



Nihilo nisi cruce

[PROPOSED] ORDER GRANTING POST-CONVICTION RELIEF

SUPERIOR COURT OF NEW JERSEY · LAW DIVISION – CRIMINAL PART · ATLANTIC COUNTY

Docket Nos. ATL-22-0002313-001 ATL-22-002292-001

State of New Jersey,
Plaintiff,

v.

Devon Tyler Barber, also known as **Devon Tyler of the Paccillo family, Trustee, Faith Frontier Forever Sovereign Ecclesiastical Trust (in proper person, *sui juris*)**,
Defendant.

[PROPOSED] ORDER

THIS MATTER having been presented to the Court by **Devon Tyler of the Paccillo family, Trustee, Faith Frontier Forever Sovereign Ecclesiastical Trust**, appearing in proper person, on a Motion for Post-Conviction Relief pursuant to **Rule 3:22-1**; and the Court having reviewed the moving papers, supporting exhibits, and the entire record; and for good cause shown:

FINDINGS

- Plea & Judgment** Defendant entered a negotiated guilty plea on **26 October 2022** (administratively docketed **4 January 2023**) to **Aggravated Assault – Attempt to Cause Significant Bodily Injury**, N.J.S.A. 2C:12-1B(7).
- Brady/Giglio Violation** The State failed to disclose that complainant **Joseph Hardemon Sr.** was previously convicted of **Aggravated Sexual Assault of a Child under 13**—material

impeachment evidence whose suppression violates *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Bagley*, 473 U.S. 667 (1985); and *State v. Carter*, 91 N.J. 86 (1982).

3. **Ineffective Assistance** Counsel's failure to investigate labor-wage records, suppressed *Brady* material, and civil-provocation defenses constitutes ineffective assistance under *Strickland v. Washington*, 466 U.S. 668 (1984) and *State v. Fritz*, 105 N.J. 42 (1987).
4. **Involuntary Plea** Given the undisclosed evidence, wage-theft provocation, and documented duress, the plea was not knowing, intelligent, or voluntary within the meaning of *Boykin v. Alabama*, 395 U.S. 238 (1969) and *State v. Slater*, 198 N.J. 145 (2009).
5. **Prima Facie PCR Showing** Defendant has met the standard of *State v. Preciose*, 129 N.J. 451 (1992), warranting relief.

IT IS on this ____ day of _____ 2025, ORDERED that:

1. The guilty pleas and resulting convictions under Docket Nos. **ATL-22-0002313-001** and **ATL-22-002292-001** are **VACATED** and **SET ASIDE**.
2. Defendant is **RESTORED** to pre-plea status on all counts.
3. An **evidentiary hearing** consistent with *Preciose* shall be scheduled within **45 days** of this Order.
4. The **Office of the Public Defender** is appointed unless Defendant retains private counsel within **14 days**.
5. The Court retains jurisdiction for any further equitable or corrective relief deemed just.

SO ORDERED. _____

Hon. _____, J.S.C.

(Printed Name)

Date: _____