



## Judgment of Conviction

### Superior Court of New Jersey, ATLANTIC County

**State of New Jersey v.**

Last Name  
BARBER

First Name  
DEVON

Middle Name  
T

Also Known As

Date of Birth 12/31/1997	SBI Number 542255G	Date(s) of Offense 07/11/2022		
Date of Arrest 10/26/2022	PROMIS Number 22 002313-001	Date Ind / Acc / Complt Filed 10/04/2022	Original Plea <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty	Date of Original Plea
Adjudication By <input checked="" type="checkbox"/> Guilty Plea	<input type="checkbox"/> Jury Trial Verdict	<input type="checkbox"/> Non-Jury Trial Verdict	<input type="checkbox"/> Dismissed / Acquitted	Date: 10/26/2022

Sealed (N.J.S.A. 2C:52-5.2)

#### Original Charges

Ind / Acc / Complt 22-10-01440-I	Count 1	Description TERRORISTIC THREATS-THREAT TO COMMIT CRIME OF VIOLENCE	Statute 2C:12-3A	Degree 3
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#### Final Charges

Ind / Acc / Complt 22-10-01440-I	Count 1	Description TERRORISTIC THREATS-THREAT TO COMMIT CRIME OF VIOLENCE	Statute 2C:12-3A	Degree 3
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#### Sentencing Statement

It is, therefore, on 01/04/2023 ORDERED and ADJUDGED that the defendant is sentenced as follows:

COUNT 1: DEFENDANT IS SENTENCED TO 3 YEARS PROBATION CONCURRENT TO IND. #22-09-1413.

ATTEND ANGER MANAGEMENT.

ATTEND TASC AND MENTAL HEALTH EVALUATION AND FOLLOW ALL RECOMMENDATIONS.

NO CONTACT WITH THE VICTIM.

WAIVES RIGHT TO APPEAL.

ALL REMAINING COUNTS/CHARGES TO BE DISMISSED.

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term 000 Years 00 Months 000 Days	Institution Name	Total Probation Term 03 Years 00 Months
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DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions													
<p>A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)</p> <p><input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))</p> <table border="0"> <thead> <tr> <th style="text-align: center;">Standard</th> <th style="text-align: center;">Doubled</th> </tr> </thead> <tbody> <tr> <td>1st Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>2nd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>3rd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>4th Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>DP or Petty DP _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> </tbody> </table> <p><b>Total DEDR Penalty \$ _____</b></p> <p><input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)</p>				Standard	Doubled	1st Degree _____ @ \$ _____	_____ @ \$ _____	2nd Degree _____ @ \$ _____	_____ @ \$ _____	3rd Degree _____ @ \$ _____	_____ @ \$ _____	4th Degree _____ @ \$ _____	_____ @ \$ _____	DP or Petty DP _____ @ \$ _____	_____ @ \$ _____
Standard	Doubled														
1st Degree _____ @ \$ _____	_____ @ \$ _____														
2nd Degree _____ @ \$ _____	_____ @ \$ _____														
3rd Degree _____ @ \$ _____	_____ @ \$ _____														
4th Degree _____ @ \$ _____	_____ @ \$ _____														
DP or Petty DP _____ @ \$ _____	_____ @ \$ _____														
<p>Forensic Laboratory Fee (N.J.S.A. 2C:35-20)</p> <table border="0"> <tr> <td>Offenses @ \$ _____</td> <td>Total Lab Fee \$ _____</td> </tr> </table>		Offenses @ \$ _____	Total Lab Fee \$ _____	<p><input type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).</p> <p><input type="checkbox"/> The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).</p> <p><input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____</p> <p><input type="checkbox"/> The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).</p> <p><input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).</p> <p><input type="checkbox"/> The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).</p>											
Offenses @ \$ _____	Total Lab Fee \$ _____														
VCCO Assessment (N.J.S.A. 2C:43-3.1)															
Counts	Number	Amount													
1	1 @ \$ 50.00														
	_____ @ \$ _____														
	_____ @ \$ _____														
	_____ @ \$ _____														
<b>Total VCCO Assessment \$ 50.00</b>															
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)															
Offense	Mandatory Penalty \$ _____														
Offense Based Penalties															
Penalty	Amount \$ _____														
Other Fees and Penalties															
Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)	<p>Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2)</p> <p><input checked="" type="checkbox"/> 1 Offenses @ \$ 75.00</p> <p>Total: \$ 75.00</p>														
Probation Supervision Fee (N.J.S.A. 2C:45-1d)	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)														
Transaction Fee (N.J.S.A. 2C:46-1.1)	<p><input type="checkbox"/> Offenses @ \$ _____</p> <p>Total \$ _____</p>														
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)	Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)														
Fine \$ _____	Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)														
Restitution \$ _____	Joint & Several														
<p><input type="checkbox"/> Entry of Civil Judgment for court-ordered financial assessment (N.J.S.A. 2C:52-5.2)</p> <p>Details</p> <p>ALL MONIES PAYABLE THROUGH PROBATION. CREDIT ANY MONIES PREVIOUSLY PAID.</p>															
Findings Per N.J.S.A. 2C:47-3															
<p><input type="checkbox"/> The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.</p> <p><input type="checkbox"/> The court finds that the defendant is amenable to sex offender treatment.</p> <p><input type="checkbox"/> The court finds that the defendant is willing to participate in sex offender treatment.</p>															
License Suspension															
<p><input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35-16) <input type="checkbox"/> Waived</p> <p><input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)</p> <p><input type="checkbox"/> Eluding (N.J.S.A. 2C:29-2)</p> <p><input type="checkbox"/> Other</p>															
Number of Months	<input type="checkbox"/> Non-resident driving privileges revoked														
Start Date	End Date														
Details															
Driver's License Number		Jurisdiction													
If the court is unable to collect the license, complete the following: Defendant's Address															
City		State	Zip												
Date of Birth	Sex	Eye Color													
	<input type="checkbox"/> M <input type="checkbox"/> F														

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## Time Credits

**Statement of Reasons -** Include all applicable aggravating and mitigating factors

#### AGGRAVATING FACTORS

3. The risk that the defendant will commit another offense.
6. The extent of the defendant's prior criminal record and the seriousness of the offenses of which he/she has been convicted.
9. The need for deterring the defendant and others from violating the law.

## MITIGATING FACTORS

10. The defendant is particularly likely to respond affirmatively to probationary treatment.

14. The defendant was under 26 years of age at the time of the commission of the offense.

Defendant was working for the victim. They were in the process of rehabbing a local residence. The defendant believed he was owed money and was attempting to take ownership of the property through his Sovereign Citizenship. The defendant had sent several threatening harassing communications through to the victim.

The defendant is 24 years old, single with no children. His reveals 6 known arrests/complaints across 3 states; Ohio, Florida, and New Jersey with no noted PRIOR convictions. The instant matters will represent the defendant's 1st and 2nd known indictable convictions. The defendant has pending charges out of Atlantic County Central Municipal Court for Harassment with no scheduled events. He also has an active bench warrant out of Ohio for Failure to Appear. No juvenile court history or domestic violence case list was located for this defendant in New Jersey.

The court finds aggravating factor 3, the risk that the defendant will commit another crime. This history convinces the court that defendant is likely to recidivate. The court weighs aggravating factor 3 as moderate. Aggravating factor 6 is present, due to the seriousness and extent of the prior convictions or adjudications as enumerated previously. The court gives this minimal weight. Based upon the same evidence discussed previously, this court finds aggravating factor 9, as to both general and specific deterrence. The court finds aggravating factor 9 and gives it substantial weight. The court finds mitigating factor 10 as the defendant is particularly likely to respond affirmatively to probationary treatment but only if defendant complies with the terms & conditions of the probation. The court finds mitigating factor 14 as the (Cont...)

Attorney for Defendant at Sentencing JAKE BAYAK	Public Defender <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Prosecutor at Sentencing PAIGE JEDLICKA	Deputy Attorney General <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Judge at Sentencing Pamela D'arcy	
Judge (Signature)  /s Pamela D'arcy	Date 01/12/2023

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## Continuation

### STATEMENT OF REASONS (Cont.)

defendant was under 26 years of age at the time of the commission of the offense. The court finds that in balancing the factors, given not just their number but their quality and also their nature, the aggravating factors clearly and outweigh the mitigating factors.

This was a negotiated plea between the State and the defendant. Thus, there is a presumption of reasonableness. The sentence recommendation contained in the plea agreement is appropriate under the facts and circumstances of this case and it will be followed.