

**DEVON TYLER BARBER,**  
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**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CRIMINAL PART  
ATLANTIC COUNTY**

STATE OF NEW JERSEY,  
Plaintiff,

v.

DEVON TYLER BARBER,  
Defendant.

Docket Nos.: **ATL-22-002292** and **ATL-22-002313**

(Unified Guilty Plea / Unified PCR)

**MOTION TO COMPEL ASSIGNMENT,  
CONSOLIDATION, AND SCHEDULING OF  
PCR**

*(Integrated EF history, unified plea, both indictments)*

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## **PRELIMINARY STATEMENT**

This motion seeks limited administrative relief to permit adjudication of a previously filed Petition for Post-Conviction Relief. Defendant filed a unified PCR under Rule 3:22 challenging the validity of a coerced guilty plea entered under **Docket Nos. ATL-22-002292 and ATL-22-002313**. Despite repeated PCR-designated filings accepted through JEDS over several months, the matter has never been administratively consolidated, assigned to a Criminal Part judge, or scheduled. As a result, Defendant remains without a forum to litigate substantial constitutional claims.

## **PROCEDURAL HISTORY**

1. Defendant entered a unified guilty plea resolving Docket Nos. **ATL-22-002292 and ATL-22-002313** arising from the same criminal proceeding.

2. Beginning in **May 2025**, and continuing through **December 2025**, Defendant—appearing pro se—filed multiple submissions through JEDS under the **Post-Conviction Relief** category in both dockets. These filings were consistently accepted by the Criminal Part and docketed accordingly.
3. Those submissions were not separate or successive PCR petitions, but a series of **good-faith, unified filings** relating to the same coerced plea, ineffective assistance of counsel, conflicts of interest, and due-process violations. The multiple JEDS entry numbers reflect administrative uploads by an unrepresented litigant seeking to preserve the record and invoke Rule 3:22 jurisdiction.
4. On **October 26, 2025**, Defendant filed a **Verified Petition for Post-Conviction Relief pursuant to Rule 3:22-1 et seq.**, supported by certifications, exhibits, and a memorandum of law, under **both dockets**.
5. In parallel, Defendant sought to supplement the appellate record with extra-record factual material. By Orders dated **December 9, 2025**, the Appellate Division denied those motions without reaching the merits, consistent with settled law that factual development must occur through PCR proceedings rather than direct appeal.
6. Despite these procedural developments—and despite sustained PCR-designated activity reflected in JEDS—no Criminal Part judge has been assigned, no consolidation has occurred, and no scheduling order has issued.

## **LEGAL BASIS**

- **Rule 3:22-1** guarantees a defendant the right to seek post-conviction relief for constitutional violations.
- **Rule 3:22-10(b)** contemplates evidentiary hearings where material facts lie outside the trial record.

- **Rule 1:1-2** authorizes relaxation of procedural rules to prevent injustice.
- **State v. Preciose**, 129 N.J. 451 (1992), requires meaningful consideration of PCR claims supported by sworn allegations.

Administrative inaction that prevents assignment and scheduling frustrates these protections and effectively nullifies the PCR process.

## **RELIEF REQUESTED**

Defendant respectfully requests that the Court enter an Order:

1. **Administratively consolidating** all PCR-designated filings under Docket Nos. **ATL-22-002292 and ATL-22-002313** into a single PCR proceeding;
2. **Assigning a Criminal Part judge** to the pending PCR;
3. **Issuing a scheduling order**, including a deadline for the State's response; and
4. Granting such other relief as justice requires.

Respectfully submitted,

/s/ Devon Tyler Barber

DEVON TYLER BARBER, Appearing Pro Se