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6 SUPERIOR COURT OF NEW JERSEY

7 LAW DIVISION – CRIMINAL PART ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

vs.

DEVON T. BARBER,

Defendant

INDICTMENT NOS. 22-09-01413-I & 22-10-01440-I
Docket Nos. ATL-22-002292 & ATL-22-002313

EXHIBIT H — DECLARATION OF
CONSTITUTIONAL AND MORAL FOUNDATION

8 **A. Purpose of Declaration**

9 I, **Devon Tyler Barber**, appear *in propria persona*, pro se and pending advisory counsel, to
10 affirm the constitutional and moral principles that underlie every pleading I have filed or will file
11 in these related proceedings. This Declaration supports (a) my **Petition for Post-Conviction**
12 **Relief** under **N.J. Ct. R. 3:22** and (b) my **civil-rights complaint** under **42 U.S.C. § 1983** and,
13 where applicable, *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971). It is verified under **R.**
14 **1:4-4(b)** and **28 U.S.C. § 1746** and may be received as sworn testimony in either forum.
15

16 **B. Constitutional and Jurisdictional Foundation**

17 Both the **Fifth** and **Fourteenth Amendments** to the United States Constitution and **Article I**,
18 **paragraphs 1 and 7** of the New Jersey Constitution forbid deprivation of life, liberty, or
19 property without due process of law. Under *Strickland v. Washington*, 466 U.S. 668 (1984), and
20 *State v. Preciose*, 129 N.J. 451 (1992), a conviction obtained through ineffective assistance,
21 withheld evidence, or coercion constitutes a denial of due process requiring relief under **R. 3:22-**
22 **10**.

23 In federal jurisdiction, § 1983 provides a direct cause of action for violations of these same
24 constitutional guarantees by persons acting under color of state law.

25 This Declaration does not seek to merge jurisdictions in violation of *Younger v. Harris*, 401 U.S.
26 37 (1971), or *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89 (1984); each court retains
27 its proper sphere. The PCR addresses criminal validity; the federal action addresses civil wrongs
28 and damages. Consistency of fact does not equal duplication of claim.

29 **C. Equitable and Procedural Basis**

30 Under **R. 1:1-2**, the Court may relax rules “to secure a just determination.” Equitable abatement
31 is sought so that enforcement of judgment does not perpetuate manifest injustice (*State v. Rue*,
32 175 N.J. 1 (2002)). Motion practice herein complies with **R. 1:6-2(a)** (notice and certification)
33 and is supported by factual Exhibits A through G already on record. Should counsel later be
34 assigned, this Declaration shall remain operative as a pro se submission.

35 For any civil-rights proceeding, this Declaration also preserves claims for attorney-fee eligibility
36 under **R. 4:42-9(b)** and **42 U.S.C. § 1988**, recognizing that pro se litigants may recover costs
37 when statutes so allow.

38 **D. Statement of Purpose and Calling**

39 **(1)** Since youth, I have aspired to the practice of law and the pursuit of justice. In 2016 I was
40 accepted to **Rutgers Law School**, intending to dedicate my life to advocacy for fairness, due
41 process, and the dignity of labor. Circumstances diverted that path, yet the present proceedings
42 have become the crucible through which I am learning what the classroom could never teach.

43 **(2)** I believe that God uses adversity as instruction, refining both conviction and conscience. This
44 season of trial has strengthened my reverence for the rule of law and my belief that mercy and
45 justice are not opposites but companions.

46 (3) In these matters, the **State's actions violated fundamental due-process protections** by
47 prejudging the case, suppressing exculpatory facts, and denying me a meaningful defense —
48 even rendering me effectively mute before the tribunal. Such silence was not consent but
49 compulsion, contrary to the guarantees of the **Fifth, Sixth, and Fourteenth Amendments**.

50 (4) Accordingly, I approach these filings not in defiance but in obedience — to law, to
51 conscience, and to the divine command that we “do justly, love mercy, and walk humbly.” If
52 justice is to mean anything, it must include the chance to be heard.

53 E. Civil Authority and Justice

54 Civil authority is legitimate only when exercised with transparency and restraint. When officers
55 employ coercion, concealment, or force disproportionate to lawful purpose, they invert the
56 relationship between government and governed. The **Posse Comitatus Act**, 18 U.S.C. § 1385,
57 and **18 U.S.C. § 3056** (Secret Service authority) illustrate Congress’s intent that military or
58 quasi-military power shall not be used to suppress civilian rights. These federal standards mirror
59 New Jersey’s constitutional command that all government is “for the protection and benefit of
60 the people.”

61 Both Courts therefore sit as guardians of that boundary—ensuring that enforcement remains
62 civil, not martial, and that every accused person receives the protections guaranteed by law and
63 conscience.

64 F. Scriptural and Moral Authority (Exact Geneva Text)

65 “*He hath shewed thee, O man, what is good: and what doth the LORD require of thee, but to do
justly, and to love mercy, and to walk humbly with thy God.*” — **Micah 6 : 8 (Geneva Bible**
66
67 **1599)** “*When iudgement is executed, it is ioy to the righteous: but feare shalbe to the workers of*

68 *iniquitie.*” — **Proverbs 21 : 15 (Geneva Bible 1599)** “*Blessed are they that kepe iudgement,
69 and he that doeth righteousnes at all times.*” — **Psalme 106 : 3 (Geneva Bible 1599)**

70 These verses articulate the moral dimension of due process: justice joined with mercy. Courts
71 grounded in these virtues preserve both the secular and divine order of equity.

72 **G. Application to Pending Matters**

73 The factual record — **as detailed in Exhibits A through G, including the Judgments of
74 Conviction, IRS Wage & Income Transcripts (2019-2022), contractor licensing records for
75 Joe’s Painting & Renovations 11 LLC and Tillerstead LLC, the Notice for Equity to Oak
76 Tree Investments LLC dated July 10 2022, related communications and text screenshots
77 showing permission to remain and work on the premises, and public-record evidence of
78 bias and criminal history affecting key witnesses**— demonstrates that the 2022 incident
79 stemmed from a civil wage-and-contract dispute mischaracterized as criminal conduct, followed
80 by denial of communication, excessive force, and suppression of exculpatory information.

81 Under *Strickland* and *Preciose*, the combination of ineffective counsel and withheld material
82 facts satisfies the *prima facie* standard for an evidentiary hearing. In the civil context, those same
83 facts state actionable claims under **42 U.S.C. § 1983, N.J.S.A. 10:6-2(c)**, and common-law tort
84 for excessive force and deprivation of rights. No doctrine of res judicata bars parallel pursuit
85 where relief sought is distinct.

86 Relief in either forum should include:

- 87 (a) vacatur or evidentiary hearing on the plea;
- 88 (b) injunctive or declaratory relief preventing continued misuse of civil disputes as criminal
89 matters; and
- 90 (c) compensatory and equitable remedies proportionate to proven injury.

91 **H. Prayer for Recognition and Relief**

92 Therefore, I respectfully request that each Court:

- 93 (a) accept and file this Declaration as part of the official record;
- 94 (b) acknowledge it as sworn testimony of good faith and constitutional intent; and

95 (c) interpret all pleadings herein liberally in favor of substantive justice, consistent with **R.**
96 **1:1-2** and *State v. Preciose*, 129 N.J. at 463.

97 Let the record show that I have sought redress through lawful petition, not force; that I rely upon
98 the courts as ministers of justice; and that I stand upon both the Constitution and conscience,
99 believing that righteousness exalteth a nation and that truth endureth.

100 **I. Integration of Record and Relief**

101 This Declaration is the connective record between my criminal and civil proceedings. Exhibits
102 A–G (heretofore filed) establish the factual foundation; this Exhibit H supplies the constitutional
103 and moral foundation. Together they demonstrate that the same events—my employment
104 dispute, arrest, and conviction—form a single continuum of injustice reaching from labor
105 misclassification to unlawful restraint. The relief sought in each forum is distinct yet
106 harmonious: restoration of liberty in the Criminal Part and restoration of civil rights and wages in
107 the District Court. Both aim at the same end—truth, equity, and the reaffirmation that law serves
108 people, not power.

109 **J. Certification / Declaration Under Penalty of Perjury**

110 I certify and declare under penalty of perjury, pursuant to the laws of the State of New Jersey
111 and the United States of America, that the foregoing is true and correct to the best of my
112 knowledge, information, and belief. Executed in good faith this 15th day of October 2025.

113 *BY: X(+)x, DTB, Devon Tyler Barber, in good faith.*

114 **Respectfully submitted,**

115 **Devon Tyler Barber**

116 Pro Se Plaintiff / Petitioner (Pending Advisory Counsel)

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