

Jason Bo-Alan Beckman v. United States
Writ of Certiorari to the U.S. Supreme Court

APPENDIX A

Eighth Circuit's denial of
Certificate of Appealability

Jason Bo-Alan Beckman
FCI Sandstone 15917-041
PO Box 1000 Unit K-2
Sandstone, MN 55072

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 18-2032

Jason Bo-Alan Beckman

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:16-cv-03344-MJD)

JUDGMENT

Before COLLTON, WOLLMAN, and BENTON, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

March 05, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Jason Bo-Alan Beckman v. United States
Writ of Certiorari to the U.S. Supreme Court

APPENDIX B

Eighth Circuit's denials of Rehearing

Jason Bo-Alan Beckman
FCI Sandstone 15917-041
PO Box 1000 Unit K-2
Sandstone, MN 55072

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 18-2032

Jason Bo-Alan Beckman

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:16-cv-03344-MJD)

ORDER

The petition for rehearing en banc and also for rehearing by panel is denied as overlength.

May 02, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

United States Court of Appeals

For The Eighth Circuit

Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329

St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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May 24, 2019

Mr. Jason Bo-Alan Beckman
FEDERAL CORRECTIONAL INSTITUTION
15917-041
P.O. Box 1000
Sandstone, MN 55072-1000

RE: 18-2032 Jason Beckman v. United States

Dear Mr. Beckman:

I am returning your petition for rehearing, unfiled. An order denying your previously-filed petition for rehearing was entered on May 2, 2019.

Pursuant to 8th Circuit Local Rule 40A(c), successive petitions for rehearing are not allowed. The clerk will accept only one petition for rehearing from any party to an appeal and will not accept any motion to reconsider the court's ruling on a petition for rehearing or rehearing en banc.

If you wish to proceed with your appeal to the U.S. Supreme Court, you may contact the clerk at the address below.

Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street N.E.
Washington DC 20543
(202) 479-3009

Michael E. Gans
Clerk of Court

Enclosure(s)

cc: Mr. James Sanderson Alexander
Mr. David J. MacLaughlin

District Court/Agency Case Number(s): 0:16-cv-03344-MJD

Jason Bo-Alan Beckman v. United States
Writ of Certiorari to the U.S. Supreme Court

APPENDIX C
District Courts Opinion
Denying §2255 Motion

Jason Bo-Alan Beckman
FCI Sandstone 15917-041
PO Box 1000 Unit K-2
Sandstone, MN 55072

United States of America, Plaintiff/Respondent, v. Jason Bo-Alan Beckman, Defendant/Petitioner.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

2018 U.S. Dist. LEXIS 33674

Crim. No. 11-228 (01) (MJD)

February 28, 2018, Decided

February 28, 2018, Filed

Editorial Information: Prior History

United States v. Beckman, 787 F.3d 466, 2015 U.S. App. LEXIS 7805 (8th Cir. Minn., May 12, 2015)

Counsel {2018 U.S. Dist. LEXIS 1}David J. MacLaughlin and Tracy L. Perzel,
Assistant United States Attorneys, Counsel for Respondent.
Petitioner, pro se.

Judges: Michael J. Davis, United States District Judge.

Opinion

Opinion by: Michael J. Davis

Opinion

MEMORANDUM OPINION AND ORDER

This matter is before the Court upon Petitioner Jason Bo-Alan Beckman's Motion to Vacate, Set Aside, or Correct his Sentence pursuant to 28 U.S.C. § 2255 and motion to appoint counsel.

I. Introduction

Following an eight week trial, Petitioner was found guilty of multiple counts of wire fraud, mail fraud, money laundering, conspiracy to commit wire and mail fraud, filing false tax returns and tax evasion. These convictions arose from a Ponzi scheme that operated between July 2006 and July 2009, in which Petitioner and others received over \$193 million from hundreds of investors.

The evidence presented at trial overwhelmingly demonstrated that Petitioner and his co-conspirators defrauded victims by convincing them to invest their money in a sham currency program that they falsely claimed would earn a 10 to 12 percent return. They also told investors their investments were held in segregated accounts and that the investment was risk-free and completely safe. Petitioner, through his firm Oxford Private{2018 U.S. Dist. LEXIS 2} Client Group ("OPCG"), solicited investors to invest in the fraudulent currency scheme. Petitioner also falsely inflated his own credentials to potential investors by claiming he was a top-ranked portfolio manager pursuant to a Morningstar comparative study; a study and ranking that did not exist.

Petitioner claims that Trevor Cook was the master-mind of the fraudulent scheme and that he was not aware of the true nature of the scheme until the Phillips lawsuit was filed in July 20091. Substantial evidence was presented at trial, however, to contradict this claim. For example, evidence was presented to show that beginning in May 2008, Petitioner was repeatedly told by legal counsel hired to assist his attempt to purchase an interest in an NHL team, that the currency program was

illegal, and that he should return the investment funds to the currency program victims and to cease doing business with Trevor Cook. Petitioner did not heed counsel's advice. Not only did Petitioner continue to do business with Cook, he continued to accept investor funds and place them in the fraudulent currency scheme or use them for his own purposes.

Substantial evidence was^{2018 U.S. Dist. LEXIS 3} also presented at trial regarding Petitioner's scheme to defraud the NHL in order to obtain an ownership interest in an NHL team. To become an owner of an NHL team, Petitioner had to demonstrate that he had a substantial net worth. To demonstrate his net worth, Petitioner hired the law firm of Briggs and Morgan, and through this firm, Petitioner made a number of fraudulent financial disclosures related to the fraudulent currency scheme. The individual hired to evaluate the financial information provided by Petitioner, Joel Barth, eventually determined that virtually all of the information Petitioner provided regarding his net worth was fraudulent and not supported by proper documentation.

Substantial evidence was also presented at trial to show that Petitioner stole millions from the Quiggle family trust and from elderly clients Raymond and Charlotte Olson. Charlotte Olson's father had established the Arthur W. Quiggle Family Trust for the benefit of his children and grandchildren ("Quiggle Trust") and Charlotte Olson established her own trust for the benefit of her children ("Olson Trust").

In 1998, Charlotte Olson suffered a stroke and thereafter became dependent on others for investment^{2018 U.S. Dist. LEXIS 4} advice. In 2002, Petitioner became her financial advisor. In 2007, without authorization from the trustees, Petitioner caused the Quiggle Trust to sell more than \$3 million in old, blue-chip stocks, and invested the money with Cook. Then in 2008, Petitioner caused \$3.7 million of stocks in the Quiggle Trust to be pledged to the Union Bank of Switzerland to secure a loan, the proceeds of which were diverted to the currency program. At the time this transfer took place, Petitioner had already been advised by legal counsel the currency program was illegal.

Petitioner also stole money from Charlotte Olson and the Olson Trust - \$5 million - and directed it to Cook. Most of the money was obtained when Petitioner coordinated the viatical sale of two life insurance policies that were owned by the Olson Trust and which insured Raymond Olson's life, and then diverted the proceeds from the sale of those policies to pay margin calls in Petitioner's PFG currency trading account.

II. Post Conviction

Prior to his sentencing, the United States Probation Office prepared a Presentence Investigation Report ("PSR") advising that the total offense level for the crimes of conviction was 43 and that his criminal^{2018 U.S. Dist. LEXIS 5} history category was I. The Court calculated the applicable guideline range based on the statutory maximum for each count of conviction as follows: Counts 1 to 17 - 20 years; Counts 20 and 21 - 10 years; Counts 27 and 31 - 3 years; and Count 29 - 5 years. But for the statutory maximum sentences for the crimes of conviction, the advisory guideline range would have been life in prison.

On January 3, 2013, the Petitioner was sentenced to a total term of imprisonment of 360 months: 240 months on Counts 1 through 17, 120 months on Counts 20 and 21, 36 months on Counts 27 and 31 and 60 months on Count 29; the sentences for Count 1 through 17 were ordered to be served consecutive to the terms on Counts 20 and 21, but concurrent with the terms on Counts 27, 29 and 31.

Petitioner's conviction and sentence were affirmed on appeal. United States v. Beckman et al., 787 F.3d 466 (8th Cir. 2015) reh'g denied (Jun. 17, 2015).

On October 3, 2016, Petitioner filed the instant habeas petition in which he asserts a variety of claims, including numerous ineffective assistance of counsel claims. Petitioner has also moved for appointment of counsel to assist with this habeas petition. For the reasons stated below, Petitioner's motions will be denied.

III. Standard of {2018 U.S. Dist. LEXIS 6} Review

Under 28 U.S.C. § 2255, "[a] prisoner in custody under sentence . . . claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence . . . or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence." 28 U.S.C. § 2255(a). Section 2255 is intended to provide federal prisoners a remedy for jurisdictional or constitutional errors. Sun Bear v. United States, 644 F.3d 700, 704 (8th Cir. 2011). It is not intended to be a substitute for appeal or to relitigate matters decided on appeal. See Bousley v. United States, 523 U.S. 614, 621, 118 S. Ct. 1604, 140 L. Ed. 2d 828 (1998); Davis v. United States, 417 U.S. 333, 346-47, 94 S. Ct. 2298, 41 L. Ed. 2d 109 (1974).

Relief under 28 U.S.C. § 2255 is reserved for transgressions of constitutional rights and for a narrow range of injuries that could not have been raised on direct appeal and, if uncorrected, would result in a complete miscarriage of justice. A movant may not raise constitutional issues for the first time on collateral review without establishing both cause for the procedural default and actual prejudice resulting from the error. United States v. Apfel, 97 F.3d 1074, 1076 (8th Cir. 1996) (citations omitted).

The Petitioner is entitled to an evidentiary hearing on his petition "unless the motion and the files and records of the case conclusively show that {2018 U.S. Dist. LEXIS 7} the prisoner is entitled to no relief." 28 U.S.C.A. § 2255(b). "[A] petition can be dismissed without a hearing if (1) the petitioner's allegations, accepted as true, would not entitle the petitioner to relief; or (2) the allegations cannot be accepted as true because they are contradicted by the record, inherently incredible, or conclusions rather than statements of fact." Engelen v. United States, 68 F.3d 238, 240 (8th Cir. 1995) (internal citations omitted).

The Court finds that Petitioner has not demonstrated that he is entitled to an evidentiary hearing. Many of the allegations asserted in the petition are contradicted by the record, and for the remaining allegations, even if accepted as true, Petitioner has not demonstrated that he is entitled to relief.

IV. Merits Determination

A. Ineffective Assistance of Counsel

Claims of ineffective assistance of counsel may constitute both cause and prejudice to excuse a procedural default. Boysiewick v. Schriro, 179 F.3d 616, 619 (8th Cir. 1999) (citation omitted). Such claims must be scrutinized under the two-part test of Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). Under the Strickland test, Petitioner must prove that: 1) counsel's representation was deficient; and 2) counsel's deficient performance prejudiced Petitioner's case. Kingsberry v. United States, 202 F.3d 1030, 1032 (8th Cir. 2000) reh'g and reh'g en banc denied, (March 28, 2000).

To satisfy the first prong of the {2018 U.S. Dist. LEXIS 8} Strickland test, Petitioner must show that counsel's representation fell below an objective standard of reasonableness under professional norms. Strickland, 466 U.S. at 688. The inquiry should be whether counsel's assistance was reasonable considering all of the circumstances surrounding the case. Id. Judicial scrutiny of counsel's performance should be highly deferential and the general presumption is that counsel's

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JASON BO-ALAN BECKMAN -- PETITIONER
VS.
UNITED STATES OF AMERICA -- RESPONDENT

PROOF OF SERVICE

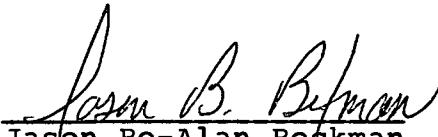
I, Jason Bo-Alan Beckman, do swear or declare that on this date, August 22, 2019, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them, first-class postage prepaid, with the correction officer conducting legal mail.

The names and addresses of those served are as followed:

Solicitor General, 950 Pennsylvania Ave., NW, Washington, DC 20530
Clerk, CA8, 111 S. 10th Street, Room 24.329, St. Louis, MO 63102-

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August, 22, 2019



Jason Bo-Alan Beckman