

The Case of Joshua Bevill: A Miscarriage of Justice

Because Joshua's attorney AND judge botched his guilty plea to a 10-year offense, after the conviction was reversed Joshua received an additional 20 years

AUSTIN, TEXAS, UNITED STATES, December 8, 2021 /EINPresswire.com/ -- [Joshua Bevill](#) is fighting for his life. The objective: a Clemency grant for Joshua Bevill.
(Case No. 3:11-cr-082.)

According to the Justice Project Texas, the case record reflects that Joshua Bevill's judge had to toss out Joshua's guilty plea to a 10-year offense because of Joshua's attorney's and his judge's gross incompetence. After Joshua's plea was tossed out because of their shocking incompetence, Joshua was punished—decades were added to the new replacement plea deal. This resulted in an additional 20 years, for a total of 30 years. But for the incompetence of Joshua's attorney and judge, Joshua would be at home. Instead, he has another 20 years left on his sentence.

As the case documents reflect, Joshua Bevill was in his 20s when he made misrepresentations to three high-net-worth investors, causing a combined loss of \$106,000, a relatively minor nonviolent offense. Joshua is serving a 30-year federal sentence. He's been in prison for nearly 12 years. He's now 41.

Federal prosecutors made clear—a position memorialized in federal prosecutors' March 1, 2012 Sentencing Memorandum—that a sentence that exceeded 10 years would be punitive, and a sentence spanning decades would serve to unfairly warehouse Joshua—that is, it wouldn't serve a valid purpose.

Joshua promptly pleaded guilty to a offense that carried no more than 10 years in federal prison. It was subsequently revealed that both Joshua's attorney and his judge had dropped the ball. The acts that Joshua pleaded guilty to did not constitute a crime. It was Joshua's defense attorney's basic duty to ensure that what Joshua pleaded guilty to was a crime. It was likewise the judge's core duty, before accepting the plea, to ensure that Joshua's conduct constituted the crime.

Neither Joshua's attorney nor his judge bothered to ensure that his guilty plea was valid, which is shocking.

After this egregious error surfaced, the conviction was reversed. Joshua immediately reached out

to prosecutors to secure a comparable legal plea deal to replace the illegal deal that the court was required to reverse, as evidenced by Joshua's letter to prosecutors:

"You are the prosecuting attorney. I wanted to communicate to you that I have never once said that I'm not guilty....A trial is nothing more than a waste of time, and I have no idea why everyone keeps talking about a trial or trial date. If you read my memorandum and affidavit, I have more than admitted guilt." (Doc. 181 at P.6.)

Consistent with this position, after the judge had to toss out the botched plea, Joshua, in open court, underscored this point to his judge: "Your honor, I... don't want a trial. I have admitted under oath to [committing the crimes charged]." (Doc. 147 at P.6.)

But, inexplicably, decades were added to the new plea offer—which is strange given it was the attorney's and judge's mistake that resulted in the lost plea deal, not Joshua's, a layman.

In the end, Joshua entered an effective guilty plea—he did not pursue a trial.

According to The Justice Project Texas, the case record shows that nobody wanted a trial. The prosecutors didn't want a trial, hence the 10-year plea offer. Joshua didn't want a trial. He took the deal and pleaded guilty. And the judge didn't want a trial. The judge accepted the guilty plea.

But as the case record demonstrates, the plea was botched, which required the court to reverse it. After it was reversed because of the attorney's and the judge's incompetence, Joshua was punished. This is a miscarriage of justice. Their incompetence cost Joshua two additional decades in federal prison.

[Clemency for Joshua Bevill. Justice for Joshua Bevill.](#)

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