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6 **SUPERIOR COURT OF NEW JERSEY**  
7 **LAW DIVISION – CRIMINAL PART**  
8 **ATLANTIC COUNTY**

9 STATE OF NEW JERSEY,  
10 Plaintiff,  
11 v.  
12 DEVON TYLER BARBER,  
13 Defendant.

DOCKET NOS.: **ATL-22-002292**  
**ATL-22-002313**  
**(Unified – Post-Conviction Relief)**

14 **CRITICAL LEGAL ANALYSIS OF POLICE BIAS AND FALSE NARRATIVE CONSTRUCTION**  
15 **Supplemental Memorandum in Support of Petition for Post-Conviction Relief (R. 3:22-2(a))**  
16 **Demonstrating the False Criminalization of a Wage and Employment Dispute**

17 **I. PROCEDURAL POSTURE AND PURPOSE**

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

## 22 **II. FACTUAL SUMMARY**

### 23 **A. Employment Relationship and Gradual Misclassification**

24 From 2019 through mid-2022, I performed renovation work for **Joe's Painting & Renovations**  
25 **II, LLC**, managed by Joseph and Joshua Hardemon. Initial jobs were paid hourly in cash. By  
26 2021–2022, compensation shifted to a daily or per-project rate. At the employer's urging I  
27 obtained business insurance and registered my own trade name, while the same employer  
28 continued to control scheduling, materials, and oversight—constituting **employee-to-contractor**  
29 **misclassification**.

### 30 **B. Wage Dispute and 2022 Criminal Allegations**

31 In **July 2022**, I lived on-site at **1525 W. Aloe Street** to complete work efficiently. I left my  
32 parents' home voluntarily (which increased living costs) to focus on the job, expecting prompt  
33 payment. After repeated delays in pay, I sent **Facebook lien and ownership notices (July 4–10,**  
34 **2022)** to **Oak Tree Investments LLC**, the property investor. These communications were  
35 commercial in nature, though urgent in tone. Within days, the Hardemons filed a **Galloway**  
36 **Township Police Department (GTPD)** report that re-cast my lien and payment messages as  
37 "threats." The ensuing criminal complaints (22-09-01413 and 22-10-01440) flowed directly from  
38 that report.

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

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

45 **D. Personal Context and Emotional State**

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

50 **III. RE-ANALYSIS OF THE GTPD REPORT**

51 **A. Missing Evidence and Internal Gaps**

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

61 **B. Misuse of Character Descriptors**

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

66 **C. False Framing of Speech as Threat**

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

71 **D. Omission of Economic Motive**

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

75 **E. Resulting Harm**

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

79 **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.

## 81 V. LEGAL SUMMARY AND ARGUMENT

### 82 1. Absence of Probable Cause

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

### 85 2. Malicious-Prosecution Framework

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

### 89 3. Investigative Bias and Equal Protection

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

### 93 4. Due-Process and Counsel Failure

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

## 97 VI. REQUESTED RELIEF

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

100 1. Vacate or set aside the guilty plea entered under coercive circumstances;

101 2. Grant an evidentiary hearing on investigative bias, omitted context, and counsel  
102 performance;

103 3. Order limited discovery and *in-camera* review of:

104 a. 911, CAD, and body-camera data for July 2022 incidents;

105 b. Digital or social-media records within sixty days before and after the incident window,  
106 limited to relevant posts or communications; and

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

110 **VII. CERTIFICATION**

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

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

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120 **EXHIBIT INDEX**

121 A. GTPD Report (2022)

122 B. Facebook Messages with Oak Tree Investments LLC (July 2022)

123 C. NJDOL Wage Complaint No. 369572 (Accepted, sent to Wage Collection division 10/12/25)

124 D. Employment/License Records (Tillerstead LLC F.K.A. Devons Home Improvement LLC)

125 E. OffenderWatch Summary for Joseph Hardemon (Credibility Evidence)

126 F. Judgment of Conviction(s) & Motion to Vacate Plea

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