conry
Brian Conry
Petitioner's attorney

11/17/2021 Date



11/17/2021 Date

1 It is ORDERED and ADJUDGED that Petitioner's Petition for Post-Conviction 2 Relief is hereby: 3 Count 1-Unlawful Possession of a Controlled Substance-Schedule I-GRANTED and his conviction in Circuit Court Case Number 20CR12556 is hereby VACATED on that 5 count, based upon the stipulation of the parties and on this Court's finding that Petitioner 6 7 was deprived of his right to effective assistance of counsel under the Sixth and Fourteenth 8 Amendment of the U.S. Constitution. 9 Count 2-Giving False Information to a Peace Officer in Connection with a Citation— 10 DISMISSED 11 12 DATED this ____ day of November, 2021. 11/18/2021 12:01:42 PM 13 yunter Il Ulapma 14 Circuit Court Judge Jennifer K. Chapman 15 16 17 18 19 20 SUBMITTED BY: **Brian Patrick Conry** 21 OSB # 822245 1300 SW 6th AVE Suite 310 22 Portland, OR 97201 23 503-274-4430 bpconry@gmail.com 24

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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:

Respectfully submitted,

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