

The Case of Joshua Bevill: How the Government Exploited a Dangerous Legal Loophole

Joshua Bevill Was Sentenced to 30 Years in Federal Prison Based Largely on Crimes He Was Never Charged With, Tried For, or Convicted of

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Imagine being convicted of a relatively minor crime that merits a few years in prison. But suppose at sentencing, you are blindsided—the prosecutors argue that seven years before the crime of conviction occurred, they believe you committed entirely separate, unrelated crimes, crimes you were never even charged with much less convicted of.

Now suppose that by hitching the remote uncharged crimes to the relatively minor crime that you pleaded guilty to, it caused your sentencing guideline range to leap from about three to five years in prison to 30 years to life in prison. Consequently, you are ordered to spend the next 30 years in prison—for crimes you were never even charged with.

This is precisely what happened to Joshua Bevill. There is a legal loophole in the federal sentencing scheme that the government routinely exploits. It allows them to use uncharged crimes to sentence people to prison. It even allows the government to use acquitted crimes to imprison people. Research it. It's real.

Joshua Bevill's case is one of the most extreme abuses of this loophole on the books.

In particular, in late 2010, Joshua Bevill raised \$212,000 from three high-net-worth investors. (\$106,000 was returned to investors.) In doing so, he omitted material facts as well as made misrepresentations. This was the sum total of Joshua's crime. Based on his 2011 guilty plea, the amount of time prescribed by the U.S. Sentencing Guidelines was in the five-year range.



At sentencing, however, the prosecutors maintained that seven years before the conduct in Bevill's present case began, when he was twenty-two years old, he worked for a company called The Pointer Group.

Joshua worked for The Pointer Group for a mere three months and made very little. He didn't have any managerial duties or control any bank accounts.

The Pointer Group as a whole raised \$2.7 million from 60 investors, most of which was raised either before or after Bevill worked at the company.

According to the government, the owners committed fraud and pocketed millions. They were never charged with a crime, the government's accusations notwithstanding.

There was a civil trial and depositions; however, Joshua was not involved. The owners—who ran the show and pocketed millions—were the focus.

During his three months at the company, Joshua made a fraction of one percent of the total \$2.7 million raised, according to depositions and testimony at the civil trial.

With this in mind, at Bevill's sentencing in his present (2011) \$106,000 securities fraud case, the government tacked on the \$2.7 million raised by The Pointer Group about seven years prior.

The Pointer Group had absolutely nothing to do with Bevill's 2011 securities fraud. Again, Bevill was never charged with any of the alleged (2002) crimes stemming from The Pointer Group.

But, the bigger the fraud the more prison time. Joshua's fraud case involved just a \$106,000 loss amount garnered from three high-net-worth investors, a relatively minor nonviolent offense. Thus, Bevill wasn't looking at a long sentence.

So, as was touched upon, by hitching

as was touched upon, by hitching the uncharged \$2.7 million to Joshua's present \$106,000 securities fraud case, it caused the size of the fraud to balloon artificially. This allowed the court to impose a decades-long sentence to fit a multimillion-dollar fraud... except it wasn't a multimillion-dollar fraud. It's a case where Joshua made misrepresentations to three investors, causing a combined loss of \$106,000.

This is a trick used by federal prosecutors, hitching uncharged crimes to cases in which they obtain a conviction for a relatively minor offense, so as to ratchet up the years one must spend in prison. It also allowed the government to tout a big multimillion-dollar fraud bust. This practice will eventually be outlawed. The legal community has denounced the underhanded practice, calling it perverse and unconstitutional. Most notably, Supreme Court Justices Kavanaugh and Gorsuch have sharply criticized this practice.

To learn more about Joshua's case, please visit: <https://www.thejusticeprojecttexas.com/>

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