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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**

**ATL-22-002313**

**(Unified– Post-Conviction Relief)**

**CRITICAL LEGAL ANALYSIS OF POLICE BIAS AND FALSE NARRATIVE CONSTRUCTION**

**Supplemental Memorandum in Support of Petition for Post-Conviction Relief (R. 3:22-2(a))**

**Demonstrating the False Criminalization of a Wage and Employment Dispute**

**I. PROCEDURAL POSTURE AND PURPOSE**

This memorandum supports pending post-conviction relief and related civil proceedings arising from criminal complaints filed in 2022 in Galloway Township, New Jersey. It addresses investigative bias and factual omissions that converted a private wage dispute into criminal charges, resulting in an involuntary plea and continuing collateral harm. The analysis is offered to assist the Court in evaluating whether the record satisfies constitutional standards of due process and effective assistance under *Boykin v. Alabama*, 395 U.S. 238 (1969); *Strickland v. Washington*, 466 U.S. 668 (1984); and *State v. Fritz*, 105 N.J. 42 (1987). This memorandum is submitted pursuant to R. 3:22-2(a) as a supplemental filing in support of the pending petition for post-conviction relief in both criminal dockets ATL-22-002313 and ATL-22-002292.

## II. FACTUAL SUMMARY

### A. Employment Relationship and Gradual Misclassification

From 2019 through mid-2022, I performed renovation work for **Joe’s Painting & Renovations II, LLC**, managed by Joseph and Joshua Hardemon. Initial jobs were paid hourly in cash. By 2021–2022, compensation shifted to a daily or per-project rate. At the employer’s urging I obtained business insurance and registered my own trade name, while the same employer continued to control scheduling, materials, and oversight—constituting **employee-to-contractor misclassification**.

### B. Wage Dispute and 2022 Criminal Allegations

In **July 2022**, I lived on-site at **1525 W. Aloe Street** to complete work efficiently. I left my parents’ home voluntarily (which increased living costs) to focus on the job, expecting prompt payment. After repeated delays in pay, I sent **Facebook lien and ownership notices (July 4–10, 2022)** to **Oak Tree Investments LLC**, the property investor. These communications were commercial in nature, though urgent in tone. Within days, the Hardemons filed a **Galloway Township Police Department (GTPD)** report that re-cast my lien and payment messages as “threats.” The ensuing criminal complaints (22-09-01413 and 22-10-01440) flowed directly from that report.

### C. Department of Labor Action (Post-Event Corroboration)

On **October 12, 2025**, I filed **NJDOL Complaint No. 369572** alleging unpaid wages and misclassification. The Department accepted the claim and transferred it to the **Wage Collection Division** for enforcement review. Although filed later, this action **confirms that a genuine wage dispute existed** and that my 2022 communications were grounded in economic concerns, not criminal intent.

## D. Personal Context and Emotional State

When payment was withheld I faced food insecurity, loss of a long-term relationship, and financial exhaustion. My messages reflected **panic and disbelief**, not violence. I possessed no weapon, issued no explicit or unconditional threat, and caused no harm. These facts explain the tone of my communications but do not transform them into unlawful threats.

## III. RE-ANALYSIS OF THE GTPD REPORT

### A. Missing Evidence and Internal Gaps

1. **No corroboration:** No witness statements, digital records, or recordings verify any threat or communication method.
2. **No timeline verification:** Dispatch and narrative times conflict; alleged statements are undated and unquoted.
3. **No employment context:** Officers omitted that I was the on-site laborer seeking wages.
4. **No identified threat language:** The report uses boilerplate (“made threats”) without quoting words.
5. **No physical or digital proof:** No phone extraction, screenshot, or property-damage evidence appears.

### B. Misuse of Character Descriptors

The report substitutes subjective adjectives—“angry,” “unstable,” “erratic”—for factual observation. Such credibility conclusions violate **Attorney General Directive 2020-11 (Bias-Free Policing)**, which prohibits unsupported character judgments. Bias-based descriptors absent factual basis contravene N.J. Attorney General Directive 2020-11, § 3.3(a).

### C. False Framing of Speech as Threat

The Facebook thread shows **Conditional or defensive statements made during a contractual dispute, defensive expressions** (e.g., “trespassers will be met with force,” linked to property defense). Conditional statements in economic disputes do **not** satisfy the elements of **N.J.S.A. 2C:12-3(a)** (*State v. Boffa*, 70 N.J. 219 (1976)).

### D. Omission of Economic Motive

By excluding the wage disagreement, the report removed the commercial context and misrepresented motive. I was seeking compensation and lien enforcement—rights protected by state labor and property law.

### E. Resulting Harm

The defective report led to pretrial detention, coerced plea negotiations, and reputational injury. Allegations of violence or racial bias have **no evidentiary support**. My speech addressed **work, money, and contractual fairness**, not race or hostility.

## IV. HOW THIS EVIDENCE REBUTS THE REPORT

Police Assertion	Verified Record	Legal Effect
“Threats made to employer/investor.”	No verbatim threat; communications were lien notices and wage inquiries.	Fails to meet elements of N.J.S.A. 2C:12-3(a).
“Subject unstable or aggressive.”	Descriptive opinion without witness or medical corroboration.	Subjective labeling; violates bias-free standard.
“Motivated by racial animus.”	No racial content in any message; dispute purely economic.	Unfounded allegation; prejudicial and irrelevant.
“Probable cause established.”	No chain of evidence, corroboration, or physical proof.	Probable cause unsustainable as a matter of law.

## V. LEGAL SUMMARY AND ARGUMENT

### 1. Absence of Probable Cause

The GTPD report lacks the factual foundation required under *Boffa*, supra. Without corroboration or explicit threat language, the charge cannot satisfy N.J.S.A. 2C:12-3(a).

### 2. Malicious-Prosecution Framework

The record supports elements recognized in *LoBiondo v. Schwartz*, 199 N.J. 62 (2009): initiation without probable cause, malice, and special injury through misuse of criminal process.

### 3. Investigative Bias and Equal Protection

Reliance on stereotype and omission of economic motive constitute arbitrary enforcement prohibited by **AG Directive 2020-11** and the Fourteenth Amendment (*Yick Wo v. Hopkins*, 118 U.S. 356 (1886)).

### 4. Due-Process and Counsel Failure

Trial counsel's advice to plead guilty solely to obtain release rendered the plea involuntary under *Boykin*, *Strickland*, and *Fritz*. The resulting judgment violates fundamental fairness and requires vacatur or evidentiary review.

## VI. REQUESTED RELIEF

**WHEREFORE**, in the interest of justice and pursuant to R. 3:22-2(a) and the constitutional authorities cited herein, the undersigned respectfully requests that the Court:

1. Vacate or set aside the guilty plea entered under coercive circumstances;
2. Grant an evidentiary hearing on investigative bias, omitted context, and counsel performance;
3. Order limited discovery and *in-camera* review of:
  - a. 911, CAD, and body-camera data for July 2022 incidents;
  - b. Digital or social-media records within sixty days before and after the incident window, limited to relevant posts or communications; and

4. Grant such further relief as the Court deems equitable, including coordination of related civil and administrative matters to ensure consistent treatment of factual findings and prevent duplication of judicial effort.

## VII. CERTIFICATION

I, **Devon Tyler Barber**, certify under penalty of perjury that the foregoing statements are true to the best of my knowledge. My July 2022 communications arose from efforts to obtain payment for completed labor during a period of hardship and were not intended to harm or intimidate any person. I respectfully request full contextual review and corrective action to prevent further misrepresentation. I am aware that if any of the foregoing statements are willfully false I am subject to punishment.

Signature: s/ **Devon T. Barber**      Date: October 20<sup>th</sup>, 2025  
**Devon Tyler Barber, Pro Se**

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## EXHIBIT INDEX

- A. GTPD Report (2022)
  - B. Facebook Messages with Oak Tree Investments LLC (July 2022)
  - C. NJDOL Wage Complaint No. 369572 (Accepted, sent to Wage Collection division 10/12/25)
  - D. Employment/License Records (Tillerstead LLC F.K.A. Devons Home Improvement LLC)
  - E. OffenderWatch Summary for Joseph Hardemon (Credibility Evidence)
  - F. Judgment of Conviction(s) & Motion to Vacate Plea
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