



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

10/26/2022

PROMIS Number

22 002313-001

Date Ind / Acc / Complt Filed

10/04/2022

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
22-10-01440-I

 Count
1

Description

TERRORISTIC THREATS-THREAT TO COMMIT CRIME OF VIOLENCE

Statute

2C:12-3A

Degree

3

Final Charges

 Ind / Acc / Complt
22-10-01440-I

 Count
1

Description

TERRORISTIC THREATS-THREAT TO COMMIT CRIME OF VIOLENCE

Statute

2C:12-3A

Degree

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 CONCURRENT TO IND. #22-09-1413.

ATTEND ANGER MANAGEMENT.

ATTEND TASC AND MENTAL HEALTH EVALUATION AND FOLLOW ALL RECOMMENDATIONS.

NO CONTACT WITH THE VICTIM.

WAIVES RIGHT TO APPEAL.

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

State of New Jersey v.
BARBER, DEVON T

S.B.I. # 542255G Ind / Acc / Compl # 22-10-01440-I

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%;"> <tr> <th style="width:30%;"></th> <th style="width:20%; text-align: center;">Standard</th> <th style="width:20%; text-align: center;">@</th> <th style="width:20%; text-align: center;">\$</th> <th style="width:20%; text-align: center;">Doubled</th> <th style="width:20%; text-align: center;">@</th> <th style="width:20%; 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	@	\$																																														
1st Degree																																																				
2nd Degree																																																				
3rd Degree																																																				
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	1	@	\$ 50.00																																																	
		@	\$ _____																																																	
		@	\$ _____																																																	
		@	\$ _____																																																	
Total VCCO Assessment \$ 50.00																																																				
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 type="checkbox"/> \$ _____</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 type="checkbox"/> \$ _____</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>Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)</p> <p><input type="checkbox"/> \$ _____</p>																																																		
<p>Restitution Joint & Several \$ _____ <input type="checkbox"/></p>		<p>Total Financial Obligation \$ 125.00</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 <input type="checkbox"/> M <input type="checkbox"/> F	Eye Color																																																		

Time Credits

Time Spent in Custody	Gap Time Spent in Custody	Prior Service Credit
R. 3:21-8	N.J.S.A. 2C:44-5b(2)	
Date: From - To	Date: From - To	Date: From - To
07/11/2022 - 10/26/2022	-	-
-	-	-
-	-	-
-	Total Number of Days _____	-
-	Rosado Time	-
-	Date: From - To	-
-	-	-
-	-	-
-	Total Number of Days _____	-
Total Number of Days 108		Total Number of Days _____

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.

Defendant was working for the victim. They were in the process of rehabbing a local residence. The defendant believed he was owed money and was attempting to take ownership of the property through his Sovereign Citizenship. The defendant had sent several threatening harassing communications through to the victim.

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 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 (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

State of New Jersey v.

BARBER, DEVON T

S.B.I. #542255G

Ind / Acc / Compl # 22-10-01440-I

Continuation

STATEMENT OF REASONS (Cont.)

 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.