



Judgment of Conviction

Superior Court of New Jersey, ATLANTIC County

State of New Jersey

v.

Last Name
BARBER

First Name
DEVON

Middle Name
T

Also Known As

Date of Birth
12/31/1997

SBI Number
542255G

Date(s) of Offense
07/11/2022

Date of Arrest
07/11/2022

PROMIS Number
22 002292-001

Date Ind / Acc / Complt Filed
09/28/2022

Original Plea
☐ Not Guilty ☐ Guilty

Date of Original Plea

Adjudication By ☒ Guilty Plea ☐ Jury Trial Verdict ☐ Non-Jury Trial Verdict ☐ Dismissed / Acquitted Date: 10/26/2022

☐ Sealed (N.J.S.A. 2C:52-5.2)

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
22-09-01413-I	1	AGG ASSAULT-ATTEMPT/CAUSE SIGNIFICANT BODILY INJURY	2C:12-1B(7)	3
22-09-01413-I	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-OTHER WEAPON	2C:39-4D	3
22-09-01413-I	3	UNLAWFUL POSS WEAP - OTHER WEAPONS	2C:39-5D	4
W-2022-003006-0180	901	SIMPLE ASSAULT-PURPOSELY/KNOWINGLY CAUSE BOD. INJURY	2C:12-1A(1)	DP
W-2022-003006-0180	902	RESIST ARR/ELUD-PREVENTS OFFICER FROM EFFECTING ARREST	2C:29-2A(1)	DP

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
22-09-01413-I	1	AGG ASSAULT-ATTEMPT/CAUSE SIGNIFICANT BODILY INJURY	2C:12-1B(7)	3

Sentencing Statement

It is, therefore, on 01/04/2023 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:

COUNT 1: DEFENDANT IS SENTENCED TO 3 YEARS PROBATION.

ATTEND ANGER MANAGEMENT.

ATTEND MENTAL HEALTH AND TASC EVALUATION AND FOLLOW ALL RECOMMENDATIONS.

NO CONTACT WITH VICTIM.

ALL REMAINING COUNTS/CHARGES TO BE DISMISSED.

☐ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term
000 Years 00 Months 000 Days

Institution Name

Total Probation Term
03 Years 00 Months

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DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																																																		
<p>A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)</p> <p><input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))</p> <table style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 30%;"></th> <th style="width: 20%; text-align: center;">Standard</th> <th style="width: 10%; text-align: center;">@</th> <th style="width: 10%; text-align: center;">\$</th> <th style="width: 20%; text-align: center;">Doubled</th> <th style="width: 10%; text-align: center;">@</th> <th style="width: 10%; text-align: center;">\$</th> </tr> <tr> <td>1st Degree</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2nd Degree</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3rd Degree</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4th Degree</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>DP or</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Petty DP</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p style="text-align: right;">Total DEDR Penalty \$ _____</p> <p><input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)</p>			Standard	@	\$	Doubled	@	\$	1st Degree							2nd Degree							3rd Degree							4th Degree							DP or							Petty DP							<p><input checked="" type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).</p> <p><input type="checkbox"/> The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).</p> <p><input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____</p> <p><input type="checkbox"/> The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).</p> <p><input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).</p> <p><input type="checkbox"/> The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).</p>	
	Standard	@	\$	Doubled	@	\$																																														
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4th Degree																																																				
DP or																																																				
Petty DP																																																				
<p>Forensic Laboratory Fee (N.J.S.A. 2C:35-20) _____</p> <p>Offenses @ \$ _____</p>		<p>Total Lab Fee \$ _____</p>																																																		
VCCO Assessment (N.J.S.A. 2C:43-3.1)																																																				
Counts	Number	Amount																																																		
1	2 @	\$ 50.00																																																		
	@	\$																																																		
	@	\$																																																		
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Total VCCO Assessment \$ 100.00																																																				
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)																																																				
Offense		Mandatory Penalty \$ _____																																																		
Offense Based Penalties																																																				
Penalty		Amount \$ _____																																																		
Other Fees and Penalties																																																				
<p>Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)</p> <p><input checked="" type="checkbox"/> \$ 30.00</p>		<p>Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2)</p> <p><input checked="" type="checkbox"/> 1 Offenses @ \$ 75.00</p> <p style="text-align: right;">Total: \$ 75.00</p>																																																		
<p>Probation Supervision Fee (N.J.S.A. 2C:45-1d)</p> <p><input checked="" type="checkbox"/> \$ 5.00</p>		<p>Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)</p> <p><input type="checkbox"/> _____ Offenses @ \$ _____</p> <p style="text-align: right;">Total \$ _____</p>																																																		
<p>Transaction Fee (N.J.S.A. 2C:46-1.1)</p> <p><input type="checkbox"/></p>																																																				
<p>Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)</p> <p><input type="checkbox"/> \$ _____</p>																																																		
<p>Fine</p> <p>\$ _____</p>		<p>Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)</p> <p><input type="checkbox"/> \$ _____</p>																																																		
<p>Restitution Joint & Several</p> <p>\$ _____ <input type="checkbox"/></p>		<p>Total Financial Obligation</p> <p>\$ 205.00</p>																																																		
<p><input type="checkbox"/> Entry of Civil Judgment for court-ordered financial assessment (N.J.S.A. 2C:52-5.2)</p>																																																				
<p>Details</p> <p>ALL MONIES PAYABLE THROUGH PROBATION. CREDIT ANY MONIES PREVIOUSLY PAID.</p>																																																				
Findings Per N.J.S.A. 2C:47-3																																																				
<p><input type="checkbox"/> The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.</p> <p><input type="checkbox"/> The court finds that the defendant is amenable to sex offender treatment.</p> <p><input type="checkbox"/> The court finds that the defendant is willing to participate in sex offender treatment.</p>																																																				
License Suspension																																																				
<p><input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35-16) <input type="checkbox"/> Waived</p> <p><input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)</p> <p><input type="checkbox"/> Eluding (N.J.S.A. 2C:29-2)</p> <p><input type="checkbox"/> Other</p>																																																				
Number of Months		<input type="checkbox"/> Non-resident driving privileges revoked																																																		
Start Date		End Date																																																		
Details																																																				
Driver's License Number		Jurisdiction																																																		
If the court is unable to collect the license, complete the following: Defendant's Address																																																				
City		State	Zip																																																	
Date of Birth	Sex	Eye Color																																																		
	<input type="checkbox"/> M <input type="checkbox"/> F																																																			

Time Credits

[illegible]

Statement of Reasons - Include all applicable aggravating and mitigating factors

AGGRAVATING FACTORS

3. The risk that the defendant will commit another offense.

6. The extent of the defendant's prior criminal record and the seriousness of the offenses of which he/she has been convicted.

9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS

10. The defendant is particularly likely to respond affirmatively to probationary treatment.

14. The defendant was under 26 years of age at the time of the commission of the offense.

On 7/11/2022 Galloway Township Police responded a disturbance involving defendant with an unknown weapon allegedly attacking the victim. Officers observed several males and defendant in the driveway. Defendant was holding a crowbar in his left hand. It was also discovered that he had an active warrant for his arrest stemming from earlier in the day with defendant and the victim. The Officers ordered defendant to drop the crowbar to which he complied. He was detained and was placed in handcuffs. The victim stated that defendant punched him in the face (right cheek), he then stumbled back injuring his right foot when he fell. His foot was swollen, and he was immobilized.

The defendant is 24 years old, single with no children. His records reveal 6 known arrests/complaints across 3 states; Ohio, Florida, and New Jersey with no noted PRIOR convictions. The instant matters will represent the defendant's 1st and 2nd known indictable convictions. The defendant has pending charges out of Atlantic County Central Municipal Court for Harassment with no scheduled events. He also has an active bench warrant out of Ohio for Failure to Appear. No juvenile court history or domestic violence case list was located for this defendant in New Jersey.

The court finds aggravating factor 3, the risk that the defendant will commit another crime. This history convinces the court that defendant is likely to recidivate. The court weighs aggravating factor 3 as moderate. Aggravating factor 6 is present, due to the seriousness and extent of the prior convictions or adjudications as enumerated previously. The court gives this minimal weight. Based upon the same evidence (Cont...)

Attorney for Defendant at Sentencing JAKE BAYAK	Public Defender <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Prosecutor at Sentencing PAIGE JEDLICKA	Deputy Attorney General <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Judge at Sentencing Pamela D'arcy	
Judge (Signature) /s Pamela D'arcy	Date 01/12/2023

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Continuation

STATEMENT OF REASONS (Cont.)

discussed previously, this court finds aggravating factor 9, as to both general and specific deterrence. The court finds aggravating factor 9 and gives it substantial weight. The court finds mitigating factor 10 as the defendant is particularly likely to respond affirmatively to probationary treatment but only if defendant complies with the terms & conditions of the probation. The court finds mitigating factor 14 as the defendant was under 26 years of age at the time of the commission of the offense. The court finds that in balancing the factors, given not just their number but their quality and also their nature, the aggravating factors clearly and outweigh the mitigating factors.

This was a negotiated plea between the State and the defendant. Thus, there is a presumption of reasonableness. The sentence recommendation contained in the plea agreement is appropriate under the facts and circumstances of this case and it will be followed.