

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

<p>8 IMMIGRANT DEFENDANT</p> <p> Petitioner,</p> <p>9 - vs -</p> <p>10 STATE OF OREGON,</p> <p>11 Defendant.</p> <hr style="width: 60%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. CV 04080852</p> <p>ORDER GRANTING PETITION FOR POST-CONVICTION RELIEF</p>
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This matter came before the above entitled court on March 15, 2005, before the Honorable DOUGLAS V. VAN DYK, Circuit Court Judge; the Petitioner appearing in person and with his attorney, Brian Patrick Conry, and with interpreter Bruce Allen, and the State of Oregon appearing by John L. Schilling, Deputy District Attorney for Clackamas County; based on the arguments 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 she was advised by neither her attorney nor the court that due to her plea and conviction for Theft in the Second Degree she would be deported, her plea was therefore not knowing and intelligent. Criminal defense counsel was constitutionally ineffective for failure to advise Petitioner of the required immigration consequences of her plea.

Clackamas County District Attorney
 807 Main Street, Room 7, Oregon City, OR 97045

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Accordingly, based upon *Gonzalez v. State of Oregon*, 191 Or. App. 587 (2004), Article §
11 of the Oregon Constitution, and the Sixth Amendment of the Constitution of the United
States;

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's plea for
relief as requested in the petition is hereby granted, and the previously entered conviction for that
offense in CROO-13048 is hereby vacated; and it is

FURTHER ORDERED AND ADJUDGED that Petitioner being fully advised of all
rights due her, as more fully set forth in the plea petition of this date, then entered a plea of
Guilty to the criminal charge of Theft in the Third Degree, a lesser included charge, which shall
now be entered as the conviction of record in CROO-13048, *nunc pro tunc* September 12,2000.
Petitioner's probationary period and requirements having already been successfully completed,
her sentence is deemed complete.

DATED this ____ day of April, 2005.

DOUGLAS V. VAN DYK
Circuit Court Judge

Submitted by:
John L. Schilling, #90428 
CLACKAMAS COUNTY
DISTRICT ATTORNEY'S OFFICE