We have been fighting for our clients for more than 30 years each. We have won great victories. Here is information about some of them:

Cop lies under oath to get search warrant … case dismissed

State v. Ames

A deputy sheriff falsely stated under oath in an affidavit for a search warrant that an unnamed informant who told him about our client's marijuana plants had no reason to lie. The warrant led police to our client's marijuana plants. We proved to a Linn County Circuit Court judge that the deputy had lied in the affidavit and argued that the judge therefore should suppress the marijuana plants. The judge agreed. The state appealed to the Oregon Court of Appeals, which agreed with the state and reversed the judge's order suppressing the plants. We appealed to the Oregon Supreme Court, which agreed with us, and reinstated the order suppressing the plants. The case was dismissed.

Here's a link to the Supreme Court's opinion: http://scholar.google.com/scholar_case?case=692743433217500&q=state+v+keeney&hl=en&as_sdt=4,38

Search warrant not supported by probable cause … 50 pounds of marijuana suppressed … case dismissed

State v. Beall

A Lane County Circuit Court judge issued a search warrant on the basis of a police officer's affidavit. The affidavit stated that our client and her husband had a marked increase in power consumption consistent with a marijuana growing operation, that her husband had deposited large amounts of cash into several bank account, that a drug-sniffing police dog had alerted on the cash, and that she and her husband had wood heat. The warrant led police to our client's marijuana plants and 50 pounds of dried marijuana. We argued to a second Lane County Circuit Court judge that the affidavit was insufficient to support the warrant, because it failed to state probable cause to believe that marijuana plants were present, and that the second judge therefore should suppress the plants. The second judge agreed. The case was dismissed.

Cops with warrant fail to knock and announce before entering home … evidence

of methamphetamine production suppressed … case dismissed

United States v. Becker

Police officers and federal agents served a federal search warrant at our client's home without first knocking and announcing. The warrant led them to evidence of methamphetamine production. We argued to a United States District Court judge that the entry into our client's home without first knocking and announcing was illegal, and that the evidence therefore must be suppressed. The judge disagreed. We appealed to the United States Court of Appeals for the Ninth Circuit, which agreed with us, and reversed the judge's failure to suppress the evidence. The case was dismissed.

Here's a link to the opinion of the United States Court of Appeals for the Ninth Circuit: http://bulk.resource.org/courts.gov/c/F3/23/23.F3d.1537.92-30480.html

Prosecution barred by double jeopardy … charges dismissed

State v. Bennett

Our client was charged with unauthorized use of a motor vehicle, driving while suspended and attempt to elude a police officer. He pled guilty to unauthorized use of a motor vehicle and was placed on probation. The state proceeded with the other charges. We argued to a Lane County Circuit Court judge that further prosecution was prohibited by double jeopardy. The judge agreed and dismissed the remaining charges. The state appealed to the Oregon Court of Appeals, which agreed with us, and affirmed the dismissal of the charges.

Here's a link to the opinion of the Oregon Court of Appeals: http://scholar.google.com/scholar_case?case=17222617007524404692&q=guy+bennett&hl=en&as_sdt=4,38

Meth cook on furlough buys chemicals and pleads guilty … found not guilty

United States v. Cobb

Our client was on leave from his state prison sentence for the manufacture of methamphetamine. He also had a prior conviction for manufacturing methamphetamine. He purchased the chemicals he would need to

manufacture methamphetamine from an informant. An undercover officer observed and recorded the transaction. Our client was charged with conspiracy and attempt to manufacture methamphetamine in United States District Court. An attorney was appointed to represent him, and he pled guilty to the conspiracy charge. He was likely to be sentenced to 25 years in prison. We filed a motion to withdraw the plea. A judge granted the motion. We went to trial. Our client waived jury and did not testify. Another judge found him not guilty.

Medical marijuana application submitted but not approved … not guilty.

State v. Flattery

An Oregon State Police trooper stopped the car our client was driving, smelled a strong odor of burned marijuana, and seized a pipe with marijuana residue and an undated application by our client for a medical marijuana card. The trooper cited our client for unlawful possession of less than an ounce of marijuana. We argued at trial to a Lane County Circuit Court judge that the application was sufficient for our client to establish a defense to the charge, even though it hadn't been approved by the state. The judge accepted our argument and found our client not guilty.

No probable cause to search new house … pound of marijuana suppressed … case dismissed

State v. Gallagher and Schwimmer

A police officer learned from unnamed informants that our male client was selling marijuana from a residence he shared with our female client several months earlier, and that our clients had moved from that residence to a new residence a few months earlier. The officer used the information to obtain a search warrant for the new residence. He and other officers served the warrant, and seized more than a pound of marijuana and $175,000 in cash. Our clients were charged with felonies involving marijuana. We filed a motion to suppress all the evidence, arguing that the officer's sworn statement was insufficient to establish probable cause to search the clients' new residence at the time the warrant was issued. The prosecutor reviewed our argument and dismissed the criminal charges against both clients.

Cops search garbage without warrant … meth lab suppressed … case dismissed

State v. Harris

Our client hired people to manufacture casting flux for the aerospace industry in an industrial part of tow. A neighbor became suspicious and called the police. The police went to the back of the premises and seized several garbage bags without a warrant. They took the bags to a police crime lab which analyzed the contents and concluded that the operation was manufacturing methamphetamine, not casting flux. The police obtained a search warrant and seized a meth lab. Our client was charged with manufacturing methamphetamine. We argued that the police violated our client's constitutional rights when they seized the garbage bags and that all evidence obtained as a result of that seizure must be suppressed. The judge first ruled that the seizure was lawful. We renewed our argument. The judge changed his mind, ruled that the seizure was unlawful, and ordered all evidence suppressed. The state appealed, but then changed its mind, and dismissed the appeal and the charge.

Stop and drug dog sniff unreasonable … consent invalid … eleven pounds of marijuana suppressed … case dismissed

State v. Hembree

Our client got off the train in Albany, and was confronted by officers who said they had information that he had paid cash for a one way ticket and was suspected of transporting narcotics. He declined to allow officers to look in his suitcase, but thereafter agreed to let a drug dog sniff it. The dog hit on the suitcase, and officers obtained a warrant to search it. The suitcase contained over 11 pounds of marijuana. Our client was charged with possession and delivery of marijuana. We filed a motion to suppress, arguing that the initial stop was not supported by reasonable suspicion, and that our client's consent to the dog sniff was the fruit of the poisonous tree. A Linn County Circuit Court judge agreed and suppress the evidence. The charges were dismissed.

Cops search car without warrant … marijuana and cash suppressed

State v. Kurokawa-Lasciak

A police officer with probable cause to believe our client had committed disorderly conduct and theft, and who suspected our client of money

laundering, arrived in a parking lot a short time after our client parked his car in the lot. Our client was about 30 feet from the car and walking away when he encountered the officer. The officer arrested him and asked for consent to search his car. Our client refused consent, handed the keys to his girlfriend, told her to get the dog out and lock the car and not go anywhere until he returned. The officer had another officer take our client to jail, and then spent an hour or more talking to the girlfriend. He kept asking her for consent to search the car. She refused for more than an hour. He asked her whether there was any marijuana in the car. She said yes. He again asked for her consent. She finally consent. He searched the car, and found marijuana, hashish and almost $50,000 in cash. We argued that the warrantless search of the car was illegal because the girlfriend had no authority to consent to the search. The state argued that the girlfriend had authority and, in any event, that the automobile exception applied to legitimize the search. A Douglas County Circuit Court judge disagreed with the state, and ordered the evidence suppressed. The state appealed. The Oregon Court of Appeals agreed with the state's automobile exception argument and reversed the trial court judge. We sought review. The Oregon Supreme Court disagreed with the state's automobile exception argument and reversed the Court of Appeals. The Court of Appeals then agreed with our argument that the girlfriend had no authority to consent and affirmed the trial court's suppression order.

Here's a link to the opinion of the Oregon Supreme Court: http://scholar.google.com/scholar_case?case=10965363879834740387&q=kurokawa-lasciak&hl=en&as_sdt=2,38

Here's a link to the second opinion of the Oregon Court of Appeals: http://scholar.google.com/scholar_case?case=9580691068840722106&q=kurokawa-lasciak&hl=en&as_sdt=2,38

Client who lived with meth cook husband for 17 years, cleaned up his lab after explosion mortally injured him inside, and loaded chemicals and glassware into U-Haul towing car containing large amounts of meth and ecstasy … not guilty

United States v. Makham

Our client's husband manufactured and distributed methamphetamine for more than 15 years. Our client lived with her husband in a rural area throughout that time, took trips with him on which he distributed methamphetamine in sealed pet food bag, handed the bag to the customers

herself sometimes, and maintained businesses with him on their property. One night, her husband was injured horribly in a flash explosion in his lab. Our client was not home, and somebody else took her husband to the hospital. Our client arrived home and cleaned up the explosion site. Nobody called the police or fire department, our client instead called her husband's partner in crime in California. The partner arrived a few days later, and she and our client loaded chemicals and glassware into a U-Haul truck. The partner then hitched her car up to the truck, and headed south. A few hours later, she collided with another car, and the chemicals spilled out into the median area of the freeway. The police soon arrived on the scene. Upon questioning, the partner admitted that she had chemicals and glassware used for manufacturing methamphetamine in the truck. After obtaining a search warrant, officers four large amounts of methamphetamine and ecstasy. Our client's address also was found in the truck. Federal agents questioned our client, whose English was minimal, and arrested her, claiming she had made incriminating statements in English. The partner told the agents that our client was involved in the methamphetamine business all along. Our client's husband died without regaining consciousness. Our client was charged with numerous crimes, she faced 10 years to life for the more serious ones, and five years for the less serious ones, as well as deportation. After a week long trial, we asked the judge to find our client not guilty as a matter of law instead of letting the case go to the jury. The judge reserved her ruling and gave the case to the jury, which found our client not guilty of the more serious crimes but guilty of the less serious crimes. The judge then granted our request and found our client not guilty of the less serious crimes.

Detention unlawful … consent invalid … gun suppressed … case dismissed

State v. Martinez

A police officer stopped our client for speeding. He noticed empty beer cans on the floor in back and saw our client try to cover some cash with her hand. The vehicle was registered in her husband's name, and the officer knew that the husband had armed associates and had been jailed recently for selling substantial quantities of controlled substances. Two other officers arrived. Our client consented to a search of the interior of the vehicle, and the original officer searched the interior, but he did not find any alcoholic beverages. The officer asked our client if there was anything in the trunk that he needed to know about. She said no. He asked if she would open the trunk so he could take a glance inside. She hesitated,

appeared nervous, and asked if he had to look in the trunk. He said he did not, but added that it was suspicious that she did not want to open the trunk. He indicated that she might be hiding something, like bundles of money. He said he would just take a glance inside if she would open it. She said there was a gun in the trunk and opened it. The officer observed a shotgun with a detached barrel. He asked if he could look at the gun and check the serial number. She said he could. He took the number and conducted a records check. The shotgun had been stolen a week earlier. Our client was arrested and charged with theft. We filed a motion to suppress the evidence seized from the trunk. A Benton County Circuit Court judge agreed that our client was illegally detained when she consented to the search of the trunk, and that the consent was ineffective to justify the search. The judge suppressed the evidence, and the state dismissed the case.

Fingerprints on duct tape wrapped around kilo of crack in boom box in client's wife's vehicle driven by client's business partner … not guilty

United States v. McIntosh

Our client and a partner owned Popeye's carpet cleaning business in LA. Two other men who owned Bluto's carpet cleaning business in LA were convicted in Tacoma of federal crimes involving crack cocaine. Our client's partner was stopped in Oregon while driving our client's wife's vehicle, on which our client made a $10,000 cash down payment. Police officers seized a kilogram of crack cocaine in plastic baggies wrapped in duct tape inside a boom box in the vehicle. Several of the partner's fingerprints were found on the baggies and on the duct tape. One of our client's fingerprints was found on the duct tape. The partner pled guilty and was sentenced to approximately 15 years in prison. Our client waived jury and did not testify. A federal judge found him not guilty.

Blood alcohol content five times the legal limit … not guilty

State v. McNamara

Our client was arrested by a police officer for driving under the influence of alcohol. A breath test showed a blood alcohol level of .42%. The judge at trial instructed the jury that a person with a blood alcohol level in excess of .08% was equivalent to under the influence. Our client did not testify. We argued that the breath test was unreliable and, therefore, the state had

failed to establish guilty beyond a reasonable doubt. The jury agreed and found our client not guilty.

Cops follow path from driveway to side door of garage and smell marijuana … case dismissed

State v. Nelson

A deputy sheriff was shopping when he saw Nelson and her boyfriend with a shopping cart holding 30 or 40 white five gallon buckets, wire shelving and light bulbs. He saw Nelson and her boyfriend load the items into a car. He used the license plate number to find out where they lived, and learned that their power consumption had increased during the previous few months. Nearly two months later, two deputies approached the hour by walking down the driveway past the garage to the front porch. One of them rang the doorbell with no result. They then walked back past the garage and noticed a plain trail from the driveway to a door of the garage. There were no fences or signs on the property. The side garage door sat about 10 or 15 feet from the driveway. They approached the door to knock. There was no light visible through the window. As they approached the door, they both could detect a strong odor of marijuana. One of the deputies submitted an affidavit in support of a search warrant, and obtained a warrant. They then search the house and seized a marijuana growing operation. The state charged Nelson and her boyfriend with felonies involving marijuana. We filed a motion to suppress, arguing that the approach to the side door of the garage was unlawful, and that the remaining information in the affidavit was insufficient to establish probable cause. The prosecutor reviewed our argument, and dismissed the criminal charges against Nelson.

Convict serving 15 to 30 year sentence … freed by appeal

State v. Peacock

Our client put out his best friend's eye with a broken beer glass in a bar fight. He was charged with assault in the first degree. He and his first attorney went to trial. The jury found him guilty. We replaced the first attorney. Our client was sentenced to 15 to 30 years in prison. We filed an appeal. The conviction was reversed. Our client was released from prison.

Alien facing prison and deportation for involvement in drug related shooting … freed

United States v. Ramirez

Our client was charged with attempted murder in state court after he drove a friend and brought his gun to a parking lot, and his friend shot someone who had failed to pay a drug debt. The state charges were dismissed when our client was charged in federal court with use of a firearm in relation to a drug trafficking crime and with being an illegal alien in possession of a firearm. Our client first attorney concluded that it would be pointless to seek our client's release, and impossible to avoid prison and deportation. We replaced the first attorney and filed a motion for release from detention. Our motion was granted, and our client was released from jail, when we established that he had a good work record, a valid work permit, a family, and was not a flight risk or a danger to the community. Persistent negotiations led to an agreement with the government under which our client pled guilty to transferring a firearm, knowing it would be used to commit a drug crime, with the understanding that he would avoid prison and possibly deportation. However, a presentence report by the federal probation office recommended a sentence of prison followed by deportation. We successfully moved to vacate the plea, over the government's opposition. Following further negotiations, and an additional agreement, our client pled guilty to knowing possession of a false alien registration card, the court sentenced him to probation, and he was not deported.

State refuses to disclose informant's identity … all charges dismissed

State v. Rogers

Our client was charged with possession and delivery of methamphetamine after an anonymous informant implicated him. We successfully moved to require the state to disclose the informant's identity. When the state refused, all charges were dismissed.

Cops search car without warrant … four pounds of marijuana suppressed … case dismissed

State v. Soriano

Our client, a lawful resident alien, was pulled over by an officer, who saw him weaving within his lane, for driving under the influence of intoxicants. The officer reported that our client's eyes were glassy and bloodshot, and that his tongue had a greenish tinge consistent in the officer's opinion with his having smoked marijuana. The officer arrested and handcuffed our client for DUII, and requested consent to search the vehicle. Our client declined to give consent. The officer impounded the vehicle, and searched it being towed away. He seized a wallet from our client and a suitcase on the seat behind the driver's seat. The officer opened the suitcase and saw three paper bags sealed in plastic. He took a bag to the police car, showed it to our client and asked what it was. Our client said, "search it." The officer searched it and found three pounds of marijuana. Our client was taken to jail and searched. The booking sergeant discovered $1,400 in cash and two bindles of white powder. The next morning, law enforcement obtained a warrant, searched the vehicle further, and found an additional pound of marijuana. Our client was facing charges which could have led to prison, and would have led to deportation to a country where he had not lived for 20 years or more. We filed a motion to suppress. A Coos County Circuit Court judge found that the opening of the closed suitcase was not incident to our client's arrest, and that saying "search it" after the suitcase already had been opened was not a valid consent. He further ruled that information about the three pounds had to be excised from the search warrant affidavit, leaving no probable cause for the warrant, and resulting in the suppression of the additional pound of marijuana. Finally, the judge also suppressed the cocaine because there was no showing that the jail had followed an inventory policy approved by a governmental authority. The police returned our client's vehicle to him, and he happily drove home.

Alien pleads guilty to sex crime and faces deportation … conviction undone

State v. Thayer

Our client was born abroad, and raised legally in this country, but never became a citizen. When he was 17, his sister claimed they had sexual relations. He was charged in court with felony rape. He told his attorney that he was innocent. His attorney reviewed the evidence, and advised him that he likely would be convicted at trial and deported to his birth country where he didn't know anyone or speak the language. He consented to his attorney's negotiation of a plea agreement to three counts of sexual abuse in the third degree, which was a misdemeanor under Oregon law. The attorney had advised him that this probably would prevent deportation.

At sentencing, a judge advised him that, while the plea negotiations were structured to avoid deportation, there was no guarantee. In fact, misdemeanor sexual abuse under Oregon law is an aggravated felony under federal law, and deportation is mandatory. The federal government initiated deportation proceedings. we petitioned for post-conviction relief, arguing that the pleas were not voluntary and intelligent, and that our client was deprived of effective assistance of counsel because his attorney failed to advise him adequately. A Jackson County Circuit Court judge granted post-conviction relief, causing the convictions to be vacated or set aside. The state declined to pursue to criminal case. The deportation proceedings were dismissed. We then filed a motion to seal the record of our client's arrest, and it was granted.

Right to speedy trial denied … charges dismissed

State v. Wray

Our client was charged with four misdemeanors. A warrant was issued for his arrest. He continued to reside in the area, but he was not arrested on the warrant for a year and a half. We moved to dismiss the charges, arguing that his right to a speedy trial had been denied. All charges were dismissed.