



c/o 39.465848, -74.497040



Atlantic County, New Jersey



Nihilo nisi cruce

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CRIMINAL PART – ATLANTIC COUNTY
Docket Nos. ATL-22-002292-001 & ATL-22-002313-001
Also referencing ATL-24-001934**

BRIEF IN SUPPORT OF MOTION FOR POST-CONVICTION RELIEF

PRELIMINARY STATEMENT

Petitioner, Devon Tyler Barber, appearing *sui juris, in propria persona*, and asserting lawful identity and estate claim as Devon Tyler, seeks relief under Rule 3:22 of the New Jersey Rules of Court. He brings this motion based on newly discovered exculpatory evidence, constitutional violations, systemic misconduct, ineffective assistance of counsel, and the mischaracterization of a labor-based dispute as a criminal offense. Petitioner further invokes the equity jurisdiction of this Court due to extraordinary hardship and procedural deprivation.

1. POINT I: THE PROSECUTION VIOLATED BRADY AND GIGLIO DUTIES BY WITHHOLDING MATERIAL EVIDENCE

The State failed to disclose that its primary accuser, Joseph Hardemon Sr., had a prior conviction for aggravated sexual assault of a minor. This is a material omission under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), as well as New Jersey's own holdings in *State v. Carter*, 69 N.J. 420 (1976), and *State v. Brown*, 236 N.J. 497 (2019). Disclosure of such a serious conviction would have entirely shifted the credibility

analysis, plea posture, and case strategy. The suppression of this material fact invalidated the integrity of the plea and denied Petitioner a fair trial.

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2. POINT II: PETITIONER RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL

Petitioner's counsel failed to investigate the criminal background of the accuser, failed to advise him of potential Brady defenses, and pressured Petitioner into a plea under psychological distress while housed in solitary and medical confinement. These failures constitute violations of *Strickland v. Washington*, 466 U.S. 668 (1984), and deprived Petitioner of his right to effective representation.

3. POINT III: THE MATTER WAS CIVIL IN NATURE, NOT CRIMINAL

Petitioner entered into an oral and text-based labor agreement with Joe's Painting and Renovation 11 LLC. Upon seeking unpaid wages and notifying their investor, he was retaliated against and falsely accused of harassment. The dispute stemmed entirely from a civil labor relationship, and the State's response amounted to a mischaracterization of contractual labor as criminal conduct. This is a due process violation.

4. POINT IV: PETITIONER WAS COERCED INTO A PLEA UNDER TRAUMA, ISOLATION, AND ABANDONMENT

Following arrest, Petitioner was held in solitary confinement under COVID protocol and then subjected to over 30 additional days of lock-up with no access to proper nutrition, sunlight, clean water, or legal resources. He was transferred to a medical/protective pod where he suffered bedbug and scabies exposure. His plea was entered under extreme mental and physical duress and coercive advice from appointed counsel who failed to pursue exculpatory defenses.

5. POINT V: EQUITABLE REVIEW IS WARRANTED DESPITE PROCEDURAL DELAY

Petitioner did not file a direct appeal within 45 days due to incarceration, PTSD, lack of legal

knowledge, and betrayal by family and legal counsel. He later filed a separate PCR in ATL-24-001934 upon learning the proper process. Although filed separately, ATL-24-001934 arises from the same pattern of coercive prosecution, retaliatory conduct, and involuntary plea circumstances. Petitioner respectfully asks this Court to consider the interconnected nature of these dockets under its equitable authority, without requesting formal consolidation. The delay was not willful neglect but a result of trauma, procedural deprivation, and spiritual collapse. Petitioner now stands in good faith, asserting his name and trust, and seeking justice where formal deadlines have failed.

6. CONCLUSION

Petitioner respectfully requests that this Court vacate the plea and convictions under the above-captioned matters, schedule an evidentiary hearing, and issue all further relief in law and equity deemed just and proper.

Respectfully submitted,

/s/ Devon Tyler Barber

Devon Tyler Barber, appearing *sui juris, in propria persona*

Trustee, Faith Frontier Forever Ecclesiastical Trust

Date: June 18, 2025

Barber