

1 BRIAN PATRICK CONRY, P.C.
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6 **IN THE CIRCUIT COURT OF *THE* STATE OF OREGON**

7 **FOR THE COUNTY OF MULTNOMAH**

8 IMMIGRANT DEFENDANT,
9 Petitioner,

10 v.

11 STATE OF OREGON.

12 Defendant.

13) **POST CONVICTION**

14) **CASE NO. 0203-02171**

15) **GENERAL JUDGMENT**
16) **Circuit Court Case No. C982047CR**

17 **This case came before the court on April 30, 2004 for a Hearing for Post-Conviction**
18 **Relief on Petitioner's Second Amended Petition for Post-Conviction Relief, Petitioner appearing**
19 **by telephone from Mexico, and by counsel, Brian Patrick Conry, and Defendant State of Oregon**
20 **appearing by Susan Garber, Assistant Attorney General.**

21 **The Court having heard the motions of the parties, witness testimony, oral argument, and**
22 **reviewed the exhibits, and after being duly informed in the premises, the court made written**
23 **findings of fact and conclusions of law and entered an order dated September 10, 2004 granting**
24 **relief on the Second Amended Petition for Post-Conviction Relief.**

1 Accordingly, based upon *Gonzalez v. State of Oregon*, 191 Or. App. 587 (2004), Article 1
2 § 11 of the Oregon Constitution, and the Sixth Amendment of the Constitution of the United
3 States;

4 IT IS THEREFORE ADJUDGED that the Second Amended Petition for Post-Conviction
5 Relief challenging Petitioner's convictions for Burglary in the First Degree with a Firearm (Count
6 III), Assault in the Third Degree with a Firearm (Count IV), and Unlawful Use of a Weapon with
7 a Firearm (Count VI), State of Oregon v. Jose Manuel Senda, Case No. C982047CR Circuit
8 Court for Washington County, sentenced on September 21, 1998 is hereby granted due to the
9 constitutionally ineffective assistance of criminal defense counsel, Mr. Elliot.

10 It is THEREFORE ORDERED that Petitioner's Petition for Post-Conviction Relief is
11 hereby GRANTED and his convictions in Circuit Court Case Number C982047CR are hereby
12 VACATED.
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15 Dated this 15th day of September, 2004

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18 HON. LINDA L. BERGMAN
Circuit Court Judge

19 SUBMITTED BY: Brian Patrick Conry, OSB # 82224

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