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1 Brian Patrick Conry, P.C.  
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8 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**  
9 **FOR THE COUNTY OF WASHINGTON**  
10

11 ) Case No. 99 1251 CV  
12 )  
13 )

12 Petitioner,

13 vs.

14 ) JUDGMENT AND ORDER  
15 )

14 STATE OF OREGON,

15 Defendant/Respondent.  
16  
17

18 The above case came for trial on February 15,2000 before the Honorable Jon Lund

19 Petitioner appeared in person and by her attorney, Brian Patrick Conry and

20 Defendant/Respondent appeared by and through its attorney, Andrew R. Erwin, Deputy District

21 Attorney

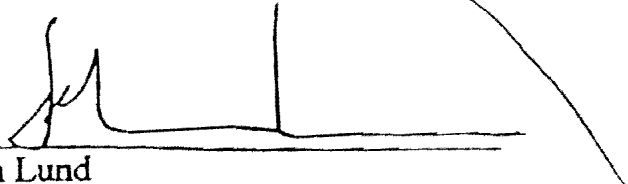
22 The Court having considered all evidence before it and, based on the Findings of Fact and

23 Conclusions of Law separately entered,  
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26 I - JUDGMENT AND ORDER

1 NOW, THEREFORE, IT IS HEREBY ADJUDGED that the Petitioner's Formal Petition  
2 for Post-Conviction Relief is granted and Petitioner's conviction for **delivery** of a controlled  
3 **substance is void** and hereby **set aside**.

4 DATED this 11<sup>th</sup> day of July, 2000.

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6 \_\_\_\_\_  
7 Jon Lund  
8 Circuit Court Judge

9 **ORDER SUBMITTED BY:**  
10 **Brian Patrick Conry, OSB #82224**  
11 **Attorney for Petitioner**

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14 STATE OF OREGON,

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17 The above case came for trial on February 15,2000 before the Honorable Jon Lund.


18 Petitioner appeared in person and by her attorney, Brian Patrick Conry and  
19 Defendant/Respondent appeared by and through its attorney, Andrew R. Erwin, Deputy District  
20 Attorney.  
21

22 The Court having considered all evidence before it and, based on the Findings of Fact and  
23 Conclusions of Law separately entered,  
24  
25

26 - JUDGMENT AND ORDER

1 NOW, THEREFORE, IT IS HEREBY ADJUDGED that **the** Petitioner's Formal Petition  
2 for Post-Conviction Relief is **granted** and Petitioner's conviction **for delivery** of a controlled  
3 **substance** is **void** and hereby **set aside**.

4 DATED this 11<sup>th</sup> day of July, 2000.

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9 Jon Lund  
10 Circuit Court Judge

9 ORDER SUBMITTED BY:  
10 **Brian Patrick Conry, OSB #82224**  
11 **Attorney for Petitioner**  
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Petitioner,  
vs.  
STATE OF OREGON,  
Defendant/Respondent.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW

THIS MATTER came before the Court and the Honorable Jon Lund for trial on the  
Petitioner's Formal Petition for post-Conviction Relief. Petitioner appeared in person and by her  
attorney, Brian Patrick Conry and Defendant/Respondent appeared by and through its attorney,  
Andrew R. Erwin, Deputy District Attorney.

In this proceeding, Petitioner contends that her conviction in Washington County Case  
No. C920135CR (92-0189a) is void and that her conviction was obtained in violation of her  
constitutional rights.

1 - FINDINGS OF FACT, CONCLUSIONS OF LAW

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BRIAN PATRICK CONRY, P.C.  
OSB# 82224

Specifically, Petitioner claims that:

1. The trial judge's conduct regarding acceptance of the Petitioner's no contest pleas based upon a signed, written plea petition (Exhibit 1) and the trial judge's colloquy with Petitioner and Petitioner's counsel, violated the State and Federal constitution.
2. Petitioner's trial counsel was constitutionally inadequate with regard to adequately researching and advising Petitioner of the reasonably foreseeable consequences of being convicted of Delivery of a Controlled Substance (commercial drug offense) as regards, to Petitioner's immigration status and the likelihood of deportation, cf Lyons v. Pearce, 298 OR 554 (1985).

The Court having considered the evidence and arguments of counsel now makes the following:

#### FINDINGS OF FACT

1. The trial judge's conduct regarding acceptance of the Petitioner's no contest pleas based upon the signed, written plea petition (Exhibit 1) and the trial judge's colloquy with Petitioner and Petitioner's counsel, did not violate any State and Federal constitutional provisions; Lyons v. Pearce, 298 OR 554 (1985).
2. Petitioner's trial counsel was constitutionally inadequate with regard to adequately researching and advising Petitioner of the reasonably foreseeable consequences of being convicted of Delivery of a Controlled Substance (commercial drug offense) as regards to Petitioner's immigration status and the likelihood of deportation. cf Lyons v. Pearce, supra

## 2 - FINDINGS OF FACT, CONCLUSIONS OF LAW

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CONCLUSIONS OF LAW

Based on the findings of facts set forth above, in the underlying criminal proceedings resulting in Petitioner's conviction, Petitioner was denied the right to effective assistance of counsel as guaranteed by either the United States Constitution and as articulated by the United States Supreme Court in Strickland v. Washington, 466 US 668 (1984), and/or as guaranteed by the Constitution of the State of Oregon as construed by the Oregon Supreme Court in Lyons v. Pearce, 298 OR 554 (1985).

Dated this 11th day of July, 2000.

/s/ Jon Lund

Jon Lund

Circuit Court Judge

SUBMITTED BY:

Brian Patrick Conry, OSB #82224

Attorney for Petitioner

3 - FINDINGS OF FACT, CONCLUSIONS OF LAW

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