

Devon T. Barber

Devon Tyler Barber – *Pro Se Defendant and Petitioner*
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, NJ 08205
(609) 665-9350 | Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART

ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON T. BARBER,

Defendant.

Indictment Nos. 22-09-01413-I / 22-10-01440-I

Docket Nos. ATL-22-002292 & ATL-22-002313

**NOTICE OF PENDENCY OF
DIRECT APPEAL AND REQUEST
TO HOLD PCR IN ABEYANCE**

To: The Honorable Presiding Judge, Criminal Division, Atlantic County

And to: Atlantic County Prosecutor's Office

NOTICE

PLEASE TAKE NOTICE that Defendant **Devon Tyler Barber**, appearing *pro se*, respectfully notifies this Court that direct appeals are presently pending in the **Superior Court of New Jersey, Appellate Division**, under Docket Nos. **A-000308-25** and **A-000313-25**, arising from the above-captioned criminal indictments.

These appeals challenge the judgments of conviction entered in matters **ATL-22-002292** and **ATL-22-002313**, and thus divest this Court of jurisdiction over those judgments pending

appellate review. See *R.* 3:22-3 (prohibiting adjudication of a post-conviction-relief petition during the pendency of a direct appeal).

The pending appeals include **Appellate Division Docket No. A-000308-25**, arising from **Indictment Nos. 22-09-01413-I** and **22-10-01440-I**, and **Appellate Division Docket No. A-000313-25**, concerning a subsequent 2024 prosecution involving **Officer Stephen Boyd** and other Atlantic County personnel (**Docket No. ATL-24-001934**). Those later proceedings are factually interrelated with the earlier matters now under appellate review and form part of a continuing sequence of events alleged by Defendant to involve retaliatory escalation and related civil-rights concerns.

Defendant has also filed companion civil actions:

- *Barber v. Boyd et al.*, Civ. No. 1:25-cv-15641 (D.N.J. filed Sept. 15, 2025) (pending before Chief Judge Renée Marie Bumb and Magistrate Judge Matthew J. Skahill);
- *Barber v. Hardemon et al.*, Civ. No. 1:22-cv-06206 (D.N.J. filed Oct. 21, 2022; motion to reopen pending Sept. 2025); and
- *Barber v. Tumelty et al.*, ATL-L-002794-25 (N.J. Super. Ct. Law Div. filed Oct. 3, 2025).

Each arises from substantially overlapping factual circumstances involving employment, prosecution, and collateral proceedings. Defendant therefore seeks to maintain a unified procedural record across the state and federal forums so that, upon issuance of the Appellate Division's **remittitur**, this Court will have the full contextual history necessary to conduct meaningful post-conviction review.

REQUEST FOR PROCEDURAL CLARITY AND ADMINISTRATIVE HOLD

In light of the pending appeals, Defendant respectfully requests that the Court hold the post-conviction-relief petition in abeyance until the Appellate Division issues its remittitur, formally returning jurisdiction to the Law Division. Upon receipt of the remittitur, Defendant will promptly move under *R. 3:22-10(b)* for an evidentiary hearing based upon the verified **Post-Conviction-Relief Petition filed October 26, 2025**, together with Exhibits A through M.

On **October 27, 2025**, Defendant also filed a **Certification of Supplemental Record and Request for Transmittal** (EF-3721525), requesting certification and forwarding of the October 26, 2025 PCR Petition and its Exhibits A–M to the Appellate Division pursuant to *R. 2:5-5(c)* and *R. 3:22-10(b)*. That submission sought no new relief but ensured that the complete verified petition and supporting record were transmitted for inclusion in Appellate Docket Nos. A-000308-25 and A-000313-25. This filing underscores Defendant’s good-faith effort to maintain a unified and accurate record across the trial and appellate courts.

Defendant further notes that, despite retaining prior counsel at substantial personal expense, counsel failed to pursue basic pretrial protections, including an application for a detention hearing under *R. 3:4A-1* to -9 or any motion addressing probable cause, discovery disclosure, or bail review. Counsel’s sole substantive act was to appear for the purpose of entering a negotiated guilty plea, without conducting an independent investigation or ensuring Defendant’s informed and voluntary consent as required by *R. 3:9-2*. See *State v. Slater*, 198 N.J. 145, 155 (2009); *State v. Bellamy*, 178 N.J. 127, 135 (2003).

Lacking effective representation, Defendant was compelled to prepare, assemble, and certify much of the procedural record personally—including the verified Post-Conviction-Relief Petition filed October 26, 2025, and the Certification of Supplemental Record and Request for Transmittal filed October 27, 2025 (EF-3721525)—to preserve the evidentiary foundation that

prior counsel failed to create. Those submissions, transmitted pursuant to *R. 2:5-5(c)* and *R. 3:22-10(b)*, document the constitutional deficiencies in counsel's performance and the resulting denial of meaningful due process. See *Strickland v. Washington*, 466 U.S. 668 (1984); *State v. Preciose*, 129 N.J. 451 (1992). Defendant therefore requests that the Court take judicial notice of those filings as part of the unified record held in abeyance pending completion of the direct appeals.

This request is made solely to preserve jurisdictional integrity, ensure continuity of the record between the Law Division and the Appellate Division, and avoid any inadvertent procedural dismissal or duplication of effort. Holding the matter in abeyance will promote judicial economy and safeguard Defendant's statutory and constitutional rights to full collateral review once appellate proceedings conclude.

CONCLUSION

For the foregoing reasons, Defendant respectfully prays that this Court:

1. Acknowledge the pendency of the direct appeals under *R. 3:22-3*;
2. Direct that the PCR petition remain docketed but inactive ("in abeyance") pending issuance of the remittitur; and
3. Take any additional administrative steps necessary to ensure that the PCR file and related exhibits remain preserved and available for immediate activation upon conclusion of appellate proceedings.

Respectfully submitted,

Date: October 29th, 2025

/s/ **Devon T. Barber**

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Docket Nos. ATL-22-002292 & ATL-22-002313

CERTIFICATION OF SUPERSEDING PCR

PETITION (*October 26, 2025 – referencing*

prior May 4, 2025 filing)

Certification Pursuant to R. 1:4-4(b) and 28 U.S.C. § 1746

I, Devon Tyler Barber, of full age, hereby **certify, state, and affirm under penalty of perjury** that the foregoing statements made by me are **true and correct** to the best of my knowledge, information, and belief.

1. On May 4, 2025, I filed a *pro se* petition for post-conviction relief in these matters (**ATL-22-002292 / ATL-22-002313**). That initial filing was submitted under significant hardship and did not fully articulate my factual and constitutional claims.
2. On October 26, 2025, I filed a comprehensive, verified Post-Conviction Relief Petition (98 pages, with Exhibits A through M) entitled *Barber Post-Conviction Relief Petition October 2025.pdf*, which corrected formatting deficiencies and consolidated all prior arguments and supporting evidence.

3. On October 27, 2025, I filed a related **Certification of Supplemental Record and Request for Transmittal** (EF-3721525), seeking formal certification and transmission of the October 26 PCR Petition to the Appellate Division under *R. 2:5-5(c)* and *R. 3:22-10(b)*. That filing was intended to ensure a complete record for both Appellate Division Docket Nos. A-000308-25 and A-000313-25.
4. I respectfully request that the Court deem the October 26, 2025 petition to supersede and replace the earlier May 4, 2025 submission and that all future action be taken with reference to the later, verified petition.
5. This Certification is submitted in good faith to clarify the procedural record and preserve the integrity of the pending PCR proceedings.

I, **Devon Tyler Barber**, of full age, hereby **certify, state, and affirm under penalty of perjury** that the foregoing statements made by me are **true and correct** to the best of my knowledge, information, and belief.

I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on October 29th, 2025, at Hamilton Township, Atlantic County, New Jersey.

Respectfully submitted,

Date: October 29th, 2025

/s/ **Devon T. Barber**

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