

Barber, Devon Tyler.
Pro se, in proper person.
Atlantic County, New Jersey.
(609) 665-9350 |
DTB33@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

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

A. Purpose of Declaration

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

B. Constitutional and Jurisdictional Foundation

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

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.

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

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

E. Civil Authority and Justice

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

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

F. Scriptural and Moral Authority (Exact Geneva Text)

“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 1599) *“When iudgement is executed, it is ioy to the righteous: but feare shalbe to the workers of*

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

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

G. Application to Pending Matters

The factual record — as detailed in Exhibits A through G, including the Judgments of Conviction, IRS Wage & Income Transcripts (2019-2022), contractor licensing records for Joe’s Painting & Renovations 11 LLC and Tillerstead LLC, the Notice for Equity to Oak Tree Investments LLC dated July 10 2022, related communications and text screenshots showing permission to remain and work on the premises, and public-record evidence of bias and criminal history affecting key witnesses— demonstrates that the 2022 incident stemmed from a civil wage-and-contract dispute mischaracterized as criminal conduct, followed by denial of communication, excessive force, and suppression of exculpatory information. Under *Strickland* and *Preciose*, the combination of ineffective counsel and withheld material facts satisfies the prima facie standard for an evidentiary hearing. In the civil context, those same facts state actionable claims under 42 U.S.C. § 1983, N.J.S.A. 10:6-2(c), and common-law tort for excessive force and deprivation of rights. No doctrine of res judicata bars parallel pursuit where relief sought is distinct.

Relief in either forum should include:

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

H. Prayer for Recognition and Relief

Therefore, I respectfully request that each Court:

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

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

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

I. Integration of Record and Relief

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

J. Certification / Declaration Under Penalty of Perjury

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

BY: X(+)x, DTb, Devon Tyler Barber, in good faith.

Respectfully submitted,

Devon Tyler Barber

Pro Se Plaintiff / Petitioner (Pending Advisory Counsel)

c/o 325 E. Jimmie Leeds Rd., Suite 7-333

Galloway, New Jersey 08205

(609) 665-9350 DTB33@ProtonMail.com