

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION — ATLANTIC COUNTY — CIVIL PART

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY, ESQ.,

Law Offices of John W. Tumelty, et al.,

Defendants.

Docket No. ATL-L-002794-25

Civil Action

**SUPPLEMENTAL CERTIFICATION AND
CLARIFICATION OF DEVON TYLER BARBER**

Re: Conduct of Counsel and Purpose of Civil Action

(Filed Pursuant to N.J. Ct. R. 1:4-4(b); N.J.R.E. 408 — For Settlement and Evidentiary Clarification)

I, **Devon Tyler Barber**, of full age, being duly sworn, certify and declare as follows:

1. Purpose and Procedural Posture

This Supplemental Certification is submitted to (a) clarify the factual and ethical dimensions of Defendant John W. Tumelty's conduct; (b) preserve additional facts relevant to motive and pattern; and (c) ensure the record reflects Plaintiff's continuing willingness to resolve this matter by negotiated settlement consistent with the governing *Rules of Professional Conduct* and *Rules*

of Court. This filing supplements, and is incorporated into, my Certification of Damages and Injury executed November 8, 2025 and docketed under ATL-L-002794-25.

2. Conduct Exceeding the Role of Defense Counsel

Upon review of the criminal and civil records, I have concluded that Defendant Tumelty acted not as an advocate but as a quasi-prosecutorial participant — functioning, in effect, as prosecutor, judge, and jury toward his own client. Such behavior undermined the adversarial process and violated the duties of loyalty, diligence, and communication required under **RPC 1.1, RPC 1.3, RPC 1.4, and RPC 1.7**. He neither pursued detention review nor preserved exculpatory evidence, instead aligning with the State's narrative that justified my continued confinement.

3. Apparent Motive and Pattern

Whether driven by moral bias, personal gratification, or an undisclosed commercial arrangement, Defendant's actions reflect conscious disregard of client welfare. If motivated by financial expediency — such as accepting multiple retainers while rendering minimal service — such conduct constitutes consumer fraud under **N.J.S.A. 56:8-1 et seq.**, warranting treble damages and disciplinary referral. If instead rooted in moral animus, the effect remains the same: abandonment of the defense function that directly prolonged unconstitutional detention.

4. Continuing Harm and Settlement Rationale

The harm remains ongoing — economic, reputational, and psychological — as detailed in the primary Certification. Nevertheless, I maintain an open posture toward early resolution to conserve judicial resources and avoid further discovery expense. Consistent with my prior demand and supported valuation evidence, I reaffirm readiness to settle **globally for \$390,000**, if tendered within 30 days of this filing, inclusive of all compensatory, statutory, and punitive

components. Absent timely resolution, I intend to (a) complete subpoena enforcement pursuant to R. 1:9-2 to secure documentary evidence already identified; (b) seek leave under R. 4:9-1 to amend the pleadings to include additional counts sounding in professional-disciplinary breach and consumer fraud; and (c) move for partial summary judgment under R. 4:46-2 on the issue of liability, based on uncontested record deficiencies and violations of the Rules of Professional Conduct. This course of action is advanced not for coercion but in the interest of proportional justice—remedying a demonstrated deprivation of liberty and fiduciary duty within the bounds of law and equity.

5. Preservation and Certification

This statement is made under oath for dual purposes: evidentiary clarification and settlement facilitation under N.J.R.E. 408. It does not waive privilege or compromise rights in any other proceeding.

I certify that the foregoing statements made by me are true. I am aware that if any statement is willfully false, I am subject to punishment.

Executed this 8th day of November 2025, in Hamilton Township, Atlantic County, New Jersey.



Respectfully submitted,

s/ Devon T. Barber

Devon Tyler Barber – Plaintiff Pro Se

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John W. Tumelty, Esq., Law Offices of John W. Tumelty et Al.,

Defendants.

Transmittal Letter Pursuant to N.J.R.E. 408

Honorable Court and opposing Counsel,

Please find enclosed Plaintiff's Supplemental Certification and Clarification of Devon Tyler Barber (*Re: Conduct of Counsel and Purpose of Civil Action*), submitted in continuation of Plaintiff's prior filing of **November 8, 2025**. This correspondence accompanies that filing solely for the purpose of promoting candid settlement discussion under **N.J.R.E. 408**, without prejudice to any party's substantive rights or evidentiary standing. The document clarifies material facts, preserves Plaintiff's settlement posture, and invites good-faith dialogue toward an equitable resolution consistent with NJ Ct. Rule 1:40-1 and the Court's preference for early settlement.

Respectfully submitted on November 8th, 2025,

s/ Devon T. Barber
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