

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)

SUPPLEMENTAL CERTIFICATION OF
DEVON TYLER BARBER
(Filed Pursuant to R. 3:22-10 and R. 1:4-4(b))

I, Devon Tyler Barber, of full age, being duly sworn, hereby certify as follows:

PURPOSE OF CERTIFICATION

1. I submit this Supplemental Certification in support of my Verified Petition for Post-Conviction Relief to place before the Court **material, non-speculative facts** concerning prior familiarity, undisclosed conflicts, and investigative bias that were not explored, disclosed, or challenged by trial counsel.

2. These facts bear directly on (a) the **reliability of the investigative record**, (b) pretrial **detention determinations**, and (c) **ineffective assistance of counsel** based on counsel's failure to investigate and present readily available impeachment and bias evidence, as required under *Strickland v. Washington*, 466 U.S. 668 (1984), as adopted in *State v. Fritz*, 105 N.J. 42 (1987).

PRIOR FAMILIARITY BETWEEN REPORTING OFFICER AND PETITIONER

3. The reporting officer, **Justin Butler**, and I knew one another prior to the events of July 11, 2022. We grew up in the same community, and he was familiar with me personally long before this case arose.
4. Officer Butler also knew that my stepfather, **Richard Douglas Barber**, served as Chief of Police in Galloway Township and was a senior authority figure within the same law-enforcement culture in which Officer Butler worked and advanced.
5. This was not a coincidental or remote connection. Officer Butler's familiarity with my stepfather was known, public, and professionally relevant at the time he authored the police report forming the foundation of the charges against me.

PRE-EXISTING PERCEPTIONS AND FAMILY CONTEXT

6. Officer Butler was aware that my stepfather held long-standing, fixed views regarding my judgment and mental health. Those views were shaped by family dynamics and personal belief, not by any clinical diagnosis, judicial finding, or legal determination concerning me.
7. Certain members of my extended family have experienced mental-health challenges. That history does **not** apply to me individually, has never been adjudicated, and has never formed the basis of any finding of incapacity, incompetence, or unreliability as to me.
8. Nonetheless, those family circumstances were often generalized and implicitly attributed to me by others, including my stepfather, who believed he "knew what was best" for me and tended to interpret disagreement or non-conventional reasoning as instability rather than autonomy.
9. My stepfather's thinking is rigid and binary, favoring strict authority and compliance over nuance or abstract reasoning. While I love and respect him as a father figure, these differences were a source of long-standing tension and are relevant here only insofar as they shaped third-party perceptions of me.

IMPACT ON THE INVESTIGATION AND RECORD

10. At the time Officer Butler authored the police report forming the foundation of the charges against me, he possessed:
 - (a) prior personal familiarity with me,
 - (b) knowledge of my family dynamics, and
 - (c) institutional loyalty to my stepfather.
11. None of these facts were disclosed to the court, addressed in the investigation, or mitigated through supervisory review.
12. As a result, the investigation did not begin from a neutral posture. Instead, it proceeded from **pre-existing assumptions**, which influenced how my conduct, intent, and credibility were interpreted and recorded.
13. Undisclosed dynamics created a substantial risk of **implicit bias**, which manifested in:
 - (a) uncritical adoption of the complainants' narrative,
 - (b) omission or minimization of exculpatory context, and
 - (c) framing of my actions through a lens of presumed instability or dangerousness.
14. These issues were material to pretrial detention determinations, charging decisions, and the overall posture of the prosecution, yet they were never presented to the court for evaluation.

INEFFECTIVE ASSISTANCE OF COUNSEL

15. Trial counsel failed to investigate, disclose, or challenge the foregoing conflicts and preconceptions, despite their availability through minimal inquiry and their clear relevance to credibility and record reliability.
16. Counsel did not:
 - (a) explore prior familiarity between the reporting officer and myself,
 - (b) investigate institutional relationships affecting investigative neutrality, or
 - (c) present this context to the court at detention review or thereafter.

17. This failure deprived the court of critical information bearing on credibility and the reliability of the investigative record, undermining confidence in the fairness of the proceedings, consistent with the prejudice standard articulated in *State v. Fritz*, 105 N.J. 42 (1987), and *State v. Preciose*, 129 N.J. 451 (1992).

RELIEF SOUGHT

18. This certification is submitted to ensure that the PCR court evaluates my claims on a complete and reliable factual record, including the investigative context, undisclosed relationships, and potential conflicts that shaped the police narrative and proceedings now under review.
19. I respectfully request that the Court consider these facts in assessing whether trial counsel's performance fell below constitutional standards and whether an evidentiary hearing is required to resolve disputed issues of material fact affecting the reliability of the proceedings.
20. To the extent necessary to resolve these claims, I respectfully request that the Court permit limited inquiry or an evidentiary hearing concerning undisclosed conflicts, prior familiarity, and the circumstances under which trial counsel was retained, including whether such circumstances affected counsel's independence or performance.
21. **This certification is further submitted to preserve these issues for full review and to ensure that the PCR court's determination is based on an accurate understanding of the investigative and representational context of this matter.**

Certification

I certify that the foregoing statements are true. I am aware that if any statement made herein is willfully false, I am subject to punishment.

Respectfully submitted,

/s/ **Devon T. Barber**
Devon Tyler Barber
Defendant / Petitioner Pro Se
Dated: **12/18/2025**