



Judgment of Conviction

Superior Court of New Jersey, ATLANTIC County

State of New Jersey v.

Last Name BARBER	First Name DEVON	Middle Name T
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Also Known As

Date of Birth 12/31/1997	SBI Number 542255G	Date(s) of Offense 07/11/2022
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Date of Arrest 07/11/2022	PROMIS Number 22 002292-001	Date Ind / Acc / Complt Filed 09/28/2022	Original Plea <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty	Date of Original Plea
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Adjudication By <input checked="" type="checkbox"/> Guilty Plea	<input type="checkbox"/> Jury Trial Verdict	<input type="checkbox"/> Non-Jury Trial Verdict	<input type="checkbox"/> Dismissed / Acquitted	Date: 10/26/2022
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Sealed (N.J.S.A. 2C:52-5.2)

Original Charges

Ind / Acc / Compt	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 / Compt	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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S.B.I. # 542255G Ind / Acc / Compt # 22-09-01413-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%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 50%;">Standard</th> <th style="text-align: left; width: 50%;">Doubled</th> </tr> </thead> <tbody> <tr> <td>1st Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>2nd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>3rd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>4th Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>DP or Petty DP _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> </tbody> </table> <p>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> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Offenses @ \$ _____</td> <td style="width: 50%;">Total Lab Fee \$ _____</td> </tr> </table>			Offenses @ \$ _____	Total Lab Fee \$ _____													
Offenses @ \$ _____	Total Lab Fee \$ _____																
VCCO Assessment (N.J.S.A. 2C:43-3.1)																	
Counts	Number	Amount															
1 _____	2 @ \$ 50.00	_____															
_____	_____ @ \$ _____	_____															
_____	_____ @ \$ _____	_____															
_____	_____ @ \$ _____	_____															
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																	
Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)	Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2)																
<input checked="" type="checkbox"/> \$ 30.00	<input checked="" type="checkbox"/> 1 Offenses @ \$ 75.00 Total: \$ 75.00																
Probation Supervision Fee (N.J.S.A. 2C:45-1d)	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)																
<input checked="" type="checkbox"/> \$ 5.00	<input type="checkbox"/> Offenses @ \$ _____ Total \$ _____																
Transaction Fee (N.J.S.A. 2C:46-1.1)																	
<input type="checkbox"/>																	
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)	Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)																
<input type="checkbox"/> \$ _____	<input type="checkbox"/> \$ _____																
Fine \$ _____	Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)																
<input type="checkbox"/> \$ _____	<input type="checkbox"/> \$ _____																
Restitution \$ _____	Joint & Several Total Financial Obligation \$ 205.00																
<input type="checkbox"/> Entry of Civil Judgment for court-ordered financial assessment (N.J.S.A. 2C:52-5.2)																	
Details ALL MONIES PAYABLE THROUGH PROBATION. CREDIT ANY MONIES PREVIOUSLY PAID.																	
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															

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Time Credits

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

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 reveals 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.