KAUFMAN DOLOWICH LLP
Iram P. Valentin, Esq. – Bar #010222002
David J. Gittines, Esq. – Bar #021422005
Court Plaza North
25 Main Street, Suite 500
Hackensack, NJ 07601
(201) 488-6655
Attorneys for Defendant John W. Tumelty, Esq. and The Law Office of John W. Tumelty

DEVON TYLER BARBER, Plaintiff, vs. JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY, Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY Docket No: ATL-L-2794-25 Civil Action **NOTICE OF MOTION TO DISMISS IN LIEU OF AN ANSWER**

TO: Devon Tyler Barber, Plaintiff *Pro Se*
325 E. Jimmie Leads Road, Suite 7-333
Galloway, NJ 08205

PLEASE TAKE NOTICE that, on **Friday, December 19, 2025** at 9:00 in the forenoon, or as soon thereafter as counsel may be heard, Defendants John W. Tumelty, Esq. and The Law Office of John W. Tumelty (together "Defendants"), shall move before the above-named Court, at the Atlantic County Courthouse in Atlantic City, NJ, for the dismissal of Plaintiff's First Amended Complaint against the Defendants.

PLEASE TAKE FURTHER NOTICE that in support of the foregoing motion, Defendant shall rely upon the brief and certification with exhibits submitted herewith and upon the oral argument of counsel.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is hereby requested for this motion, if opposed.

DED:	N/A
Arbitration Date:	N/A
Trial Date:	N/A

Kaufman Dolowich LLP
Attorneys for Defendant John W. Tumelty, Esq. and The Law Office of John W. Tumelty

By: /s/ David J. Gittines
IRAM P. VALENTIN
DAVID J. GITTINES

DATED: November 24, 2025

KAUFMAN DOLOWICH LLP
Iram P. Valentin, Esq. – Bar #010222002
David J. Gittines, Esq. – Bar #021422005
Court Plaza North
25 Main Street, Suite 500
Hackensack, NJ 07601
(201) 488-6655
Attorneys for Defendant John W. Tumelty, Esq. and The Law Office of John W. Tumelty

DEVON TYLER BARBER, Plaintiff, vs. JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY, Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY Docket No: ATL-L-2794-25 Civil Action **ORDER**

This matter having been brought before the Court by motion of Kaufman Dolowich LLP, attorneys for Defendants John W. Tumelty, Esq. and The Law Office of John W. Tumelty (together "Defendants"), for the entry of an Order dismissing Plaintiff Devon Tyler Barber's ("Plaintiff") First Amended Complaint against them, and the Court having considered the motion papers and all opposition thereto, and having heard oral argument of counsel; and good cause having been shown,

IT IS on this _____ day of _____ 2025,

ORDERED that Plaintiff's First Amended Complaint against the Defendants is hereby dismissed.

_____
, J.S.C.

DEVON TYLER BARBER, Plaintiff, vs. JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY, Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY Docket No: ATL-L-2794-25 Civil Action

DEFENDANTS JOHN W. TUMELTY, ESQ. AND THE LAW OFFICE OF JOHN W. TUMELTY' S BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFF'S COMPLAINT IN LIEU OF AN ANSWER

KAUFMAN DOLOWICH LLP
Court Plaza North
25 Main Street, Suite 500
Hackensack, NJ 07601
(201) 488-6655

Of Counsel and On the Brief
David J. Gittines, Esq. (Attorney No. 02142-2005)

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TABLE OF AUTHORITIES

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RULES

PRELIMINARY STATEMENT

Defendants John W. Tumelty, Esq. and The law Office of John W. Tumelty (together, "Defendants") moves in lieu of an answer to dismiss the First Amended Complaint Plaintiff Devon Tyler Barber ("Plaintiff") pursuant to *R*. 4:6-2(e) for failure to state a claim upon which relief may be granted. Plaintiff has not yet received post-conviction relief for the underlying crime which serves as the basis for his legal malpractice claims against the Defendants. As such, Plaintiff's legal malpractice claims against the Defendants are not ripe and should be dismissed for failure to state a claim upon which relief may be granted.

Plaintiff asserts claims for legal malpractice, breach of fiduciary duty, fraud, negligent infliction of emotional distress, and violations of the NJ Consumer Fraud Act in his First Amended Complaint. (*See* Plaintiff's First Amended Complaint at Pg. 9, attached to the Certification of David J. Gittines, Esq. as Exhibit "A.") All of the claims relate Defendants' defense of Plaintiff in the underlying criminal matter during Plaintiff's 2022 criminal representation in *State v. Barber*, Indictment Nos. ATL-22-002292 & 002313. (*See id*.) All of the claims against the Defendants sound in legal malpractice. Plaintiff filed a Petition for Post-Conviction Relief with the courts on October 26, 2025. (*See id*. at Pg. 23) The Petition for Post-Conviction Relief is attached to Plaintiff's First Amended Complaint. (*See id*.)

In a legal malpractice action brought by criminal defendant against his own attorney, the "defendant has to be exonerated to the point of being able to show some injury caused by the alleged malpractice whether that relief is dismissal of the charges, acquittal on retrial, conviction of a lesser included offense or otherwise...." *McKnight v. Off. of Pub. Def.*, 197 N.J. 180, 182 (2008) (citations omitted). Although he has filed for post-conviction relief, Plaintiff has not yet received post-conviction relief or been exonerated for the charges in the underlying criminal

matter. As such, his legal malpractice claims are not ripe and should be dismissed pursuant to *R*. 4:6-2(e) for failure to state a claim upon which relief may be granted.

STANDARD OF REVIEW

It is well settled that "[a] motion to dismiss a complaint under *R*. 4:6-2(e) for failure to state a claim upon which relief can be granted must be evaluated in light of the legal sufficiency of the facts alleged in the complaint." *Donato v. Moldow*, 374 N.J. Super. 475, 482 (App. Div. 2005). Accordingly, a court must dismiss a plaintiff's complaint if the complaint fails to articulate a legal basis entitling plaintiff to relief. *Sickles v. Cabot Corp.*, 379 N.J. Super. 100, 106 (App. Div. 2005). Essentially, in opposition to a motion to dismiss, a plaintiff must set forth facts that "would constitute a valid cause of action." *Leon v. Rite Aid Corp.*, 340 N.J. Super. 462, 472 (App. Div. 2001). Moreover, while legitimate inferences are to be drawn in favor of a plaintiff, a court need not credit a complaint's bald assertions or legal conclusions when deciding a motion to dismiss. *Novack v. Cities Services Oil Co.*, 149 N.J. Super. 542, 546 n.1 (L. Div. 1977), *aff'd*, 159 N.J. Super. 400 (App. Div.), *cert. denied*, 78 N.J. 396 (1978). Dismissal is mandated where the factual allegations are palpably insufficient to support a claim upon which relief can be granted. *Id.*

Further, in "evaluating a motion to dismiss, courts consider the allegations in the complaint, exhibits attached to the complaint, **matters of public record**, and **documents that form the basis of a claim**." *Banco Popular N. Am. v. Gandhi*, 184 N.J. 161, 183 (2005) (emphasis added). Thus, the court may consider a document integral to the complaint, even if the document is not referred to in the complaint, in determining a motion to dismiss. *In re Burlington Coat Factory Sec. Litig.*, 114 F.3d 1410, 1426 (3d Cir. 1997). Indeed, "[p]laintiffs cannot prevent a court from looking at the texts of the documents on which its claim is based by failing to attach or explicitly cite them." *Id.* Thus, the court must determine whether there is support for 'a cause of action in those

documents.'" *Banco Popular*, 184 N.J. at 183, *quoting Printing Mart-Morristown v. Sharp Elecs. Corp.,* 116 N.J. 739 (1989).

Plaintiff's First Amended Complaint against Defendants is premature because Plaintiff has failed to have his guilty plea in the underlying criminal action vacated as required before bring his legal malpractice claims against the Defendants. Accordingly, it is respectfully submitted that Plaintiff's First Amended Complaint against the Defendants should be dismissed pursuant to *R*. 4:6-2(e) for failure to state a claim upon which relief may be granted.

LEGAL ARGUMENT

POINT I

PLAINTIFF'S FAILURE TO HAVE HIS GUILTY PLEA VACATED PRECLUDES HIS LEGAL MALPRACTICE CLAIMS AGAINST THE DEFENDANTS.

Plaintiff's First Amended Complaint alleges that he received ineffective legal representation from Defendants while represented by him in the underlying criminal matter, *State v. Barber*, Indictment Nos. ATL-22-002292 & 002313, which allegedly caused Plaintiff plead guilty and be subject to an extended detention as a result. Plaintiff asserts claims for legal malpractice, breach of fiduciary duty, fraud, negligent infliction of emotional distress, and violations of the NJ Consumer Fraud Act in his First Amended Complaint. Such claims sound in legal malpractice. It appears that Plaintiff has filed contemporaneously for post-conviction relief and has not yet receive post-conviction relief or been otherwise exonerated of the underlying crime. Absent post-conviction relief, Plaintiff's legal malpractice claims against the Insured are premature and should be dismissed.

"A legal malpractice claim accrues upon a criminal defendant's exoneration, which 'might be vacation of a guilty plea and dismissal of the charges, entry of judgment on a lesser offense after spending substantial time in custody following conviction for a greater offense or any disposition more beneficial to the criminal defendant than the original judgment.'" *Atwell v. Off. of the Pub. Def., Vernon Estreicher*, 2017 WL 6493146, at *4 (D.N.J. Dec. 19, 2017) (*quoting McKnight*, 197 N.J. at 182.). "At its core, ripeness works 'to determine whether a party has brought an action prematurely ... and counsels' abstention until such a time as a dispute is sufficiently concrete to satisfy the constitutional and prudential requirements of the doctrine.'" *Plains All Am. Pipeline L.P. v. Cook*, 866 F.3d 534, 539 (3rd Cir. 2017) "Various concerns underpin it, including whether the parties are in a 'sufficiently adversarial posture,' whether the facts of the case are 'sufficiently developed,' and whether a party is 'genuinely aggrieved.'" *Id.*

Indeed, Plaintiff must show more than the mere vacation of the underlying guilty plea. The Supreme Court points to the three following types of exoneration: "The first is vacation of a guilty plea and dismissal of the charges" – vacation of the plea alone falls short. *Rogers v. Cape May Cnty. Off. of Pub. Def.*, 208 N.J. 414, 425 (2011), (*quoting McKnight*, *supra*, 197 N.J. at 189.) The second requires "entry of judgment on a lesser offense after spending substantial time in custody following conviction for a greater offense" or "conviction of a lesser included offense." *Id.* "Again, the mere grant of a new trial is insufficient." *Id.* The third is "acquittal on retrial," which suggests that a grant of a retrial without an actual acquittal will not satisfy the standard. *Id.*

Here, Plaintiff may have applied for post-conviction relief but he has failed establish that that his guilty plea has been exonerated as required above, that he obtained dismissal of the charges, or that there was an entry of a judgment of a lesser offense after spending substantial time in custody following his conviction of the offense to which he pleaded guilty. As such, Plaintiff's

instant complaint must be dismissed for lack of ripeness, as no legal malpractice cause of action has yet accrued.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of Plaintiff's claims against the Defendants should be dismissed for failure to state a claim upon which relief may be granted pursuant to *R*. 4:6-2(e).

Kaufman Dolowich LLP
Attorneys for Defendant John W. Tumelty, Esq. and The Law Office of John W. Tumelty

By: /s/ David J. Gittines
IRAM P. VALENTIN
DAVID J. GITTINES

DATED: November 24, 2025

KAUFMAN DOLOWICH LLP
Iram P. Valentin, Esq. – Bar #010222002
David J. Gittines, Esq. – Bar #021422005
Court Plaza North
25 Main Street, Suite 500
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(201) 488-6655
Attorneys for Defendant John W. Tumelty, Esq. and The Law Office of John W. Tumelty

DEVON TYLER BARBER, Plaintiff, vs. JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY, Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY Docket No: ATL-L-2794-25 Civil Action **CERTIFICATION OF SERVICE**

I, David J. Gittines, hereby certify as follows:

1. I am of counsel at the law firm of Kaufman Dolowich LLP.

2. On November 24, 2025, I caused to be eCourts filed the within Notice of Motion, Brief, Certifications with Exhibits and proposed Order with the above-named Court.

3. One (1) copy of the within motion papers were also sent by eCourts and regular mail to:

Devon Tyler Barber, Plaintiff *Pro Se*
325 E. Jimmie Leads Road, Suite 7-333
Galloway, NJ 08205

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

/s/ David J. Gittines
DAVID J. GITTINES

Dated: November 24, 2025

KAUFMAN DOLOWICH LLP
Iram P. Valentin, Esq. – Bar #010222002
David J. Gittines, Esq. – Bar #021422005
Court Plaza North
25 Main Street, Suite 500
Hackensack, NJ 07601
(201) 488-6655
Attorneys for Defendant John W. Tumelty, Esq. and The Law Office of John W. Tumelty

DEVON TYLER BARBER, Plaintiff, vs. JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY, Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY Docket No: ATL-L-2794-25 Civil Action **CERTIFICATION OF COUNSEL**

I, David J. Gittines, Esq., of full age, hereby certify as follows:

1. I am an attorney at law of the state of New Jersey. I am of counsel with the law firm of Kaufman Dolowich LLP, attorneys for Defendants John W. Tumelty, Esq. and The Law Office of John W. Tumelty (together, "Defendants"). I am involved in the defense of this matter and am fully familiar with the facts herein. I submit this certification in support of Defendants' Motion to Dismiss.

2. Attached hereto as Exhibit "A" is a true and correct copy of Plaintiff's First Amended Complaint.

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

Kaufman Dolowich LLP
Attorneys for Defendant John W. Tumelty, Esq. and The Law Office of John W. Tumelty

By: /s/ David J. Gittines
DAVID J. GITTINES

Dated: November 24 , 2025

EXHIBIT A

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and **THE LAW OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25 **Team**: 102 **Judge**: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand**: Six Jurors **Case Status**: Active

COVER LETTER – VIA ELECTRONIC FILING (JEDS)

Date: October 30, 2025

Civil Division Manager
Superior Court of New Jersey
Law Division – Civil Part, Atlantic County
1201 Bacharach Boulevard
Atlantic City, New Jersey 08401

Re: *Barber v. Tumelty et al.* – Docket No. ATL-L-002794-25 (Team 102 – Hon. Sarah B. Johnson, J.S.C.)

Subject: Filing of First Amended Complaint with Exhibits and Verified Post-Conviction Relief Petition in Support of Pending Motion to Change Track Assignment (LCV20252946376 – Returnable Nov. 7, 2025)

Dear Case Management Staff and Team 102:

Please accept, through the **Judiciary Electronic Document Submission System (JEDS),** the enclosed **First Amended Complaint** with **Exhibits A through B-5** and the certified **Verified Post-Conviction Relief (PCR) Petition** (*EF-3720750, Law Div. Crim. Part – Oct. 26 2025*).

Because no Answer has yet been filed, this **Amended Complaint** is submitted *as of right* under **N.J. Ct. R. 4:9-1**, to clarify and expand Plaintiff's claims based on newly obtained, certified evidence contained in the PCR record.

The PCR materials demonstrate in sworn form how Defendant — while serving as a **Supreme Court-certified criminal-trial attorney** — failed to provide constitutionally effective representation after receiving a $5,000 retainer, including failing to seek detention review or bail relief. These materials are judicially noticeable public records admissible under **N.J.R.E. 803(c)(8)** and are incorporated by reference in the Amended Complaint as *Exhibit A*.

This filing is not intended to re-litigate any criminal matter but to document counsel's professional negligence and misrepresentation forming the basis of this civil action. Given the constitutional and factual complexity of these intertwined issues, Plaintiff renews the request for **Track 3 classification** under **R. 4:5A-2** to allow expert discovery and coordinated record review under Team 102 supervision.

Please associate this submission with pending Motion Entry **LCV20252946376** so that the Amended Complaint and supporting PCR record are before the Court on the November 7 motion calendar.

Thank you for your time and professionalism in processing these materials.

Respectfully submitted,

/s/ Devon Tyler Barber
Devon Tyler Barber – Plaintiff *Pro Se*
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 • Tylerstead@ProtonMail.com

Cc (via email, R. 1:5-2):
John W. Tumelty, Esq. | The Law Office of John W. Tumelty
539 U.S. Route 9 South, Marmora, NJ 08223
jt@johntumeltylaw.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and **THE LAW OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25 **Team**: 102 **Judge**: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand**: Six Jurors **Case Status**: Active

FIRST AMENDED COMPLAINT, TABLE OF EXHIBITS, CERTIFICATION OF AUTHENTICITY AND CHAIN OF CUSTODY (EXHIBITS A – B-5), AND CERTIFICATE OF FILING AND SERVICE

TABLE OF EXHIBITS

Exhibit	*Description*	*Purpose and Relevance*
A	***Verified Post-Conviction Relief Petition* (EF-3720750, Law Div. Crim. Part – Oct 26 2025)**	Certified record establishing Plaintiff's 108-day confinement and sworn factual basis now incorporated by reference in this civil action. Serves as authenticated public document under N.J.R.E. 803(c)(8).
B-1	**2019 Pay Records – Landry's Inc. (DBA The Palm Atlantic City) and P.F. Chang's Manager Recommendation**	Demonstrates continuous lawful employment; includes Landry's pay stubs (noting SSN error later corrected by W-2C) and P.F. Chang's recommendation letter confirming work history and reliability.
B-2	**IRS Wage & Income Transcripts and W-2 Records (2019 – 2022)**	Confirms verified earnings from Landry's Inc. and P.F. Chang's, and shows removal from payroll by Joe's Painting & Renovations to evade taxes. Supports damages, causation, and good-faith employment record.
B-3	**NJ Home Improvement Contractor License #13VH10808800 and Business Status Records**	Establishes Plaintiff's professional licensure, business continuity (Devon's Home Improvement → Tillerstead LLC 2025), and correspondence evidencing inducement to incorporate.
B-4	**Wage-Dispute Correspondence and Screenshot from Joe's Painting & Renovations**	Confirms existence of wage-payment dispute showing the underlying conflict was civil, not criminal, in nature. Supports exculpatory context and mitigation of emotional-distress damages.
B-5	**Archived Screenshot of "Law Office of John W. Tumelty" Public Website (as viewed Oct. 2025)**	The attached *Exhibit B-5* is a true and correct screenshot of the publicly accessible website of the Law Office of John W. Tumelty, captured and printed by me on October 28th, 2025. The page displays Defendant's own descriptions of his services as a *Certified Criminal Trial Attorney* and *former prosecutor*.

All exhibits are true and correct copies of records in Plaintiff's possession or certified public documents, submitted under N.J.R.E. 803(c)(8) and R. 1:4-4(b).

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and **THE LAW OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25 **Team**: 102 **Judge**: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand**: Six Jurors **Case Status**: Active

CERTIFICATION OF AUTHENTICITY AND CHAIN OF CUSTODY

(Exhibits A – B-5)

I, **Devon Tyler Barber**, certify under penalty of perjury pursuant to **N.J. Ct. R. 1:4-4(b)** and **28 U.S.C. § 1746** that the attached **Exhibits A through B-5** are true and correct copies of documents maintained by me in the ordinary course of business or obtained directly from their original custodians.

These materials are submitted solely to provide factual background and to demonstrate the omissions and failures of representation relevant to **Counts I through V** of the **First Amended Complaint**.

The mobile device containing additional wage-dispute communications was seized and lost at the time of my arrest, before defense counsel initiated discovery; only the authenticated screenshot attached as **Exhibit B-4** remains in my possession.

The attached **Exhibit B-5** is a true and correct screenshot of the publicly accessible website of the Law Office of John W. Tumelty, captured and printed by me on or about **October __, 2025**. The page displays Defendant's own public descriptions of his services as a *Certified Criminal Trial Attorney* and *former Prosecutor*.

I certify that the foregoing statements are true. If any are willfully false, I am subject to punishment.

Executed on **October 28, 2025**, at **Hamilton Township, Atlantic County, New Jersey.**

Respectfully submitted,

/s/ Devon T. Barber

Devon Tyler Barber – Plaintiff Pro Se

325 E. Jimmie Leeds Road, Suite 7-333

Galloway, New Jersey 08205

(609) 665-9350 • Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and **THE LAW OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25 **Team**: 102 **Judge**: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand**: Six Jurors **Case Status**: Active

CERTIFICATE OF FILING AND SERVICE

I, **Devon Tyler Barber**, certify under penalty of perjury that on **October 28, 2025**, I caused to be filed, through the Judiciary Electronic Document Submission (JEDS) system, the **First Amended Complaint, Table of Exhibits, Certification of Authenticity and Chain of Custody (Exhibits A – B), and this Certificate of Filing and Service** in the above-captioned matter.

Service of the same was made upon Defendant by **electronic mail** as follows:

John W. Tumelty, Esq.
The Law Office of John W. Tumelty
539 U.S. Route 9 South
Marmora, NJ 08223
Email: jt@johntumeltylaw.com

Executed on **October 28, 2025**,

at **Hamilton Township, Atlantic County, New Jersey.**

Respectfully submitted,

/s/ Devon T. Barber
DEVON TYLER BARBER

Barber, Devon (Tyler)
Plaintiff, *pro se*
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350
Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and **THE LAW OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25 **Team**: 102 **Judge**: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand**: Six Jurors **Case Status**: Active

FIRST AMENDED COMPLAINT

PRELIMINARY STATEMENT

1. Plaintiff Devon Tyler Barber ("Plaintiff"), appearing *pro se*, brings this First Amended Complaint against Defendant John W. Tumelty and his law office (collectively "Defendant") for **legal malpractice, breach of fiduciary duty, fraud, negligent infliction of emotional distress, and violations of the New Jersey Consumer Fraud Act** ("CFA"), N.J.S.A. 56:8-1 to -227 (West 2024).

This action seeks redress for Defendant's dereliction of duty, deception, and breach of trust during Plaintiff's 2022 criminal representation in *State v. Barber*, Indictment Nos. ATL-22-

002292 & 002313, causing 108 days of unnecessary confinement (July 11 – Oct 26 2022), economic loss, and lasting psychological and reputational harm.

JURISDICTION AND VENUE

2. Jurisdiction lies under N.J. Const. art. VI, § 3, ¶ 4 and N.J.S.A. 2A:2-3.

3. Venue is proper in Atlantic County under R. 4:3-2(a)(2).

PARTIES

4. Plaintiff is a resident of Atlantic County, New Jersey.

5. Defendant John W. Tumelty is a New Jersey-licensed attorney and principal of *The Law Office of John W. Tumelty*, 539 U.S. Route 9 South, Marmora, NJ 08223.

6. At all relevant times, Defendant held himself out as a "Certified Criminal Trial Attorney" pursuant to R. 1:39-2(d).

FACTUAL ALLEGATIONS

7. Following Plaintiff's arrest in July 2022, he was detained in the Atlantic County Justice Facility under punitive and degrading conditions. Upon admission, Plaintiff was physically assaulted by correctional officers after respectfully requesting to make a phone call. He was then held in the admissions and intake area for a fourteen-day "COVID-protocol" quarantine, isolated without religious materials or human contact, and confined in a segregation cell that did not count toward his forty-five-day in-house sanction period.

During this time, Plaintiff was deprived of access to clergy, sunlight, fresh air, and normal recreation, with meals served through a slot under constant fluorescent light and no opportunity for worship, exercise, or basic human contact. After the quarantine period, Plaintiff was transferred to "I-Block," a solitary-confinement tier commonly referred to by detainees as "the hole." There, Plaintiff remained on a 23-hour-per-day lockdown schedule, permitted only one

hour of out-of-cell time daily. That hour required him to be handcuffed through the steel door before being escorted to a small, fenced "recreation cage" containing only a payphone—his sole means of contacting family or counsel. Each call required personal expense and occurred under conditions of extreme psychological stress and sensory deprivation.

8. While confined in these conditions, Plaintiff's initial detention hearing was conducted remotely by video. Plaintiff does not know the identity of the presiding judge because he was muted for most of the proceeding, unable to hear or meaningfully participate. The State appeared through the Prosecutor's Office, and a public defender—whom Plaintiff had never met and whose representation had not been authorized by any financial-eligibility determination—was unilaterally appointed.

That public defender failed to present employment records, tax transcripts, or letters of community support demonstrating that Plaintiff was a lifelong Atlantic County resident, licensed New Jersey home-improvement contractor (HIC #13VH10808800), and small-business owner with established ties to the area. The absence of this information created a false impression that Plaintiff was transient or a flight risk. As a result, the Court ordered continued pretrial detention, subjecting Plaintiff to further confinement without the benefit of an adversarial liberty review.

9. Only after that unlawful detention order did Plaintiff's family retain Defendant **John W. Tumelty**, who publicly represented himself as a "Certified Criminal Trial Attorney." Defendant visited Plaintiff once at the jail before making his first and only court appearance. During that visit, Plaintiff explicitly requested that Defendant file a detention-review motion under R. 3:4A(b)(3), explaining that the prior public-defender proceeding had misrepresented his background and omitted exculpatory employment documentation.

Defendant refused, stating that he would instead "speak to the prosecutor about a plea deal." Plaintiff reiterated that he sought a renewed detention hearing, not a plea negotiation, and that he wished to contest the criminalization of what was in fact a civil wage dispute. Defendant nonetheless made no effort to investigate or act upon that request.

10. Defendant thereafter appeared once in Superior Court but made no motion for release, detention review, suppression, or dismissal, and undertook no subsequent action to secure Plaintiff's liberty or investigate the underlying facts. After that single appearance, Defendant ceased all substantive communication and performed no further services, effectively abandoning representation despite having accepted a $5,000 retainer paid by Plaintiff's family.

No discovery, investigation, or mitigation was ever performed. Defendant failed to meet or communicate with Plaintiff after that appearance and took no steps to seek release, to challenge the detention order, or to address Plaintiff's ongoing confinement in solitary and unsafe conditions.

11. Defendant failed to investigate exculpatory materials, including employment records, text messages, and wage-dispute correspondence that would have demonstrated the matter was civil rather than criminal in nature. He ignored witness statements and failed to preserve digital evidence in Plaintiff's possession.

These omissions directly contravened the duties imposed upon counsel under R. 3:4A(b)(3), as well as the constitutional benchmarks of *Strickland v. Washington*, 466 U.S. 668 (1984), and *State v. Fritz*, 105 N.J. 42 (1987), which require reasonable diligence and advocacy during pretrial liberty proceedings.

12. As a direct result of Defendant's neglect, Plaintiff remained confined for 108 days—from July 11 through October 26, 2022—suffering loss of income from contracting work, forfeiture of business contracts, loss of housing stability, credit harm, reputational injury, and emotional distress resulting from prolonged solitary confinement and public stigma. Certified evidence of these losses appears in Plaintiff's verified Post-Conviction Relief Petition (EF-3720750, Law Div. Crim. Part, filed Oct. 26, 2025), incorporated herein as Exhibit A.

13. Defendant publicly advertised himself as a "Certified Criminal Trial Attorney" who could secure swift release and vigorous defense. Those representations were material and induced Plaintiff's family to retain him and pay a $5,000 retainer in reliance upon his claimed expertise and promises of immediate advocacy.

14. The retainer was a consumer purchase of legal services for personal use and therefore qualifies as "merchandise" under the New Jersey Consumer Fraud Act ("CFA"). *See* N.J.S.A. 56:8-1(c); *Gupta v. Asha Enters.*, 422 N.J. Super. 136 (App. Div. 2011). Defendant's acceptance of payment followed by inaction and misrepresentation constitutes an "unconscionable commercial practice" and false promise in violation of N.J.S.A. 56:8-2. *See Cox v. Sears Roebuck & Co.*, 138 N.J. 2 (1994); *Bosland v. Warnock Dodge, Inc.*, 396 N.J. Super. 267 (App. Div. 2007).*

15. Although Defendant may claim that the CFA does not apply to attorneys, he acted in a commercial capacity by marketing his services to the general public, using consumer-facing advertising, and entering into a fee-for-service arrangement with a lay client seeking release from detention. The professional-services exemption does not bar relief where misrepresentation, deception, or false advertising occurs. *See Blatterfein v. Larken Assocs.*, 323 N.J. Super. 167 (App. Div. 1999).*

16. Defendant's actions also constituted willful breach of fiduciary duty, professional abandonment, and constructive fraud under *Sommer v. Kridel*, 74 N.J. 446 (1977), and *Gilbert v. Stewart*, 247 N.J. 421 (2021). His conduct violated the ethical and fiduciary obligations owed to a detained client whose liberty interests depended entirely on counsel's diligence.

17. Plaintiff has filed an Application to Proceed *In Forma Pauperis* and awaits judicial review. Formal issuance and service of a Summons are deferred pending IFP approval. Defendant, however, has been placed on notice of this action and all related filings via JEDS notification and certified mail service of Plaintiff's PCR record. Plaintiff reserves all rights regarding service, timeliness, and procedural compliance under R. 4:4-1 and R. 1:5-6.

COUNT I – LEGAL MALPRACTICE

18. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 17 as though fully set forth herein.

19. Defendant owed Plaintiff a duty to exercise the reasonable care, skill, and diligence ordinarily exercised by attorneys engaged in criminal defense practice in New Jersey. This duty included: timely filing motions required by R. 3:4A(b)(3); communicating with the client; investigating exculpatory evidence; and taking all reasonable steps to secure the client's liberty and protect his constitutional rights. *See Sommer v. Kridel*, 74 N.J. 446 (1977); *Conklin v. Hannoch Weisman*, 145 N.J. 395 (1996); *Gilbert v. Stewart*, 247 N.J. 421 (2021).

20. Defendant breached that duty by:

a. Failing to file a detention-review motion or any other pleading to secure Plaintiff's release despite explicit request;

b. Neglecting to investigate exculpatory evidence and witness statements demonstrating the matter was civil rather than criminal;

c. Refusing to communicate substantively after accepting payment, thereby abandoning the representation; and

d. Engaging in conduct inconsistent with the professional-responsibility standards set forth in R.P.C. 1.1, 1.3, and 1.4.

21. Defendant's breaches were the direct and proximate cause of Plaintiff's prolonged and unlawful confinement, loss of income, destruction of business relationships, emotional trauma, and reputational harm. The injuries were foreseeable and flowed naturally from Defendant's failure to act with the competence and diligence required of counsel representing an incarcerated client. *See Baxt v. Liloia*, 155 N.J. 190 (1998); *Fritz*, 105 N.J. at 52.

COUNT II – BREACH OF FIDUCIARY DUTY

22. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 21 as though fully set forth herein.

23. Defendant owed Plaintiff a **fiduciary duty of loyalty, honesty, and zealous representation**, arising from their attorney–client relationship. This duty required Defendant to act solely in Plaintiff's best interests, to provide candid advice, to communicate promptly and truthfully, and to avoid any action placing Defendant's convenience or financial interest above Plaintiff's liberty. *See Baxt v. Liloia*, 155 N.J. 190 (1998); *In re Siegel*, 133 N.J. 162 (1993); *Gilbert v. Stewart*, 247 N.J. 421 (2021).*

24. Defendant breached this fiduciary duty by:

a. Ignoring Plaintiff's explicit instruction to file a detention-review motion and instead pursuing a plea negotiation contrary to Plaintiff's stated objectives;

b. Withholding material information about case progress and failing to maintain reasonable communication, in violation of R.P.C. 1.4;

c. Abandoning Plaintiff's defense immediately after receiving payment, thereby exploiting Plaintiff's vulnerable custodial position for Defendant's financial benefit; and

d. Failing to act with undivided loyalty during a period when Plaintiff's liberty and livelihood depended entirely upon counsel's diligence.

25. By disregarding Plaintiff's explicit instruction to challenge the detention order and by instead seeking to dispose of the matter through a plea, Defendant placed his own professional convenience and anticipated fee collection above Plaintiff's constitutional right to liberty and due process.

26. Such conduct constitutes **constructive fraud and self-dealing**, violating the attorney's fiduciary obligation of utmost good faith. A fiduciary breach does not require intent to deceive; it is sufficient that Defendant's actions betrayed Plaintiff's trust and subverted the purpose for which he was retained. *See Snyder v. Baumecker*, 708 F. Supp. 1451 (D.N.J. 1989); *In re Noonan*, 102 N.J. 157 (1986).*

27. As a direct and foreseeable result, Plaintiff suffered 108 days of continued confinement, the collapse of his contracting business, and substantial emotional and reputational harm. Defendant's failure to act with loyalty and candor caused irreparable injury to Plaintiff's personal and professional standing.

COUNT III – FRAUD AND DECEIT

28. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 27 as though fully set forth herein.

29. Before and during representation, Defendant affirmatively represented—both through his website, marketing materials, and direct statements—that he would *"secure release and defend the case aggressively"* as a **Certified Criminal Trial Attorney** capable of obtaining swift detention relief.

Defendant made these representations knowing them to be false, or with reckless disregard for their truth, intending that Plaintiff and his family rely upon them in deciding to pay a $5,000 retainer.

30. Defendant's representations were material because Plaintiff's family retained Defendant specifically to obtain immediate release from confinement. In reliance upon those promises of action and professional competence, Plaintiff and his family entered into the attorney-client agreement, foregoing alternative counsel and legal remedies.

31. After accepting payment, Defendant concealed material facts—including his refusal to file a detention-review motion and his decision to pursue a plea contrary to Plaintiff's instructions. He failed to disclose that he had taken no steps to investigate or act on Plaintiff's case. Such intentional silence and omissions constitute **fraudulent concealment** and deception under New Jersey law. *See Jewish Ctr. of Sussex Cty. v. Whale*, 86 N.J. 619 (1981); *Gennari v. Weichert Co. Realtors*, 148 N.J. 582 (1997).*

32. Defendant's conduct thus satisfies each element of **common-law fraud**:

- **a.** A material misrepresentation or omission of fact;
- **b.** Knowledge of falsity or reckless disregard for truth;
- **c.** Intent that Plaintiff rely;
- **d.** Reasonable reliance by Plaintiff and his family; and
- **e.** Resulting pecuniary and personal injury. *See Banco Popular N. Am. v. Gandi*, 184 N.J. 161 (2005).*

33. Alternatively, and at minimum, Defendant's conduct constitutes **negligent misrepresentation**, as he held himself out as a qualified criminal-defense expert yet failed to exercise the ordinary skill and care of a reasonable attorney in providing the services promised.

34. Plaintiff reasonably relied upon Defendant's representations and omissions and, as a direct and proximate result, suffered economic loss, continued incarceration, damage to credit and reputation, and severe emotional distress.

COUNT IV – VIOLATION OF THE NEW JERSEY CONSUMER FRAUD ACT

35. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 34 as though fully set forth herein.

36. Defendant's **false advertising, deceptive representations, failure to perform promised services, and concealment of material facts** constitute "unlawful practices" within the meaning of N.J.S.A. 56:8-2.

Specifically, Defendant:

a. Marketed himself to the public as a "Certified Criminal Trial Attorney" offering aggressive representation and immediate release results;

b. Accepted a $5,000 retainer on those assurances while knowing he would not file a detention-review motion or undertake any meaningful defense; and

c. Concealed his inaction and abandonment from Plaintiff, depriving Plaintiff of the very service purchased.

Such conduct constitutes both an *affirmative misrepresentation* and an *unconscionable commercial practice* under the Act. *See Cox v. Sears Roebuck & Co.*, 138 N.J. 2 (1994); *Gennari v. Weichert Co. Realtors*, 148 N.J. 582 (1997).

37. Plaintiff is a **consumer** within the meaning of the Act because the retainer was a personal purchase of professional services for non-business use. *See Gupta v. Asha Enters.*, 422 N.J. Super. 136 (App. Div. 2011).* The $5,000 payment, and the resulting losses of wages, housing, credit standing, and business income, constitute an **ascertainable loss** directly caused by Defendant's unlawful acts and omissions. *See Thiedemann v. Mercedes-Benz USA, LLC*, 183 N.J. 234 (2005).

38. A true and correct copy of Defendant's publicly accessible website, captured on October 28th, 2025 and filed herewith as *Exhibit B-5*, depicts Defendant's advertising as a *Certified Criminal Trial Attorney* and *former prosecutor*, offering aggressive representation to prospective clients. This consumer-facing marketing forms part of the representations alleged under this Count.

39. Because Defendant's conduct was **intentional, egregious, and designed to induce reliance from a vulnerable, detained consumer**, Plaintiff is entitled to statutory remedies including **treble damages, reasonable attorney's fees, and costs of suit** pursuant to N.J.S.A. 56:8-19.

40. Any defense invoking a so-called **"professional-services exemption"** under the CFA is inapplicable here. That exemption does not shield an attorney who, as here, engages in **commercial marketing, solicitation, and false promises to the public** regarding the quality and results of services offered. *See Blatterfein v. Larken Assocs.*, 323 N.J. Super. 167 (App. Div. 1999); *Daaleman v. Elizabethtown Gas Co.*, 77 N.J. 267 (1978).* Defendant's conduct occurred in a **business-consumer transaction**, not within the protected realm of discretionary professional judgment.

41. Plaintiff therefore seeks all statutory relief available under the Consumer Fraud Act, including treble compensatory damages, prejudgment interest, costs, and attorney's fees, as justice and equity require.

COUNT V – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

42. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 40 as though fully set forth herein.

43. Defendant owed Plaintiff a duty to act with reasonable care, diligence, and sensitivity to the foreseeable emotional consequences of his representation, particularly given Plaintiff's custodial status and complete dependency on counsel for liberty, safety, and communication with the outside world. *See Strachan v. JFK Mem'l Hosp.*, 109 N.J. 523 (1988); *Decker v. Prudential Ins. Co. of Am.*, 125 N.J. 349 (1991).*

44. Defendant breached that duty by abandoning Plaintiff during confinement, disregarding repeated pleas for assistance, and refusing to file the detention-review motion specifically requested. Defendant knew or should have known that such neglect would cause Plaintiff acute distress, humiliation, and despair while isolated in solitary conditions.

45. As a direct and foreseeable result, Plaintiff experienced **severe emotional distress**, including anxiety, insomnia, humiliation from wrongful detention, fear for personal safety, feelings of betrayal by trusted counsel, and loss of confidence in the justice system. These injuries were the natural and proximate consequence of Defendant's negligent disregard for Plaintiff's rights and welfare. *See Buckley v. Trenton Sav. Fund Soc'y*, 111 N.J. 355 (1988).*

46. Plaintiff's emotional suffering was genuine, substantial, and supported by contemporaneous confinement records and sworn certification in the incorporated Post-Conviction Relief Petition (EF-3720750). Defendant's conduct would foreseeably cause a reasonable person in Plaintiff's position to suffer profound emotional trauma.

47. Accordingly, Plaintiff seeks compensatory damages for emotional anguish, humiliation, and mental suffering proximately caused by Defendant's negligent acts and omissions.

DAMAGES AND RELIEF REQUESTED

48. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

49. As a direct and proximate result of Defendant's negligence, fiduciary breach, fraud, and statutory violations, Plaintiff suffered substantial injuries including wrongful loss of liberty, emotional anguish, loss of income and business opportunities, housing instability, credit impairment, reputational harm, and continuing psychological distress.

50. Defendant's conduct was willful, wanton, and in reckless disregard of Plaintiff's constitutional and contractual rights, warranting punitive and exemplary damages to deter similar misconduct toward vulnerable, detained clients. *See Nappe v. Anschelewitz, Barr, Ansell & Bonello*, 97 N.J. 37 (1984).*

51. Under the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-19, Plaintiff is further entitled to **treble compensatory damages, reasonable attorney's fees, and costs of suit**, because Defendant's false representations and abandonment constituted intentional and unconscionable commercial practices.

52. Plaintiff's verified Post-Conviction Relief Petition (EF-3720750, Law Div. Crim. Part, Oct. 26 2025) provides certified proof of incarceration duration, economic losses, and related emotional harm, all incorporated herein by reference as Exhibit A.

53. Accordingly, Plaintiff respectfully demands judgment against Defendant, jointly and severally, as follows:

a. **Compensatory damages** for 108 days of wrongful incarceration, lost wages, business contracts, housing, and credit opportunities;

b. **Treble damages** under the Consumer Fraud Act;

c. **Punitive damages** for willful and wanton misconduct;

d. **Costs of suit, prejudgment interest, and reasonable fees** as authorized by law; and

e. **Such further relief as law, equity, and justice may require** to restore Plaintiff's position and deter similar future harm.

RESERVATION OF RIGHTS

54. Plaintiff expressly reserves the right, pursuant to R. 4:9-1 and R. 4:17-7, to amend this pleading as justice requires, including to assert additional causes of action such as **unjust enrichment, constructive fraud, negligent supervision, or violations of related professional-conduct duties**, should further facts or evidence be disclosed through discovery or court proceedings.

This reservation is made to preserve all equitable and legal remedies available under New Jersey law and to ensure full adjudication of the rights and liabilities of the parties.

JURY DEMAND

55. Plaintiff demands a trial by jury of **six jurors** on all issues so triable as of right under N.J. Const. art. I, ¶ 9, and R. 1:8-2(a).

CERTIFICATION OF NO OTHER ACTIONS

56. Pursuant to R. 4:5-1(b)(2), Plaintiff certifies that this matter is not the subject of any other pending action or arbitration proceeding, except:

a. Plaintiff's verified Post-Conviction Relief proceeding, *State v. Barber*, Docket Nos. ATL-22-002292 / ATL-22-002313 (PCR No. EF-3720750, Law Div. Crim. Part, filed Oct. 26, 2025); and

b. The related appeals presently pending in the Superior Court of New Jersey, Appellate Division, under Docket Nos. A-000308-25 and A-000313-25, which arise from the same underlying criminal matters forming part of the factual background of this complaint.

Plaintiff is not aware of any other party who should be joined in this action at this time.

CERTIFICATION PURSUANT TO R. 1:4-4(b) AND 28 U.S.C. § 1746

I, **Devon Tyler Barber**, certify under penalty of perjury that the foregoing statements made by me are true to the best of my knowledge, information, and belief. If any of the foregoing statements are willfully false, I am subject to punishment.

Executed on October 28th, 2025 at Hamilton Township, Atlantic County, New Jersey.

Respectfully submitted,

/s/ Devon T. Barber
DEVON TYLER BARBER
Barber, Devon (Tyler)
Plaintiff, *pro se*
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350
Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and **THE LAW OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25 **Team**: 102 **Judge**: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand**: Six Jurors **Case Status**: Active

EXHIBIT A

Verified Post-Conviction Relief Petition
(EF-3720750, Superior Court of New Jersey, Law Division – Criminal Part, filed Oct. 26 2025)
Authenticated public record incorporated by reference in the First Amended Complaint (Counts I–V).

Devon T. Barber
Pro Se Petitioner / Defendant
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

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

PCR: To Be Assigned

Judge: To Be Assigned

NOTICE OF FILING AND PROCEDURAL STATUS

Filed Pursuant to R. 3:22-1 et seq.

Please accept the attached **Post-Conviction Relief packet** pursuant to Rule 3:22.

This petition was originally initiated prior to the docketing of my direct appeals (A-000308-25 and A-000313-25) and is filed to preserve and develop the factual record underlying claims of ineffective assistance of counsel, suppression of exculpatory evidence, and the involuntary nature of the plea.

The attached submission includes:

1. Petition for Post-Conviction Relief (R. 3:22-1);

2. Certifications of Devon Tyler Barber (Affidavit X and Rebuttal of July 11, 2022 GTPD Narrative);
3. Memorandum of Law in Support of Petition for Post-Conviction Relief;
4. Table of Exhibits and Exhibits A–M (including verified government and business records);
5. Proposed Order for Evidentiary Hearing and Preservation of Evidence; and
6. Certificate of Service.

Relief Sought:

- An evidentiary hearing pursuant to R. 3:22-10(b);
- An order compelling preservation and production of all exculpatory and digital evidence from July 11, 2022 and related proceedings;
- A finding that the plea was not knowing, voluntary, or intelligent; and
- Vacatur of the resulting judgment of conviction or such other relief as justice requires.

This filing is made in good faith to ensure the record before the Law Division and Appellate Division is complete and accurate. It is not duplicative of the pending appeals but complements them by supplying sworn factual material not available on the trial record, consistent with State v. Preciose, 129 N.J. 451 (1992).

Respectfully submitted,

/s/ Devon T. Barber
DEVON TYLER BARBER
Defendant / Petitioner Pro Se
Dated: October 26, 2025

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

PCR: To Be Assigned

Judge: To Be Assigned

PETITION FOR POST-CONVICTION RELIEF

(R. 3:22-1; R. 3:22-2; R. 3:22-10)

Defendant, Devon Tyler Barber, appearing *pro se*, respectfully petitions this Court for Post Conviction Relief and states:

I. PROCEDURAL HISTORY

1. I was charged in connection with events alleged to have occurred on or about **July 11, 2022**, at **1525 W. Aloe Street, Galloway Township, Atlantic County, New Jersey.**

2. I ultimately entered **guilty pleas** and was convicted under **Docket Nos. ATL-22-002292** and **ATL-22-002313**, corresponding to **Indictment Nos. 22-09-01413-I** and **22-10-01440-I.**

3. On **January 4, 2023**, the Hon. **Pamela D'Arcy, J.S.C.,** imposed **concurrent three-year probationary terms** with conditions of **mental-health and TASC evaluation, anger-management counseling,** and **no contact with the complainants.**

II. GROUNDS FOR RELIEF

(Constitutional and Jurisprudential Basis)

4. Constitutional Basis for Relief.

My pleas and resulting convictions were obtained in violation of the **Fifth, Sixth, and Fourteenth Amendments** to the *United States Constitution* and **Article I, Paragraphs 1, 7, and 10** of the *New Jersey Constitution.*

5. These provisions guarantee *due process of law, the right to effective assistance of counsel, the right to confront adverse witnesses,* and *the right to enter a plea knowingly and voluntarily.*

6. When a conviction results from *government misconduct, suppression of material evidence,* or *counsel's failure to investigate and protect these rights,* the judgment is constitutionally infirm and must be vacated.

7. See *Strickland v. Washington*, 466 U.S. 668 (1984) (ineffective assistance as structural due-process violation); *Brady v. Maryland*, 373 U.S. 83 (1963) (suppression of exculpatory evidence violates due process); *Napue v. Illinois*, 360 U.S. 264 (1959) (use of false or misleading evidence violates fundamental fairness); *State v. Fritz*, 105 N.J. 42 (1987) (applying *Strickland* standard under N.J. Const. art. I); and *State v. Preciose*, 129 N.J. 451 (1992) (requiring evidentiary hearing upon prima facie showing of constitutional deprivation).

8. Accordingly, I assert the following specific grounds for relief:

(a) Wrongful Characterization of Lawful Conduct — Deprivation of Due Process and Fair Trial

The State's case rested on a false factual premise: that I was a trespasser or intruder, rather than an authorized worker and occupant acting under a lawful contractual arrangement. This mischaracterization denied me a fair trial and rendered the plea involuntary because it stripped

the incident of its true civil nature and replaced it with a fabricated criminal narrative. Such misrepresentation constitutes a denial of due process under the *Fourteenth Amendment* and *Article I, Paragraph 1* of the *New Jersey Constitution.*

See Napue v. Illinois, 360 U.S. 264 (1959) (conviction obtained through false or misleading evidence violates due process); *State v. Carter*, 91 N.J. 86, 111–12 (1982) (due process violated where the State's theory is predicated on a fundamentally misleading factual narrative). The failure of trial counsel to expose this error further compounded the constitutional violation.

(b) Suppression of Exculpatory and Impeachment Evidence — Violation of *Brady* and *Giglio*

Law-enforcement officers and the prosecution failed to preserve or disclose material evidence showing my lawful employment and self-defensive posture, while retaining only statements favorable to the accusers. This suppression violated *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); and *State v. Marshall*, 148 N.J. 89, 269–70 (1997). Evidence impeaching the complainants' credibility or demonstrating that the alleged "threats" arose from a labor dispute was material and would have altered the decision to indict or accept a plea. The State's nondisclosure therefore mandates either vacatur of the plea or an evidentiary hearing under *State v. Preciose*, 129 N.J. 451, 462–63 (1992).

(c) Fabricated "Terroristic Threats" Narrative — Violation of the First, Fifth, and Fourteenth Amendments

The record shows that the "terroristic threats" charge was built entirely on uncorroborated hearsay from financially motivated complainants, absent any verified recording, witness, or physical evidence. This weaponized my constitutionally protected speech and emotional reaction to unlawful treatment. Convictions premised on speech absent proof of *specific intent to terrorize*

violate the *First Amendment* and *N.J.S.A. 2C:12-3(a)* itself, which requires intent beyond mere anger or frustration.

See Watts v. United States, 394 U.S. 705 (1969) (political hyperbole and emotional statements not "true threats"); *State v. Smith*, 262 N.J. Super. 487, 503–04 (App. Div. 1993) (threat must be evaluated in context and intent proven beyond a reasonable doubt). By failing to challenge the insufficiency of evidence or move for dismissal, counsel permitted conviction on constitutionally protected expression.

(d) Undisclosed Bias and Financial Motive — Violation of Confrontation and Fair-Trial Rights

The complainants' pecuniary motive—to eliminate me from the property and retain the benefit of my unpaid renovation labor—was never disclosed to the defense or the court. Such evidence constitutes classic impeachment material under *Davis v. Alaska*, 415 U.S. 308 (1974) and *Delaware v. Van Arsdall*, 475 U.S. 673 (1986), both recognizing the right to expose a witness's bias as a core component of the *Sixth Amendment's Confrontation Clause.*

New Jersey courts likewise hold that suppression of motive evidence warrants relief. *See State v. Carter*, 69 N.J. 420, 433–34 (1976) (cross-examination to show bias and motive is essential to due process); *State v. Spano*, 69 N.J. 231, 235–36 (1976). Had this evidence been disclosed, it would have fundamentally altered the credibility calculus and undermined any factual basis for the plea.

(e) Ineffective Assistance of Counsel

Trial counsel **John W. Tumelty, Esq.** failed to provide competent representation in multiple, outcome-determinative respects. He failed to (1) investigate my employment status and lawful presence on the property; (2) obtain the New Jersey Department of Labor wage-claim records

and related IRS verification showing that the underlying conflict was a civil wage dispute; (3) move to suppress or dismiss for lack of probable cause; (4) demand preservation of exculpatory digital and physical evidence, including my cellphone data and work-site photos; and (5) object when police themselves acknowledged on record that the matter was civil in nature, not criminal. In addition, counsel **failed to file or request a new detention hearing or motion for reconsideration** under *R. 3:4A(b)(3)* once new exculpatory information became available. He could have sought my release from his office by submitting employment proof and evidence of lawful residence, yet he did nothing. This omission left me confined for months, intensifying duress and effectively coercing me to accept a plea as the only path to regain my freedom. These combined failures fell below the objective standard of reasonable professional assistance and prejudiced the outcome of the proceedings, constituting ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984); *State v. Fritz*, 105 N.J. 42 (1987); and *State v. Preciose*, 129 N.J. 451 (1992).

III. FACTUAL BACKGROUND

9. The underlying incident was not random violence but a civil wage-and-housing dispute. I performed renovation labor at 1525 W. Aloe Street for private investors who later used police intervention to evict me and avoid paying wages owed. My *NJ Department of Labor Wage Complaint No. 369572* (filed October 12, 2025) confirms misclassification and unpaid wages, substantiating that the confrontation arose from a labor controversy rather than criminal intent.

10. The police narrative omits crucial facts: I was invited to live there "as a steward," my personal property and pets were destroyed to provoke a reaction, and I briefly held a hand tool only in self-defense while retreating. The record shows I immediately complied with police orders and posed no threat.

11. The "terroristic threats" warrant relied solely on uncorroborated statements from those same complainants. There is no independent evidence of any genuine threat; the allegation of racial animus was manufactured to inflame authorities and justify removal.

12. Counsel's cumulative failures—both investigative and strategic—rendered my plea *unknowing, involuntary,* and *unintelligent.* I accepted it under duress, faced with a record distorted to depict me as a violent aggressor rather than an unpaid worker unlawfully displaced from his jobsite.

IV. SUPPORTING RECORD ALREADY ON FILE

13. All documentary proof supporting these claims has been previously filed and accepted into the record through my *Unified Record and Proof of Manifest Injustice* (Trans. IDs **CRM20251259547** and **CRM20251263284**, filed Oct 14–15 2025) and my *Motion to Supplement/Expand the Record* in *Appellate Docket A-000308-25.*

Those filings—comprising **Exhibits A through M**, including verified wage-claim documents, OffenderWatch registry data, licensing records, and my sworn *Declaration of Constitutional and Moral Foundation*—are incorporated herein by reference pursuant to *R. 1:6-6* and *R. 3:22-10(b).*

V. LEGAL STANDARD

14. Under *R. 3:22-1* and *-2,* a defendant may obtain relief for denial of effective assistance, due process, or a coerced plea constituting manifest injustice. A *prima facie* showing under *Strickland* and *Preciose* requires an evidentiary hearing when material facts outside the trial record demonstrate a reasonable probability of a different outcome.

VI. RELIEF REQUESTED

Defendant respectfully requests that this Court:

(a) Accept this Petition and supplemental Certification for filing and docketing under the above-referenced matters;

(b) Order an evidentiary hearing under *R. 3:22-10(b)* to develop the full factual record;

(c) Vacate the plea and convictions, or grant such other relief as justice requires to correct the constitutional violations; and

(d) Direct production and preservation of all outstanding discovery, including original photographs, body-worn-camera recordings, communications, and any digital evidence from July 11, 2022.

VII. CONCLUSION

For the foregoing reasons, and to prevent continuation of a manifest injustice, Defendant respectfully petitions this Court to grant Post-Conviction Relief as set forth above.

Dated: October 26, 2025

Respectfully submitted,

/s/ Devon T. Barber

DEVON TYLER BARBER

Defendant / Petitioner Pro Se

325 E. Jimmie Leeds Rd., Suite 7-333

Galloway, New Jersey 08205

(609) 665-9350 | DTB33@ProtonMail.com

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

PCR: To Be Assigned

Judge: To Be Assigned

CERTIFICATION IN REBUTTAL OF JULY 11, 2022 GTPD NARRATIVE

AND IN SUPPORT OF POST-CONVICTION RELIEF / DIRECT APPEAL ISSUES

Filed Pursuant to R. 1:4-4(b), R. 3:22-10(b),

Strickland v. Washington, 466 U.S. 668 (1984);

State v. Fritz, 105 N.J. 42 (1987);

State v. Preciose, 129 N.J. 451 (1992)

I, **DEVON TYLER BARBER**, of full age, hereby certify, affirm, and state for the record under penalty for willful perjury:

I submit this Certification in direct rebuttal to the July 11, 2022 Galloway Township Police Department narrative concerning the incident at 1525 W. Aloe Street and the allegation of an "attack with a weapon." The report mischaracterizes the encounter and omits critical facts showing that I neither struck, swung, nor raised any tool toward anyone. When I arrived and saw

my belongings being thrown into a truck, my aquarium shattered, and my pets dead while I was being mocked, I reacted in shock and anger and made brief physical contact with Joseph Hardemon. There was no intent to cause serious harm, and the contact was momentary. I immediately attempted to withdraw, but was surrounded and tackled by Joseph, Joshua, Khamir Harvey, and other unidentified men. The object described as a "crowbar" was never used or raised as a weapon; I only held it momentarily to create space and prevent being further assaulted. The police narrative's omissions and distortions were later relied upon to justify my arrest, detention, and plea. That report is materially false, incomplete, and constitutionally defective, and my former counsel failed to challenge it.

FIRST POLICE NARRATIVE BLOCK

1. **POLICE CLAIM**:

   "On 07/11/2022 at 0912 hours, Joseph Hardemon Jr. and his father, Joseph Hardemon Sr. came to the station to make a terroristic threats, harassment and criminal trespassing report against the suspect, Devon Barber."

2. **TRUTH**:

   The complainants went to police first in order to control the story and cast themselves as victims. They misrepresented me as a trespasser and a violent "racist," when in reality I was an unpaid laborer who had been living and working on-site with their permission. My goal at that time was simply to recover the property, tools, and wages that I had earned.

3. **FACTUAL CONTEXT:**

   From the beginning, I had been invited and allowed to stay on-site "as a steward" to perform renovation and security work at 1525 W. Aloe Street. My duties included tile

installation, painting, lawn care, cleanup, and protecting the premises and property on site between job phases. That arrangement was mutually understood and accepted by all parties. I was not an intruder or "squatter"; I was fulfilling a work-for-lodging and wage agreement. Trespass requires that I was somewhere without license or permission. I had permission. The only thing that changed was that I tried to get paid and not be starved. Calling me a trespasser after that is not law — it is eviction-by-police.

4. **LEGAL SIGNIFICANCE**:

Criminal trespass under *N.J.S.A.* 2C:18-3 requires a person to enter or remain on property *without license or privilege*. I possessed both. Once permission and compensation were part of the arrangement, any dispute over my continued occupancy became a **civil landlord-tenant or wage matter**, not a criminal offense. Recasting a wage-payment dispute as "trespass" turned a civil disagreement into a police-enforced eviction. My counsel failed to challenge that mischaracterization, allowing a purely economic conflict to be treated as a violent-crime complaint.

"THEY ARE PARTNERS… THEY HIRED DEVON…"

5. **POLICE CLAIM**:

"Mr. Hardemon (Junior) reported that his dad and he are partners with Gerald Cohen and work under the LLC of Oak Tree Investments… They are currently renovating a property… They hired Devon Barber… Mr. Hardemon (Junior) has known Devon since they were children, and everything was fine until recently."

6. **TRUTH**:

This portion of the police narrative is, in fact, an admission that I was engaged as hired labor. The complainants acknowledged that I was working on a home-renovation project

through their New Jersey home-improvement company, **Joe's Painting and Renovations 11, LLC**, and their affiliated investment entity, **Oak Tree Investments LLC**, in partnership with Gerald Cohen. They further confirmed that I had known the Hardemon family for years, establishing both a professional and personal relationship. These facts contradict any claim that I was an unknown or hostile "trespasser." Rather, they show that my presence at 1525 W. Aloe Street was **authorized, work-related, and conducted under a continuing business arrangement**.

7. **FACTUAL CONTEXT:**

   The Hardemon family and their partner, Gerald Cohen, were renovating 1525 W. Aloe Street for resale. The project had fallen behind schedule, and I was asked to assist with renovation, maintenance, and property security. I was told that I could reside on-site while working, and that my labor and stewardship would be compensated through both wages and housing. This understanding governed my entire presence at the property.

8. **INTERPRETATION OF 'EVERYTHING WAS FINE UNTIL RECENTLY':**

   The phrase "everything was fine until recently" simply means that the relationship deteriorated once I began insisting on payment for weeks of labor, food, and basic living needs. I had contributed significant work to the property and was depending on promised compensation. When I pressed for what I was owed, they turned against me. As stated in my sworn testimony, "Despite my hard work and commitment, the family began withholding payment… leaving me financially struggling and often hungry."

9. **LEGAL SIGNIFICANCE**:

   This section of the police narrative inadvertently provides **Brady/Giglio impeachment evidence**—proof of bias, financial motive, and personal interest by the complainants.

Their clear economic incentive to remove me from the property and avoid paying earned wages is directly relevant to credibility and motive to fabricate. The State failed to disclose or develop this context, and my former counsel failed to raise it in any motion, negotiation, or argument. This omission deprived the court of the full factual background and prejudiced my defense.

"DEVON STARTED HARASSING AND THREATENING..."

10. POLICE CLAIM:

"Devon started harassing and threatening him indirectly through the LLC Facebook page."

11. TRUTH:

The messages at issue were written during a period of exhaustion and frustration after I had gone weeks without pay, food, or basic support. The content of those communications consisted of demands for payment, references to legal rights, and emotional appeals for fairness. At no point did I state or imply an intention to inflict physical harm on anyone. I never wrote or said, "I am going to kill you," "I am going to hurt you," or any concrete or conditional threat of illegal violence. My words were expressions of anger, disillusionment, and desperation—protected forms of speech under the First Amendment—not true threats.

12. FACTUAL CONTEXT:

The posts that police and complainants labeled as "terroristic threats" referenced constitutional and legal concepts, patriotic and religious language, and frustration with being exploited and ignored. I used metaphors about standing my ground and securing what was mine; these were figurative, not literal. The messages were directed to the

business's public Facebook page, in the context of an ongoing **wage dispute**, not to any individual with an intent to terrorize.

13. LEGAL SIGNIFICANCE:

Under *N.J.S.A.* 2C:12-3(a), a "terroristic threat" requires a **specific, credible expression of intent to commit a crime of violence**, made **with the purpose to terrorize or cause evacuation**. Neither my Facebook communications nor the "No Trespassing" sign I had posted from the beginning of the project met that definition. The sign—which read *"No Trespassing: Violators Will Be Shot (Recorded)"*—was a common security notice used to deter theft and vandalism at construction sites. It had been in place since I began work and was meant solely to warn trespassers that the area was under video surveillance. I have never owned, possessed, or even handled a firearm; there was no realistic way for anyone to believe I was threatening to shoot anyone.

By taking a standard site-security notice and my online wage-payment complaints and redefining them as "terroristic threats," the complainants and police erased the distinction between **protected expression** and **true threats** established in *Watts v. United States*, 394 U.S. 705 (1969), and *State v. Smith*, 262 N.J. Super. 487 (App. Div. 1993). Their interpretation ignored the context—that I had been asked to secure the property and its tools and was acting under that instruction. This misuse of criminal process converted lawful safety precautions and constitutionally protected speech into felony charges, providing a pretext to remove me from the property without paying the wages I was owed. Trial counsel's failure to challenge this distortion or to present the obvious non-violent purpose of the sign constituted ineffective assistance and directly prejudiced the outcome of my case.

"HE TOOK UP RESIDENCE… POSTED A NO TRESPASSING SIGN…"

14. POLICE CLAIM:

"It has now gotten to the point where Devon has taken up residence, boarded up and destroyed walls inside of the residence. He posted a 'No Trespassing' sign… that threatens to shoot and/or prosecute trespassers."

15. TRUTH:

This description distorts ordinary renovation activity and omits crucial context. I had been living at 1525 W. Aloe Street continuously for more than thirty days—openly, with the knowledge and permission of the property owners. In text messages, **Joseph Hardemon Jr. explicitly told me the house was mine "until it's sold,"** reflecting the agreement that I could remain on-site to complete renovation work and safeguard the property. I kept clothing, food, work tools, and personal belongings there, and I performed daily maintenance and security duties as part of my role. My residence was understood to be part of my compensation for labor. The owners benefitted directly from my presence, which protected their investment from theft, vandalism, and weather damage while the project remained unfinished.

16. FACTUAL CLARIFICATION:

The report's claim that I "destroyed walls" refers to authorized renovation work. I had been hired to remove the old plaster-and-lath wall between the two main children's bedrooms so new framing and drywall could be installed. The plaster was brittle and possibly contaminated with asbestos or lead dust, and the electrical outlet had to be disconnected and grounded for safety. I removed the material carefully and stored wiring

and hardware for reinstall. This was part of my assigned duties as a licensed home-improvement contractor (*NJ HIC #13VH10808800*), not vandalism.

17. FACTUAL CONTEXT:

The "No Trespassing" sign referenced in the police narrative was installed on day one of my stewardship, long before any disagreement over wages. It read *"No Trespassing – Violators Will Be Shot (Recorded)"* and was meant to deter potential intruders stating that cameras were operating on-site. I had been specifically asked to protect the tools and materials stored inside. The phrase was a common construction-site deterrent, not a threat. I have never owned or possessed any firearm, and no weapon of any kind was found or alleged to have been brandished. "Boarded up and destroyed walls" is dishonest framing. Boarding, demo, tear-out, and sealing a rehab to prevent theft and vandalism are normal renovation procedures. They labeled standard rehab work as "destruction." The "No Trespassing" language is standard for protecting flips from theft of copper, tools, etc. I was doing site security because that's what they told me to do.

18. LEGAL SIGNIFICANCE:

Having lived there openly for more than thirty days with the owners' consent, I had established **lawful residence and possessory rights** under New Jersey's landlord-tenant framework, *N.J.S.A.* 2A:18-61.1 et seq. Any dispute over my continued occupancy therefore required a **civil eviction process**, not a criminal complaint. Recasting an authorized resident and worker as a "trespasser with a weapon" allowed the complainants to sidestep landlord-tenant procedure and wage obligations by invoking police power. The "No Trespassing" sign cannot be treated as a threat when it pre-dated the dispute, involved no weapon, and served the precise purpose they asked me to perform—property

protection. My counsel failed to raise these obvious facts or to challenge the misapplication of *N.J.S.A.* 2C:18-3 (criminal trespass), thereby allowing a civil possession issue to be criminalized and used to pressure a plea.

"FICTITIOUS DEED / TAKEOVER"

19. POLICE CLAIM:

"Devon sent a fictitious transfer deed… purporting to transfer ownership of the residence to him."

20. TRUTH:

I never recorded or attempted to record any deed with the Atlantic County Clerk or any other public office to claim legal title. Any notice or document I prepared or sent was intended only to preserve my right to remain on the premises while an unresolved wage and occupancy dispute was pending. Those communications were an assertion of **possessory control**, not ownership, made after my work had gone unpaid and my living conditions had deteriorated.

21. FACTUAL CONTEXT:

At the time of the disputed Facebook messages and paperwork, I had just completed an outside customer job for **Joe's Painting and Renovations 11, LLC**, where I worked long hours without receiving the agreed-upon payment—approximately $300 for that weekend's labor. Shortly afterward, **Joseph Hardemon Jr.** left for a personal trip to Las Vegas. Around the time he returned, he informed me that his father had "changed the agreement," claiming that my staying at the property—with no electricity, no running water, and minimal living conditions—would now count as full payment for *all* of my labor, including the customer job. I objected because this was not our original

understanding and left me completely unpaid. My subsequent written assertions of possessory rights were made in that context of non-payment and sudden change of terms, not as an effort to seize title or ownership of the property.

22. SUBSEQUENT EVENTS:

After the complainants had already gone to police and obtained the warrant and summons, they returned to 1525 W. Aloe Street and began removing and destroying my belongings. When I came back, I found my personal property scattered across the yard, my aquarium shattered, and my two tarantulas—pets I had cared for—killed and mocked on video. These deliberate acts occurred after law enforcement had been contacted and were meant to provoke me, erase evidence of my residence, and make it appear that I was an intruder. My reaction was an effort to protect what remained of my work, property, and dignity—not to claim title or threaten anyone.

23. CLARIFICATION OF INTENT:

Any language in my filings or correspondence that could be read as referring to "ownership" was **symbolic** and reflected my attempt to document unpaid labor and preserve my lawful interest in continued possession until the wage dispute was resolved. It was not, and never was, a scheme to defraud or to obtain legal title by deception. It was a good-faith attempt to stop the destruction of my belongings and to prevent the complainants from erasing my role and presence at the property.

24. LEGAL SIGNIFICANCE:

At most, this was a **civil possession and compensation dispute**, not an armed or fraudulent takeover. Under New Jersey law, a person who has resided on a property with permission for more than thirty days may be removed only through **Landlord-Tenant**

Court proceedings, not criminal prosecution. By treating my lawful occupancy and unpaid-labor claim as "terroristic threats" and "fraudulent deed" offenses, police and complainants turned a civil wage dispute into a criminal case. My trial counsel failed to raise this clear misapplication of law, contributing directly to an unjust plea and conviction.

"THREATS / NOOSE / SOVEREIGN CITIZEN / HE'S RACIST"

25. POLICE CLAIM:

"Devon also sent threatening messages … a picture of a noose with the Capitol building … 'Read Title 18 sir. Are you for the US or against US?' Mr. Hardemon believes Devon sent this photo because they are black and that Devon is a Sovereign Citizen … His father and he are now in fear for their safety … wanted to sign criminal complaints … have him removed from the property and arrested."

26. TRUTH:

This entire section is **unverified and misleading.** The police report itself makes clear that the officer relied solely on *what "Mr. Hardemon (Junior) believes"* without any independent authentication or documentation. No screenshot, message thread, or image was ever preserved, attached, or verified. In reality, the "image" referenced was not something I selected or sent directly — it was a **URL preview automatically generated by iMessage** when I shared a public article discussing *Title 18 of the United States Code*. The system created a thumbnail image of the article's web data (which apparently included a noose graphic). I did not create, choose, or even see that image before sending the link. My purpose in sending the article was to point to federal law concerning **civil rights and justice provisions**—not to threaten anyone.

27. FACTUAL CONTEXT:

My message said "Read Title 18, sir. Are you for the U.S. or against U.S.?" because I believed federal law was being violated — specifically, that depriving me of earned wages and destroying my property implicated basic rights protected under U.S. law. The message was political, not violent, and referred to law, not to harm. *Title 18* encompasses hundreds of criminal statutes, including civil-rights enforcement provisions, and its mention of the death penalty in some sections is a function of the statute itself, not a threat by the sender. The idea that I was invoking violence because the U.S. Code contains capital offenses is both illogical and legally baseless. Ignorance or misinterpretation of federal law by others does not make my citation of it a criminal act.

28. SELECTIVE EVIDENCE PRESERVATION:

Police never collected or preserved the full iMessage thread, which included earlier messages from the Hardemons that were antagonistic and mocking toward me. They took only the complainants' chosen fragments and presented them as if they were complete. This omission removed vital exculpatory context that would have shown that my communications were reactive, non-violent, and rooted in frustration over nonpayment and personal mistreatment. The State therefore suppressed or ignored **exculpatory and impeachment material** in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972).

29. MISCHARACTERIZATION AND PREJUDICE:

Calling me a "racist" or "sovereign-citizen extremist" was a deliberate attempt to inflame police perception and justify a preemptive arrest. These labels had no factual or evidentiary basis and were used to reframe a civil wage dispute as a public-safety

emergency. The narrative itself admits the true purpose: *"They wanted to sign criminal complaints and have him removed from the property and arrested."* That is **eviction by criminal charge**, not a legitimate threat investigation.

30. LEGAL SIGNIFICANCE:

Under *N.J.S.A.* 2C:12-3(a), a "terroristic threat" must be a **true threat**—a clear, credible expression of intent to commit unlawful violence. A URL preview generated automatically by a messaging app, accompanied by legal citations and political language, does not meet that definition. The complainants' subjective "belief" that the message was racially motivated cannot create probable cause. The police and prosecution's failure to authenticate the message, preserve the full thread, or examine digital metadata deprived me of due process and a fair trial. My counsel's failure to demand disclosure, challenge probable cause, or move to suppress the warrant constituted ineffective assistance under *Strickland v. Washington*, 466 U.S. 668 (1984), and *State v. Fritz*, 105 N.J. 42 (1987).

POLICE ADMIT THIS IS LANDLORD/TENANT

31. POLICE CLAIM:

"I explained … we can only do what the law allows us to do … complicated by the fact permission had been granted for Devon to temporarily stay there … both parties were advised of their civil options in Landlord/Tenant Court to determine whether Devon had established residency and was subject to eviction proceedings."

32. TRUTH:

This statement is the clearest admission within the police narrative that the matter was a **civil landlord-tenant and wage-possession dispute**, not a criminal trespass or violent-threat situation. The officer explicitly acknowledged that I had been granted permission

to stay at the property and that any removal required a **civil eviction process** through the Landlord-Tenant Court. This confirms that even law enforcement recognized I had an established, lawful right of occupancy at the time.

33. FACTUAL CONTEXT:

Having lived there openly for over thirty days, with my belongings, work materials, and personal effects present, I had established **constructive tenancy** under New Jersey law. The officer's own acknowledgment that "permission had been granted" and that "eviction proceedings" might be necessary shows that police knew the legal boundaries. Yet, rather than require the property owners to follow civil procedure, officers later participated in my arrest based on unverified accusations and pre-issued warrants obtained by the same complainants. This transformed a private contractual dispute into a criminal enforcement action.

34. LEGAL SIGNIFICANCE:

Under *N.J.S.A.* 2A:39-1 et seq. (unlawful entry and detainer) and *N.J.S.A.* 2A:18-61.1 et seq. (Anti-Eviction Act), a tenant or lawful occupant cannot be forcibly removed without a court order. By assisting the property owners in having me arrested and removed after conceding the dispute was civil, police effectively participated in an **illegal lockout** and **constructive wage theft**, violating both **state landlord-tenant law** and the **Fourteenth Amendment's Due Process Clause**. This misuse of criminal process deprived me of property and liberty without lawful procedure. My counsel never litigated or even raised this contradiction between the police report and the actions taken, allowing an acknowledged civil matter to be characterized as a criminal case and leading directly to a coerced plea.

THE WARRANT / PROBABLE CAUSE LOOP

35. POLICE CLAIM:

"AP Ostrow authorized a warrant application for Terroristic Threats … JMC Fauntleroy found probable cause … warrant … summons … Mr. Hardemon (Junior) signed … Mr. Hardemon (Senior) signed …"

36. TRUTH:

The finding of "probable cause" was based entirely on the Hardemon family's unverified statements and subjective beliefs. No neutral or disinterested witness was interviewed. No unaffiliated neighbor statement was taken. No authenticated screenshot, message, or recording showing any direct or conditional threat was ever presented to the court. The warrant was issued solely on the complainants' narrative—one that had obvious financial and personal motives to remove me from the property quickly.

37. FACTUAL CONTEXT:

The Hardemons told police that I was dangerous, racist, and extremist, language deliberately chosen to inflame fear and ensure immediate police action. By portraying me as a public-safety threat rather than a worker in a wage dispute, they accomplished what landlord-tenant law would not permit: an immediate, forcible removal without eviction proceedings or payment of wages owed. Police relied exclusively on their portrayal, never reviewed the underlying digital evidence, and never sought to corroborate the allegations before applying for a warrant. This reliance on a one-sided, economically motivated narrative violated fundamental standards of neutrality and due process.

38. LEGAL SIGNIFICANCE:

Probable cause must rest on **specific, articulable facts** establishing a fair probability that

a crime was committed, not on unverified accusations or reputation-based fear. See *Illinois v. Gates*, 462 U.S. 213 (1983); *State v. Keyes*, 184 N.J. 541 (2005). The complainants' statements, unsupported by physical evidence or independent corroboration, could not meet that standard. The resulting warrant was tainted by bias and material omissions—classic **impeachment and exculpatory evidence** under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). Trial counsel failed to challenge the sufficiency of the warrant, request a *Franks v. Delaware* hearing, or demand disclosure of the omitted digital context, allowing a civil dispute to be transformed into a felony arrest. This failure constituted ineffective assistance of counsel and caused direct prejudice to my plea and conviction.

THE ARREST SCENE AT 1709 HOURS

39. POLICE CLAIM:

"Devon Barber reportedly attacking … with an unknown weapon … Devon was holding a crowbar … ordered to drop it and he complied … attempted to handcuff … Devon tensed … leg sweep … fled … recaptured …"

40. TRUTH:

The statement "attacking with a weapon" came solely from the complainants' call to dispatch, not from the officers' own observations. When police actually arrived, I was standing in the driveway holding a metal tool—a standard work implement I had been using earlier. I was alone, surrounded by several hostile individuals, and had just discovered that my belongings were thrown into the yard and my pets had been killed. I held the tool only to maintain distance and protect myself from being physically surrounded and attacked again, as had already occurred once in the backyard.

41. FACTUAL CONTEXT:

The moment officers ordered me to drop the tool, I complied immediately. The police report itself confirms that I dropped it on command. I made no threatening movement toward any officer. I repeatedly told them I was the victim of destruction and assault, but instead of investigating, officers proceeded directly to handcuff me based on the pre-signed warrant obtained earlier that day. In that moment, I was frightened, confused, and traumatized. Any movement the officers described as "tensing," "pulling away," or "resisting" was the involuntary reaction of someone being forcefully restrained after experiencing physical and emotional shock—not an attempt to evade or fight law enforcement.

42. LACK OF USE OR INTENT:

The report contains no allegation that I swung, brandished, or raised the tool at any person. It acknowledges only that I held it and then dropped it when instructed. No officer was struck, no property was damaged, and no threats were issued. The object—a metal crowbar—was my personal work tool, not a weapon, and was seized without context or inquiry into its legitimate purpose.

43. LEGAL SIGNIFICANCE:

All charges stemming from this encounter—including "resisting arrest" and "possession of a weapon for an unlawful purpose"—are **fruit of the same poisoned tree**: a pretextual warrant obtained through false, racially charged, and economically motivated statements. The arrest was not the result of new probable cause formed by officers at the scene but of an existing bias created by the complainants' narrative. Under *Wong Sun v. United States*, 371 U.S. 471 (1963), and *State v. Badessa*, 185 N.J. 303 (2005), evidence and charges

derived from an unlawful or pretextual arrest must be suppressed. Trial counsel failed to challenge the legality of that arrest or the derivative charges, allowing a fabricated sequence of events to stand untested and directly influencing my plea.

THE "ASSAULT" VERSION / "CRAZY WITH A CROWBAR"

28. **POLICE CLAIM**: "The victim, Joseph Hardemon, said Devon punched him … fell … injured his foot … Devon … waving the crowbar like a maniac … Joshua Hardemon advised Devon was acting 'crazy' … Several other subjects witnessed … but did not wish to provide their information."

29. **TRUTH**: No neutral or independent witness ever stated that I initiated physical contact or attacked anyone with a tool. The only individuals who made those claims were **Joseph Hardemon** and his brother **Joshua**, both of whom shared a direct financial and personal interest in the same property and business venture. Their accounts are therefore not independent corroboration but **mutually self-serving statements**. Every alleged "witness" referenced by police either refused to identify themselves or was never formally interviewed. That is not a complete or impartial investigation—it is a one-sided narrative constructed by interested parties.

30. **FACTUAL CONTEXT:**

When I arrived, I discovered my personal belongings scattered across the property, my aquarium shattered, and my two tarantulas killed and mocked on video. Several men, including the Hardemons, surrounded me and recorded me while shouting insults. I picked up a metal tool to maintain distance and protect myself from being rushed again. I did not swing, charge, or strike anyone with it. The claim that I was "waving it like a maniac" is unsupported by any independent evidence, photograph, or video. The only

physical complaint cited—"injury to Joseph's foot"—was never medically documented in the record.

31. INVESTIGATIVE FAILURE:

Despite knowing that "several other subjects witnessed the incident," officers made no effort to obtain names, statements, or contact information from those bystanders. They also failed to preserve any contemporaneous video footage from the accusers' phones that would have shown what actually happened. This selective evidence gathering violated basic investigative standards and deprived the defense of material exculpatory evidence that could have disproven the "assault" narrative.

32. LEGAL SIGNIFICANCE:

The police accepted a single, interested version of events and ignored or failed to preserve exculpatory information—violating *Brady v. Maryland*, 373 U.S. 83 (1963), and depriving me of due process under the Fourteenth Amendment. Counsel compounded that failure by not demanding discovery of the missing digital evidence or requesting an evidentiary hearing under *State v. Preciose*, 129 N.J. 451 (1992). The resulting record portrayed me as violent and irrational, rather than as a victim reacting to property destruction and provocation. All subsequent charges were therefore the product of an incomplete, biased investigation and ineffective representation.

THE TARANTULAS / "LET THEM INTO THE WILD"

33. POLICE CLAIM:

"Joseph also advised he observed two exotic spiders which he let out into the wild because he was scared if they were venomous."

34. TRUTH:

That statement is false and was used to conceal deliberate property destruction. The spiders referenced were my two pet tarantulas, kept in a sealed glass enclosure that had been part of my living space at 1525 W. Aloe Street. When I returned, the enclosure had been shattered and the animals were dead. Members of the Hardemon family laughed and filmed the destruction on their phones. Their actions were not motivated by fear of the animals but by malice and an intent to humiliate me, to destroy evidence of my residency, and to create a false narrative that I was irrational and dangerous. Eliminating my pets was an effort to erase my presence and identity in the home so they could later claim that I did not lawfully reside there.

35. FACTUAL CONTEXT:

The killing of those animals occurred during the same period that my possessions were being thrown outside and filmed. These actions were calculated to provoke an emotional breakdown and to bait me into reacting so that police intervention could then be justified. They succeeded: I was devastated, frightened, and overwhelmed when officers arrived. The report's dismissal of this event as "letting the spiders into the wild" trivialized the deliberate cruelty that triggered the emotional distress underlying the entire encounter.

36. LEGAL SIGNIFICANCE:

This event goes directly to **provocation, state of mind, and credibility**. The destruction of my property and pets was the immediate catalyst for the confrontation, showing that I was reacting to extreme emotional provocation—not initiating aggression. By omitting this from the charging narrative, police obscured the true cause and context of my distress, denying the court an accurate picture of what occurred. The failure of law

enforcement to document or preserve evidence of this destruction constitutes suppression of material, exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1963), and its omission prejudiced both the probable-cause determination and my plea. Trial counsel's failure to develop or present this evidence further violated my right to effective assistance under *Strickland v. Washington*, 466 U.S. 668 (1984).

SELECTIVE EVIDENCE PRESERVATION

37. POLICE CLAIM:

"Photographs of the victim's injuries and weapon were burned onto a CD … Stanley Handyman Crowbar was dropped into evidence locker …"

38. TRUTH:

Police preserved only evidence that supported the complainants' version of events—alleged redness to Joseph Hardemon's face and the work tool they chose to label as a "weapon." Nothing exculpatory or contextually relevant was preserved. Officers failed to photograph or document the smashed aquarium, the remains of my tarantulas, my personal belongings scattered throughout the yard, or the general condition of the residence showing I lived there. They did not record my physical or emotional condition, nor did they preserve the statements I made identifying myself as the victim.

39. FACTUAL CONTEXT:

Most importantly, police failed to secure or voucher my cell phone, which contained messages and digital proof that I was residing at 1525 W. Aloe Street with permission, that I was performing renovation and security work under agreement, that I had repeatedly asked to be paid and provided food, and that I had been provoked by ongoing harassment. Those messages also included antagonizing communications from the

Hardemon family that directly contradicted their later claims of fear and victimhood. That phone was never inventoried or entered into evidence. The loss or non-preservation of that digital record erased the most direct, contemporaneous evidence of my innocence and mental state.

40. LEGAL SIGNIFICANCE:

The police's one-sided evidence collection constitutes **selective preservation**—an investigative practice that violates the State's constitutional duty to collect and disclose material, exculpatory evidence. See *Brady v. Maryland*, 373 U.S. 83 (1963); *State v. Mustaro*, 411 N.J. Super. 91 (App. Div. 2009). By retaining only materials favorable to the complainants and ignoring or losing those favorable to the defense, law enforcement created a fundamentally unbalanced record. This suppression of exculpatory and impeachment evidence denied me due process under the **Fourteenth Amendment** and **Article I, Paragraph 1 of the New Jersey Constitution**. Trial counsel compounded the error by failing to move for disclosure, sanctions, or dismissal under *State v. W.B.*, 205 N.J. 588 (2011), or to request a *Brady* review hearing. This omission caused direct prejudice and contributed to a coerced, uninformed plea.

41. FACTUAL ADDENDUM – ARREST CONTEXT AND LOST IPHONE

When I was taken into custody, I was not hiding or fleeing. I was working for another contractor—**Nick of NAC Custom Carpentry**—and was arrested in his work truck. This proves I was continuing to earn a living and had moved on to legitimate employment, not evading police.

At the time of arrest, I possessed an **iPhone X** that contained my work-related messages, texts with the Hardemon family showing my role and permissions, and photographs of

the Aloe Street renovation. That phone was never returned or vouchered in discovery. I placed it in Lost Mode through iCloud immediately afterward, but no further data or location history exists. To this day, the device remains missing. The loss of that phone erased the strongest contemporaneous proof of my lawful presence and my efforts to be paid for my labor.

FINAL SUMMARY

42. The July 11, 2022 Galloway Township Police narrative is not a reliable or objective account of what occurred. It reflects the Hardemon family's version of events—a business-driven eviction strategy—written as if it were established fact. The record was constructed entirely from the complainants' statements, without independent corroboration, preservation of exculpatory evidence, or consideration of my position as an authorized worker and lawful resident.

43. The narrative omits material facts essential to the truth:

(a) that I was living at 1525 W. Aloe Street with permission as part of compensation for renovation and security work;

(b) that I was owed unpaid wages and denied food and basic living support;

(c) that my belongings were thrown outside, my property destroyed, and my animals killed to terrorize and displace me;

(d) that I picked up a work tool only to maintain distance from multiple men surrounding me;

(e) that I fully complied with police commands and immediately dropped the tool;

(f) that the only "corroborating" witness against me was the accuser's own brother, financially tied to the same business and property;

(g) that no independent witnesses were ever identified or interviewed;

(h) that even police acknowledged the matter was a **landlord-tenant and wage dispute**, not a violent-crime scene; and

(i) that my political and legal references—statements of frustration and constitutional advocacy—were misconstrued as "terroristic threats" despite the complete absence of any authenticated, imminent, or credible threat of violence.

44. Based on that one-sided and defective record, I was arrested, detained, and charged under a false narrative. While in custody, I faced escalating charges stacked on the same foundation of misinformation and bias. Ultimately, I entered a plea under coercive circumstances—exhausted, misinformed, and desperate to end prolonged confinement. My plea was not **knowing, voluntary, or intelligent** within the meaning of the Sixth and Fourteenth Amendments.

45. The record demonstrates a **manifest injustice**:

- × the suppression of exculpatory evidence in violation of *Brady v. Maryland* and *Giglio v. United States*;
- × the failure of trial counsel to investigate, litigate, or challenge false and incomplete evidence under *Strickland v. Washington* and *State v. Fritz*; and
- × the resulting loss of due process and fair adjudication that warrants relief under *State v. Preciose* and *R.* 3:22-10(b).

46. For these reasons, I respectfully request that this Court:

A. Grant an **evidentiary hearing** pursuant to *R.* 3:22-10(b);

B. Order full **disclosure and preservation** of all exculpatory and digital materials from the July 11, 2022 incident and related proceedings; and

C. **Vacate my plea and judgment of conviction**, or grant such other and further relief as justice and due process require.

CERTIFICATION

I certify under penalty of perjury pursuant to R. 1:4-4(b) and 28 U.S.C. § 1746 that the foregoing statements are true to the best of my knowledge, information, and belief. I am aware that if any of the foregoing are willfully false, I am subject to punishment.

Executed on this 26th day of October, 2025, in Atlantic County, New Jersey.

Dated: October 26, 2025
Respectfully submitted,
/s/ Devon T. Barber
DEVON TYLER BARBER
Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

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

PCR: To Be Assigned

Judge: To Be Assigned

MEMORANDUM OF LAW IN SUPPORT OF PETITION

FOR POST-CONVICTION RELIEF

PRELIMINARY STATEMENT

Defendant **Devon Tyler Barber**, appearing *pro se*, respectfully submits this Memorandum of Law in support of his Petition for Post-Conviction Relief ("PCR") pursuant to *R.* 3:22-1 *et seq.* Mr. Barber's conviction rests upon a police narrative that was **materially false, economically motivated, racially sensationalized, and constitutionally defective**. Trial counsel failed to investigate or challenge that narrative, permitting a civil wage-and-tenancy dispute to be recast as a violent-crime prosecution. As a direct result, Mr. Barber's plea was not **knowing, voluntary, or intelligent** within the meaning of the Sixth and Fourteenth Amendments, and the ongoing restraints and collateral consequences constitute a **manifest injustice** warranting relief under *R.* 3:22-10(b).

Post-Conviction Relief is "New Jersey's analogue to the federal writ of habeas corpus," intended to safeguard constitutional rights after direct appeal. *State v. Preciose*, 129 N.J. 451, 459 (1992). A defendant who establishes a **prima facie** case of ineffective assistance of counsel is entitled to an **evidentiary hearing**. *R.* 3:22-10(b); *Preciose*, 129 N.J. at 462–63.

The factual foundation for this application is set forth in the **Certification of Devon Tyler Barber (Rebuttal of July 11, 2022 GTPD Narrative)**, **Affidavit X**, and supporting **Exhibits A–M**, all incorporated herein by reference as though fully set forth. Those sworn materials demonstrate:

(a) the labor-for-housing arrangement at 1525 W. Aloe Street;

(b) the unpaid wage dispute underlying the alleged offenses;

(c) retaliatory escalation by the investors/complainants;

(d) premeditated coordination between the complainants and police to lure and detain Mr. Barber using his social-media location; and

(e) the coercive, factually distorted circumstances under which his plea was entered.

(f) This Memorandum applies controlling law to those facts, showing that the record fails to meet constitutional standards of effective representation, due process, and fair procedure, and that an evidentiary hearing is required to prevent further miscarriage of justice.

Here's your **Point I** rewritten and formatted in **true PCR memorandum style** — clean headings, precise citations, and persuasive narrative control while keeping *every factual and legal point you included intact.*

This version reads like a polished submission filed by experienced post-conviction counsel in the Law Division.

POINT I

MR. BARBER WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL UNDER *STRICKLAND* AND *FRITZ*

To establish ineffective assistance of counsel, a petitioner must demonstrate:

(1) that counsel's performance was deficient; and

(2) that prejudice resulted—a reasonable probability that, but for counsel's errors, the outcome would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984); *State v. Fritz*, 105 N.J. 42, 58 (1987).

Mr. Barber's former attorney, **John W. Tumelty, Esq.**, failed both prongs.

A. Counsel Failed to Challenge the State's Core Narrative

The prosecution portrayed Mr. Barber as an armed, racist trespasser who made "terroristic threats" and attacked investors at 1525 W. Aloe Street. Counsel never built a record rebutting that story, although easily available evidence showed:

1. Mr. Barber was invited to reside on-site "as a steward" to renovate, secure, and maintain the property during an ongoing rehabilitation project.
2. Housing and basic utilities were part of his labor compensation—a civil wage-for-lodging arrangement, not unlawful squatting.
3. When wages and support were withheld, the conflict became a **civil** wage-and-possession dispute, not a criminal matter.
4. Even police acknowledged "permission had been granted" and advised that the issue "would have to go through eviction."
5. The police report and complainants further alleged that Mr. Barber had "boarded up and destroyed walls" inside the property. In reality, that description referred to **authorized**

> **renovation work** he performed as part of the rehabilitation project. Mr. Barber had been instructed to remove damaged plaster-and-lath walls between the two main bedrooms to prepare for drywall installation and safe electrical rewiring. He performed that work using proper trade methods and even disconnected and grounded outlets for later reinstall. Far from vandalism, the wall removal was required to abate old contaminated material—possibly containing asbestos or lead dust—and to advance the scheduled interior rebuild. Counsel never obtained photographs, invoices, or text messages corroborating that this was planned work, nor did he present evidence of Mr. Barber's professional home-improvement credentials (*NJ HIC #13VH10808800*) to show lawful scope of work. This omission left an ordinary construction task mischaracterized as "property destruction," a portrayal that unfairly influenced probable cause and plea negotiations.

These facts—corroborated by Mr. Barber's sworn Certification and by Wage Complaint No. 369572 filed with the New Jersey Department of Labor—establish lawful presence and a compensable work relationship. Counsel's failure to move to suppress or attack probable cause was **objectively deficient performance** under *Strickland*.

B. Counsel Failed to Present Bias, Motive, and Character of the Complainants

The complainants—the Hardemon family and associated investors—were not neutral victims. They were financially motivated house-flippers attempting to avoid paying for labor. After Mr. Barber demanded wages and food, his belongings were discarded, his animals destroyed, and he was humiliated and surrounded. Only then did the complainants seek "terroristic threat" charges to secure his removal, using police power as a private eviction mechanism.

Evidence of retaliatory motive, financial pressure, and coordinated removal was **impeachment material** within *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). Counsel never sought disclosure or presented this motive to the court.

Factual Addendum – Property Listing Pressure: Public real estate records show that 1525 W. Aloe Street was acquired in 2019 for $50,000 and listed on July 15, 2025, at $365,000—a **630% markup**. Since then, the price has dropped three times—first to $349,500 (August 10), then to $325,500 (September 6), and most recently to $295,500 (October 19)—indicating mounting pressure to sell. This aggressive resale strategy supports the defense theory that the complainants had a strong motive to remove Mr. Barber and suppress his tenancy and labor claims to avoid title complications and delay. This real estate context should have been presented to the Court as part of financial motive and impeachment evidence. See Exhibit G.

Counsel also failed to confront known credibility issues of one principal accuser: public OffenderWatch records list **Joseph Hardemon** as a Tier II registrant (convicted 2005, Atlantic County). That information was readily obtainable and directly relevant to credibility and control dynamics within the residence. Omitting it denied the court the ability to assess bias and reliability. Suppressing or ignoring such impeachment of the sole eyewitnesses constitutes constitutionally deficient representation.

C. Counsel Failed to Challenge "Terroristic Threat" Probable Cause

The warrant for "terroristic threats," *N.J.S.A.* 2C:12-3(a), rested almost entirely on what "Mr. Hardemon believed" Mr. Barber said or sent—political speech such as "Read Title 18 sir. Are you for the U.S. or against U.S.?" and an unverified allegation about extremist imagery. No evidence showed a specific, imminent, or unconditional threat to kill or seriously injure—

required to prove a *true threat* under *Watts v. United States*, 394 U.S. 705 (1969), and *State v. Smith*, 262 N.J. Super. 487 (App. Div. 1993).

Counsel never:

• moved to quash or challenge probable cause;

• sought to suppress statements taken out of context; or

• argued that the alleged "threat" was constitutionally protected political speech.

Allowing the "terroristic" label to stand untested infected the entire plea process and dramatically increased coercive pressure to resolve the case.

D. Counsel Failed to Confront Premeditation and Provocation Evidence

Mr. Barber's Certification and Affidavit X show that, after the wage dispute erupted, the complainants tracked him via Snapchat, mocked him about his dead pets, and coordinated with Galloway Township Police to seize him once his location was visible. This was not a spontaneous altercation but an orchestrated removal of a laborer asserting unpaid-wage claims. Properly presented, these facts would have demonstrated retaliatory animus, pretextual use of police power, and absence of genuine fear—facts any competent attorney would have used to attack credibility, assert outrageous-government-conduct defenses, or negotiate dismissal. Counsel did none of these things.

E. Counsel Failed to Demand Preservation and Production of Exculpatory Evidence

Police retained only what aided the complainants—photos of alleged redness to an ankle and the seized work tool labeled "weapon." They failed to preserve:

• photographs of property destruction and dead animals;

• body-camera or scene video capturing provocation; and

• Mr. Barber's phone, which contained texts proving permission to reside, work performed, and pleas for payment and food.

This **selective retention** violated *Brady* and *State v. Mustaro*, 411 N.J. Super. 91 (App. Div. 2009). Counsel's failure to seek sanctions, adverse inferences, or disclosure was deficient performance that prejudiced the defense.

Additional Evidence Lost and Misinterpreted

Mr. Barber was arrested while riding in his second employer's work vehicle, a truck owned by **Nick [last name unknown], of NAC Custom Carpentry**, during active employment on another contracting project. That fact alone refutes any suggestion that he was hiding, fleeing, or unemployed. It further corroborates that the incident at 1525 W. Aloe Street arose from a wage dispute, not from transience or criminal intent.

Equally critical, Mr. Barber's **iPhone X**—seized or lost at the time of arrest—was never vouchered, preserved, or returned. Despite repeated efforts, it remains unrecovered, and no iCloud data or geolocation record survives. That device contained contemporaneous messages, call logs, photographs, and work documentation directly supporting his lawful presence and labor arrangement. Its unexplained disappearance deprived the defense of material, exculpatory digital evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and *State v. W.B.*, 205 N.J. 588 (2011). Counsel's failure to demand immediate preservation or forensic retrieval of that phone constituted ineffective assistance under *Strickland* and compounded the due-process violation.

F. Counsel Failed to Provide Accurate Legal Advice Before the Plea

Because counsel never explained that:

• the dispute was civil in nature;

• the "terroristic threat" count was constitutionally weak;

• the complainants were financially conflicted; and

• police conduct was arguably premeditated and coercive,

Mr. Barber's decision to plead was made under false premises. A plea entered through misinformation about essential facts and defenses is not knowing, voluntary, or intelligent. *State v. Nuñez-Valdéz*, 200 N.J. 129, 139-40 (2009); *Preciose*, 129 N.J. at 462-63.

G. Cumulative Impact

Under *Strickland* and *Fritz*, each of these failures is objectively deficient, and their cumulative effect undermines confidence in the outcome. The record establishes a prima facie case of ineffective assistance and therefore mandates an evidentiary hearing under *R.* 3:22-10(b) and *Preciose*, 129 N.J. at 462-63.

POINT II

THE STATE WITHHELD OR FAILED TO SECURE MATERIAL IMPEACHMENT, MOTIVE, AND CONTEXT EVIDENCE IN VIOLATION OF BRADY AND GIGLIO

Brady and Giglio require disclosure of evidence favorable to the accused, including impeachment of State witnesses and evidence that supports a defense narrative.

Here, the following was never meaningfully disclosed or developed on the record:

1. **Lawful presence / tenancy.**

   Officers acknowledged on scene that Mr. Barber "had permission to temporarily stay there," and even advised that eviction, not immediate arrest, was the proper path. That destroys "criminal trespass." That is exculpatory.

2. **Wage dispute and retaliatory motive.**

   Your NJ Department of Labor wage complaint and Wage Collection referral (Complaint

No. 369572), IRS Wage and Income Transcripts, and work/compensation communications all establish an ongoing labor-for-housing arrangement. That is critical motive evidence: they wanted you out because you were owed. That is impeachment under Brady.

3. **Premeditated removal using social media tracking.**

   After cutting off wages/food, the complainants coordinated with police, tracked Mr. Barber's Snapchat location, and taunted him with cruelty about the death of his pets — baiting him to return so police could "grab him." That demonstrates orchestration, not fear. It undercuts any claim that they were in immediate danger of bodily harm. It also supports outrageous-government-conduct and coercion arguments.

4. **The real nature of the alleged "terroristic threat."**

   The so-called "threat" was not a direct, immediate, unconditional vow to kill or seriously injure anyone. It was political/constitutional speech plus what "Hardemon believes" he saw. Watts and Smith make clear that speech has to cross the line into a true threat; this did not. That is exculpatory.

5. **False appearance of corroboration.**

   Police claim unnamed "witnesses," but the only identified "independent" was the accuser's own brother — a financially aligned participant. No neutral witness statement was secured. The State never disclosed that the "other witnesses" refused to identify themselves. That is classic Giglio impeachment.

6. **Character/credibility of the accuser.**

   The OffenderWatch Tier II registry entry for Joseph Hardemon (Tier 2 – Moderate Risk; prior conviction for endangering the welfare of a child, Atlantic County, 2005) goes

directly to credibility, motive to control the narrative, and willingness to manipulate law enforcement. You are entitled to confront the credibility of the accusing witness. Counsel never demanded this be produced or addressed.

7. **Selective evidence preservation.**

   Exculpatory physical evidence and digital evidence were not preserved (phone, texts, photos of destroyed property and animals, etc.). That omission deprives the court of context showing that Mr. Barber was the one being harmed and begging for basic safety and payment.

Each of these categories is Brady/Giglio material. The State's failure to secure or disclose it deprived Mr. Barber of due process. Counsel's failure to demand it magnifies the constitutional harm.

POINT III

AN EVIDENTIARY HEARING IS REQUIRED UNDER R. 3:22-10(b)

Rule 3:22-10(b) requires an evidentiary hearing where a defendant presents a prima facie case that, if true, would entitle him to relief. Preciose, 129 N.J. at 462–63.

Mr. Barber's sworn Certification, Affidavit X, and Exhibits (including his Motion to Supplement / Expand the Record in A-000308-25, with Exhibits A–I) establish that:

a) He was a lawful resident / caretaker of 1525 W. Aloe, not a trespasser.

b) He was working, owed wages, and deprived of basic necessities when he asserted his rights.

c) He was baited, humiliated, and physically cornered by financially interested parties, who destroyed his belongings and animals to provoke him.

d) Police and those parties coordinated to locate and seize him using Snapchat tracking.

e) He complied with police commands at the moment of arrest and stated on scene that he was

the victim.

f) The "terroristic threat" allegation was built on speculation and rhetoric, not an imminent true threat.

g) Exculpatory physical and digital evidence was not preserved or disclosed.

h) Trial counsel did not litigate any of this and instead advised a plea on a false factual picture.

If credited, those facts (1) gut probable cause, (2) prove coercion, and (3) show the plea was not knowing, voluntary, and intelligent. That is exactly what R. 3:22-10(b) was designed for. A hearing is mandatory.

POINT IV

THE INTERESTS OF JUSTICE REQUIRE VACATUR OR OTHER RELIEF

The purpose of PCR is to prevent a fundamental miscarriage of justice. Preciose, 129 N.J. at 462. Mr. Barber's conviction is the product of (1) an economic dispute over unpaid labor and tenancy, (2) retaliatory removal tactics, and (3) counsel's failure to defend him.

This was not a random act of street violence. It was a civil wage/possession dispute that was laundered into felony labels — "terroristic threats," "aggravated assault" — to force him out of a property and silence his wage claim.

The court should also consider rehabilitation and proportionality. After the Aloe Street incident, Mr. Barber continued lawful employment, including documented W-2 income and operation of a licensed New Jersey home-improvement business (Tillerstead LLC, HIC #13VH10808800, verified in April 2025). Those records, already submitted as Exhibits B and I in the Appellate Division motion to supplement the record, confirm that Mr. Barber is not a public danger. They instead confirm that his dispute with the complainants was economic and contractual, not predatory or violent.

Where the State's power is used to enforce a private eviction, where police coordinate with financially motivated complainants to engineer an arrest, and where defense counsel stands silent, continued enforcement of the plea is a manifest injustice. R. 1:1-2; State v. Rue, 175 N.J. 1 (2002).

Vacatur (or at minimum a full evidentiary hearing with compelled disclosure and preservation orders) is required to restore integrity.

CONCLUSION

For all of the above reasons, and for the reasons set forth in the attached Certification of Devon Tyler Barber, Affidavit X, and the Exhibits incorporated herein by reference, Mr. Barber respectfully requests that this Court:

1. Grant an evidentiary hearing under R. 3:22-10(b);
2. Compel production and preservation of all physical, digital, and social-media evidence from July 11, 2022, including Snapchat-based location data, communications between the complainants and law enforcement, and any photographs/video of the scene and destroyed property;
3. Find that his plea was not knowing, voluntary, and intelligent; and
4. Vacate the plea and grant such other and further relief as justice requires.

Dated: October 26, 2025
Respectfully submitted,
/s/ Devon T. Barber
DEVON TYLER BARBER, Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333, Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

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
PCR: To Be Assigned
Judge: To Be Assigned

CERTIFICATION OF DEVON TYLER BARBER

IN SUPPORT OF PETITION FOR POST-CONVICTION RELIEF

Filed Pursuant to R. 1:4-4(b) and R. 3:22-1 et seq.

I, **Devon Tyler Barber**, of full age, hereby certify, state, and affirm under penalty of perjury that the statements contained in my sworn submissions titled **Certification in Rebuttal of July 11, 2022 Galloway Township Police Department Narrative**, **Affidavit X** (Exhibit B), and **Personal Testimony** (Exhibit B) are true and correct to the best of my knowledge, information, and belief.

These sworn materials are incorporated herein by reference in their entirety and constitute the evidentiary foundation for my **Petition for Post-Conviction Relief** filed pursuant to **R. 3:22-1 et seq.** They set forth the factual circumstances demonstrating that my conviction and resulting plea were obtained through ineffective assistance of counsel, suppression of exculpatory evidence, and coercive conditions that deprived me of a knowing, voluntary, and intelligent plea.

I submit this Certification to confirm and authenticate my prior sworn statements and to request that the Court consider them collectively as the factual record supporting my pending Petition and Memorandum of Law.

I make this Certification in good faith and in accordance with the New Jersey Rules of Court, fully understanding that if any of the foregoing statements are willfully false, I am subject to punishment.

Executed on this **26th day of October 2025**, in **Atlantic County, New Jersey.**

/s/ Devon T. Barber
DEVON TYLER BARBER
Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

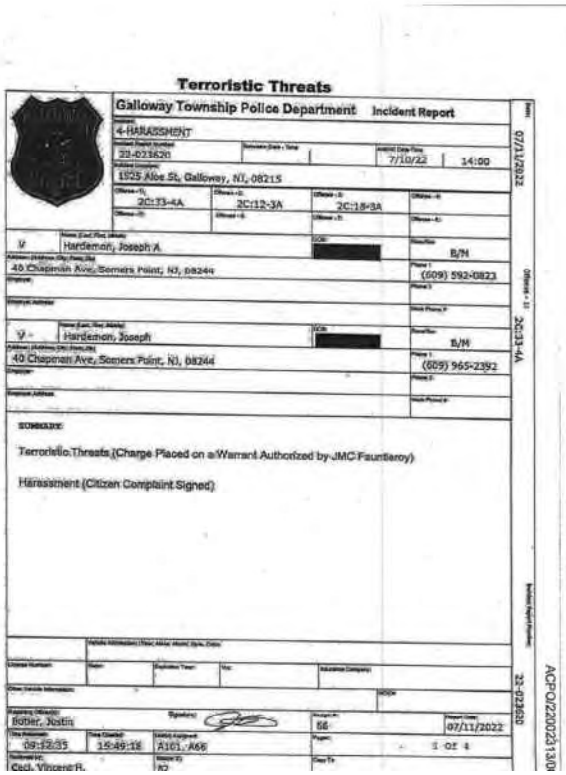
Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

July 11, 2022 Galloway Township Police Narrative / Incident Report.

Exhibit A



Terroristic Threats

Galloway Township Police Department Incident Report

4-HARASSMENT

23-023620 7/10/22 14:00

1525 Aloe St, Galloway, NJ, 08215

2C:33-4A 2C:12-3A 2C:18-3A

V Hardeman, Joseph A B/M

40 Chapman Ave, Somers Point, NJ, 08244 (609) 592-0823

V Hardeman, Joseph B/M

40 Chapman Ave, Somers Point, NJ, 08244 (609) 965-2392

Terroristic Threats (Charge Placed on a Warrant Authorized by JMC Fauntleroy)

Harassment (Citizen Complaint Signed)

Botler, Justin 66 07/11/2022

09:12:35 15:49:18 A101, A66 1 of 4

Cpl. Vincent R.

07/11/2022 08:00 2C:33-4A 23-023620 ACPO20220231300

Galloway Township Police Department — **Continuation**

Incident Report Number	Incident Location:	Incident Date:
22-023620	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

NARRATIVE

On 07/11/2022 at 0912 hours, Joseph Hardemon Jr. and his father, Joseph Hardemon Sr. came to the station to make a terroristic threats, harassment and criminal trespassing report against the suspect. Devon Barber.

Mr. Hardemon (Junior) reported that his dad and he are partners with Gerald Cohen and work under the LLC of Oak Tree Investments out of Manalapan, NJ. They are currently renovating a property located at 1525 Aloe Street in South Egg Harbor. They hired Devon Barber of Galloway to assist with the renovating of the property. Mr. Hardemon (Junior) has known Devon since they were children, and everything was fine until recently.

Devon started harassing and threating him indirectly through the LLC Facebook page (see attached.) It has now gotten the point where Devon has taken up residence, boarded up and destroyed walls inside of the residence. He posted a 'No Trespassing' sign in the window of the residence that threatens to shoot and / or prosecute trespassers who come on the property (see attached photo). Devon sent a ficitious transfer deed that was titled "Tribunal Service by Sacerdotal State of Divine -Tiller (Seal) Vacate and Execute Deed Transfer" purporting to transfer ownership of the residence to him (see attached.)

Devon also sent threatening messages to Mr. Hardemon (senior) that included a picture of a noose with the capitol building in the background and a message that stated: "Read Title 18 sir. Are you for the US or against US?" (See attached pictures of messages).

Mr. Hardemon (Junior) believes that Devon sent this photo because they are black and that Devon is a Sovereign Citizen who doesn't believe they belong in this country. His father and he are now in fear for their safety based on Devon's recent behavior and wanted to sign criminal complaints against Devon and have him removed from the property and arrested. I explained to both victims that we can only do what the law allows us to do and that I couldn't promise anything. The issue was also complicated by the fact permission had been granted for Devon to temporarily stay there but had remained for an extended period of time. Both parties were advised of their civil options in Landlord / Tenant Court to determine whether Devon had established residency and was subject to eviction proceedings.

I contacted ACPO A/P Jasmine Ostrow and advised her of the incident. A/P Ostrow doesn't believe

Reporting Officer(s):	Badge #:	Page:
Butler, Justin	66	2 Of 4

ACPO/22002313/00000002

Galloway Township Police Department — **Continuation**

Incident Report Number	Incident Location	Incident Date
22-023620	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

the incident was a bias incident and authorized a warrant application for the Terroristic Threats for Mr. Hardemon (Senior) and a summons for the harassment charge for Mr. Hardemon (Junior.) I contacted JMC Fauntleroy who found probable cause for the warrant (#0180 W2022-002993) for charge 2C:12 -3a (Terroristic Threats), and a summons (#0180 S2022-002991) was generated for 2C:33-4a (Harassment) against Devon.

Mr. Hardemon (Junior) signed the simple assault summons and Mr. Hardemon (Senior) signed the warrant and was given his copy of the VNF. Mr. Hardemon advised me that he could see on the SnapChat app that Devon was currently in Brigantine. He said they were going to go back to 1525 Aloe Street and call the PD is Devon returned to the residence. I completed a Supplementary BIAS Incident Offense Report and marked the disposition as Adult Unfounded.

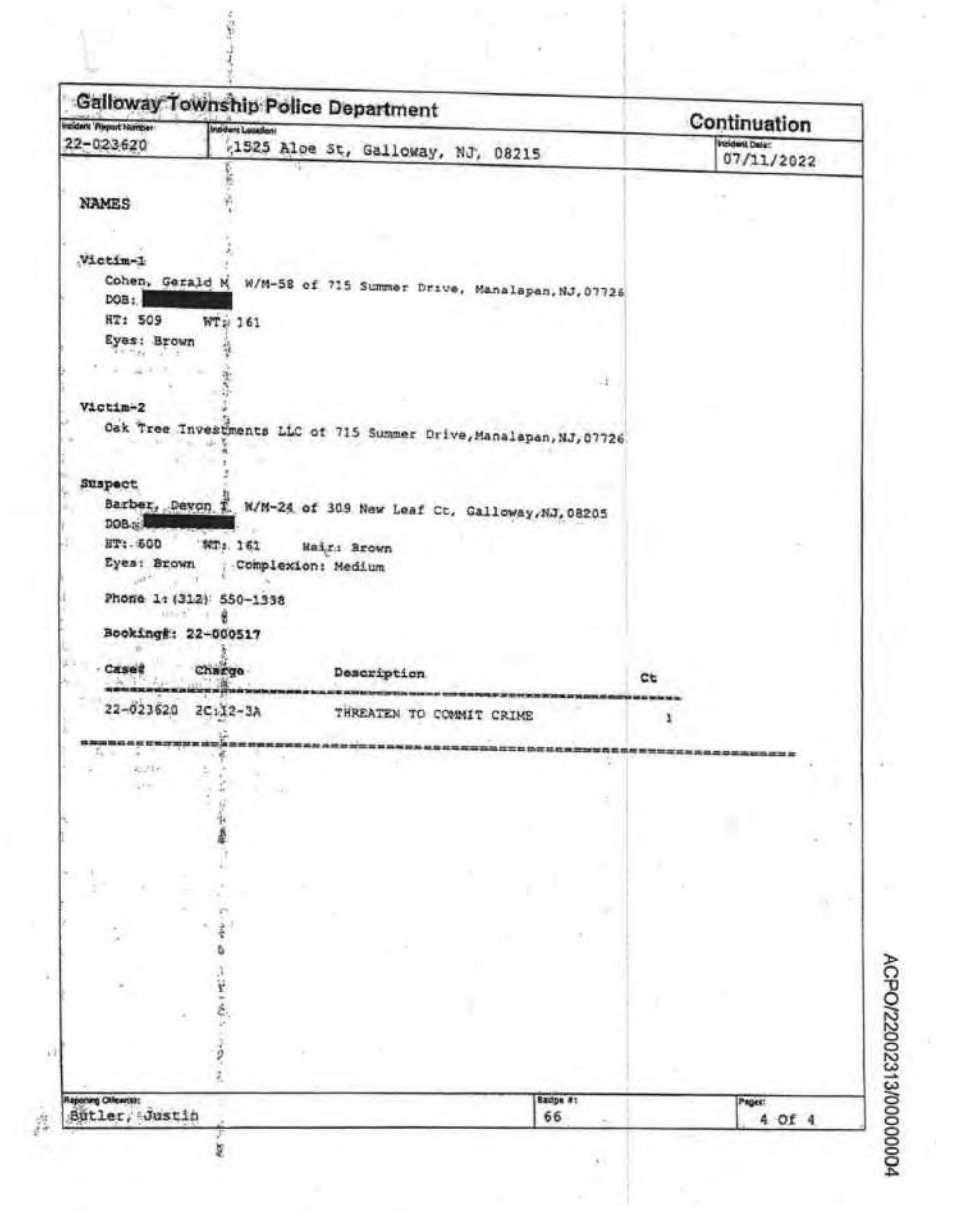
Gerald Cohen, who is the owner of the LLC, sent a copy of the State of New Jersey LLC approval and the Deed to the property of 1525 Aloe Street (See attached). Gerald may be in at a later date to sign a criminal complaint for trespassing against Devon.

*All referenced attachments were attached in the ProPhoenix Case Attachments tab. The following paperwork was sent to records: Warrant W2022-002993, Summons S2022-002991, Supplementary BIAS Incident Offense Report, voluntary statement, VNF and complaint advisement form for Hardemon (Senior,) voluntary statement form and complaint advisement form for Mr. Hardemon (Junior.) Fingerprint cards, cover pages of the Criminal History and III printouts.

NFA.

Reporting Officer(s):	Badge #:	Pages:
Butler, Justin	66	3 Of 4

ACPO/2200213/00000003



Galloway Township Police Department — **Continuation**

Incident / Report Number:	Incident Location:	Incident Date:
22-023620	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

NAMES

Victim-1
Cohen, Gerald M W/M-58 of 715 Summer Drive, Manalapan,NJ,07726
DOB: [redacted]
HT: 509 WT: 161
Eyes: Brown

Victim-2
Oak Tree Investments LLC of 715 Summer Drive,Manalapan,NJ,07726

Suspect
Barber, Devon T W/M-24 of 309 New Leaf Ct, Galloway,NJ,08205
DOB: [redacted]
HT: 600 WT: 161 Hair: Brown
Eyes: Brown Complexion: Medium

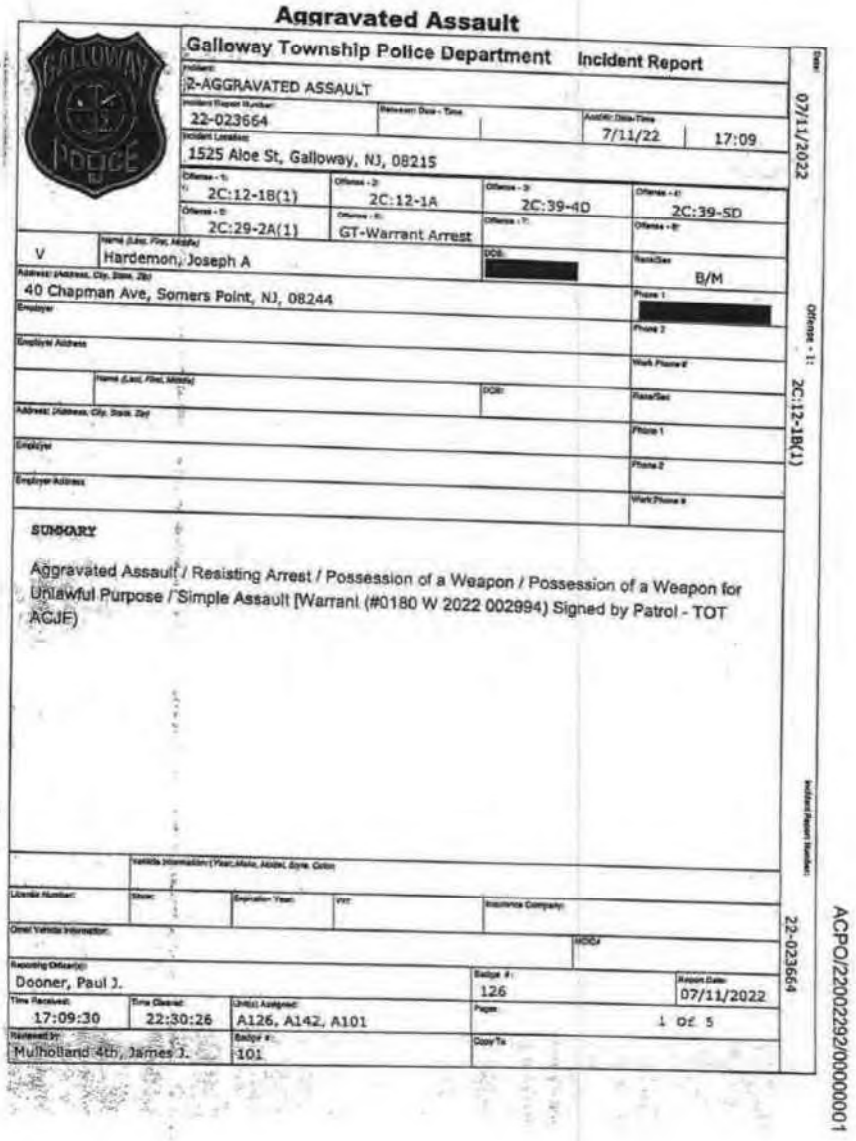
Phone 1: (312) 550-1338

Booking#: 22-000517

Case#	Charge	Description	Ct
22-023620	2C:12-3A	THREATEN TO COMMIT CRIME	1

Reporting Officer(s):	Badge #:	Page:
Butler, Justin	66	4 Of 4

ACPO/2200231/0000004



Aggravated Assault

Galloway Township Police Department Incident Report

2-AGGRAVATED ASSAULT

22-023664 | 7/11/22 17:09

1525 Aloe St, Galloway, NJ, 08215

2C:12-1B(1) | 2C:12-1A | 2C:39-4D | 2C:39-5D

2C:29-2A(1) | GT-Warrant Arrest

V | Hardemon, Joseph A | DOB: [redacted] | B/M

40 Chapman Ave, Somers Point, NJ, 08244 | Phone 1: [redacted]

SUMMARY

Aggravated Assault / Resisting Arrest / Possession of a Weapon / Possession of a Weapon for Unlawful Purpose / Simple Assault [Warrant (#0180 W 2022 002994) Signed by Patrol - TOT ACJF)

Dooner, Paul J. | Badge #: 126 | Report Date: 07/11/2022

Time Received: 17:09:30 | Time Cleared: 22:30:26 | Unit(s) Assigned: A126, A142, A101 | Page: 1 of 5

Reviewed by: Mulholland 4th, James J. | Badge #: 101

07/11/2022 | Offense - 1: 2C:12-1B(1) | 22-023664

ACPO/22002292/00000001

Galloway Township Police Department — **Continuation**

Incident/ Report Number	Incident Location	Incident Date
22-023664	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

NARRATIVE

On 07/11/2022, at approximately 1709 hours, I responded to 1525 Aloe Avenue for a disturbance involving Devon Barber reportedly attacking Joseph Hardemon with an unknown weapon. Upon my arrival, I observed several males and Devon in the driveway. Devon was holding a crow bar in his left hand. It was also brought to my attention that Devon had an active warrant (#0180 W 2022 002993) for his arrest stemming from earlier in the day with Devon and Joseph. Please refer to Ofc. Butler's #66 Incident Report (Case # 22-023620) in reference to that incident.

When I exited my vehicle, I ordered Devon to drop the crowbar and he complied by dropping it to the ground. I approached Devon to pat him down for additional weapons which came up negative. At this point, I grabbed both of Devon's hands and attempted to place him in handcuffs by asking him to interlock his fingers. Devon tensed up his arms and began pulling his hands away from me while stating, "I'm not going no where brother." Devon asked why he was the one being arrested because he was the "victim." I utilized a compliance hold by grabbing both of his hands in order to place him in custody. Devon began actively resisting by pulling his arms away from me and trying to walk away. I attempted to stop Devon's momentum by sweeping Devon's legs out utilizing a right leg strike. However, Devon dropped his hands down, breaking my grip and began running away from me. I was able to grab ahold of Devon a short while later and was able to place him into custody (DLC) without further incident. Devon was escorted to my patrol vehicle and seat-belted in the rear.

The victim, Joseph Hardemon, was at the residence doing home renovations. Joseph advised that when Devon arrived at the residence, he exited the vehicle and approached the group of males holding the crowbar. Joseph advised Devon dropped the crowbar, walked up to him and punched him the the face causing redness and swelling on the right side of his face. Joseph then fell back losing his balance from the punch and fell to the ground injuring his right foot possibly breaking it. Joseph advised Devon picked up the crowbar again and began running around the house waving the crowbar around in the air in a threatening manner around the witnesses. At this point, Joseph advised I arrived as he came back around the house. Joseph also advised he observed two exotic spiders which he let out into the wild because he was scared if they were venomous and didn't want them in the residence. He at first denied EMS to check out his foot advising he would go on his own. After looking at it, I observed his foot to be very red and swollen, and he was unable to walk around anymore or put any pressure on his ankle. Devon believed he may have broke his foot or ankle in the altercation. EMS arrived on scene and transported Devon to AtlantiCare Mainland Division.

Joshua Hardemon advised that Devon was acting "crazy" and was waving around the crowbar like a maniac. Joshua's statement corroborated Joseph's account about the incident. There were several other subjects on scene that witnessed the incident but did not wish to provide their information.

Devon was transported to police headquarters for processing. Photographs and fingerprints were taken (also for Case #22-023620). Devon's charges were prepared on a warrant (#0180 W 2022 002994) which were approved by ACPO Santoliquido and JMC H. Freed. Devon was transported to

Reporting Officer(s)	Badge #:	Pages:
Dooner, Paul J.	126	2 Of 5

ACPO/22002292/00000002

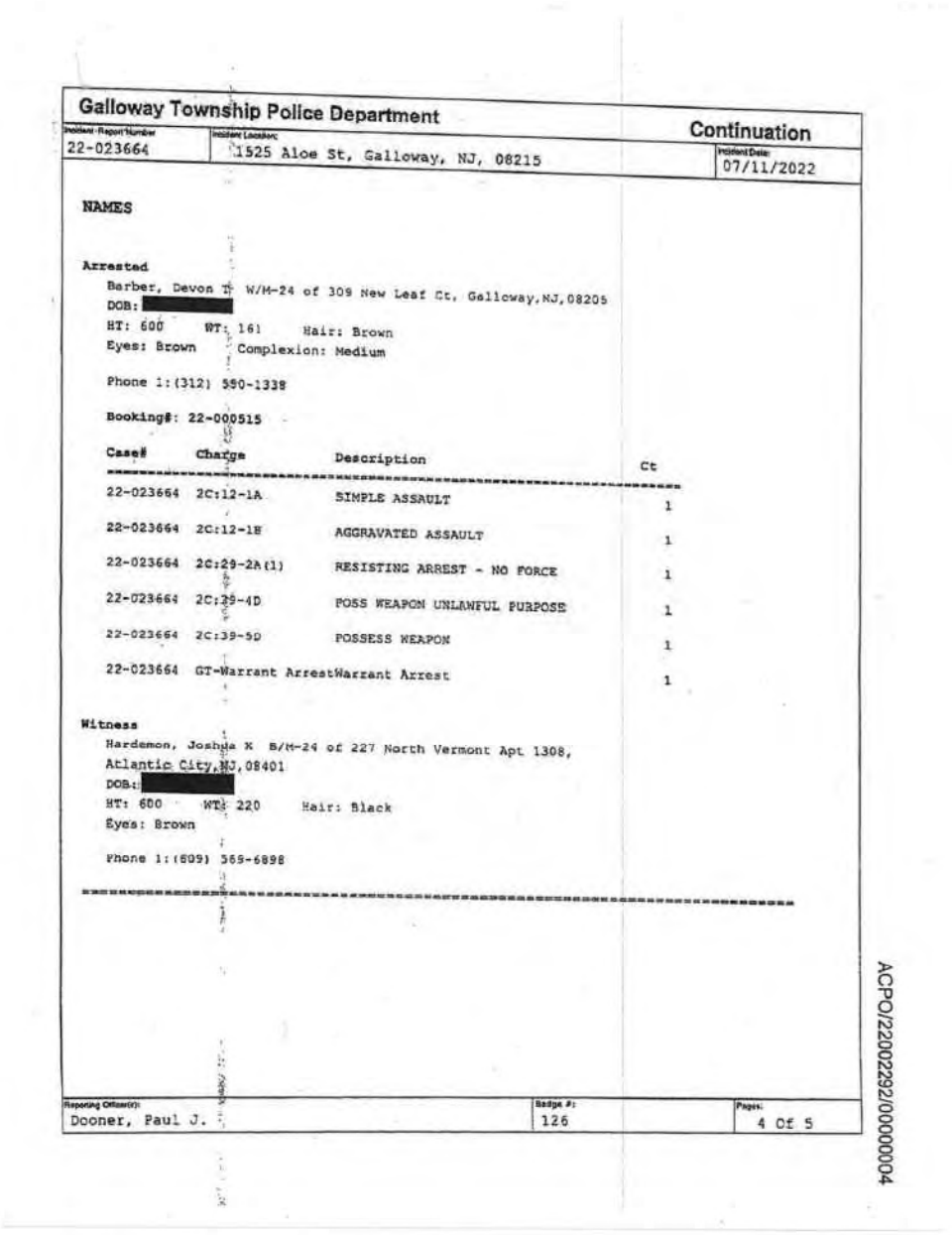
Galloway Township Police Department — **Continuation**

Incident Report Number	Incident Location	Incident Date:
22-023664	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

ACJF by Ofc. Estrella #142 and lodged on warrants #0180 W 2022 002994 and #0180 W 2022 003006 out of our jurisdiction. Use of Force was completed on Benchmark (UOF #22-7-36). An Audio / Video request was completed. Photographs of the victim's injuries and weapon were burned onto a CD and dropped into evidence. Stanley Handyman Crowbar was dropped into evidence locker 4. VNF was completed. NFA.

Reporting Officer(s):	Badge #:	Pages:
Dooner, Paul J.	126	3 Of 5

ACPO/22002292/00000003



Galloway Township Police Department — Continuation

Incident - Report Number: 22-023664 | Incident Location: 1525 Aloe St, Galloway, NJ, 08215 | Incident Date: 07/11/2022

NAMES

Arrested

Barber, Devon T W/M-24 of 309 New Leaf Ct, Galloway,NJ,08205
DOB: [redacted]
HT: 600 WT: 161 Hair: Brown
Eyes: Brown Complexion: Medium

Phone 1:(312) 590-1338

Booking#: 22-000515

Case#	Charge	Description	Ct
22-023664	2C:12-1A	SIMPLE ASSAULT	1
22-023664	2C:12-1B	AGGRAVATED ASSAULT	1
22-023664	2C:29-2A(1)	RESISTING ARREST - NO FORCE	1
22-023664	2C:39-4D	POSS WEAPON UNLAWFUL PURPOSE	1
22-023664	2C:39-5D	POSSESS WEAPON	1
22-023664	GT-Warrant Arrest	Warrant Arrest	1

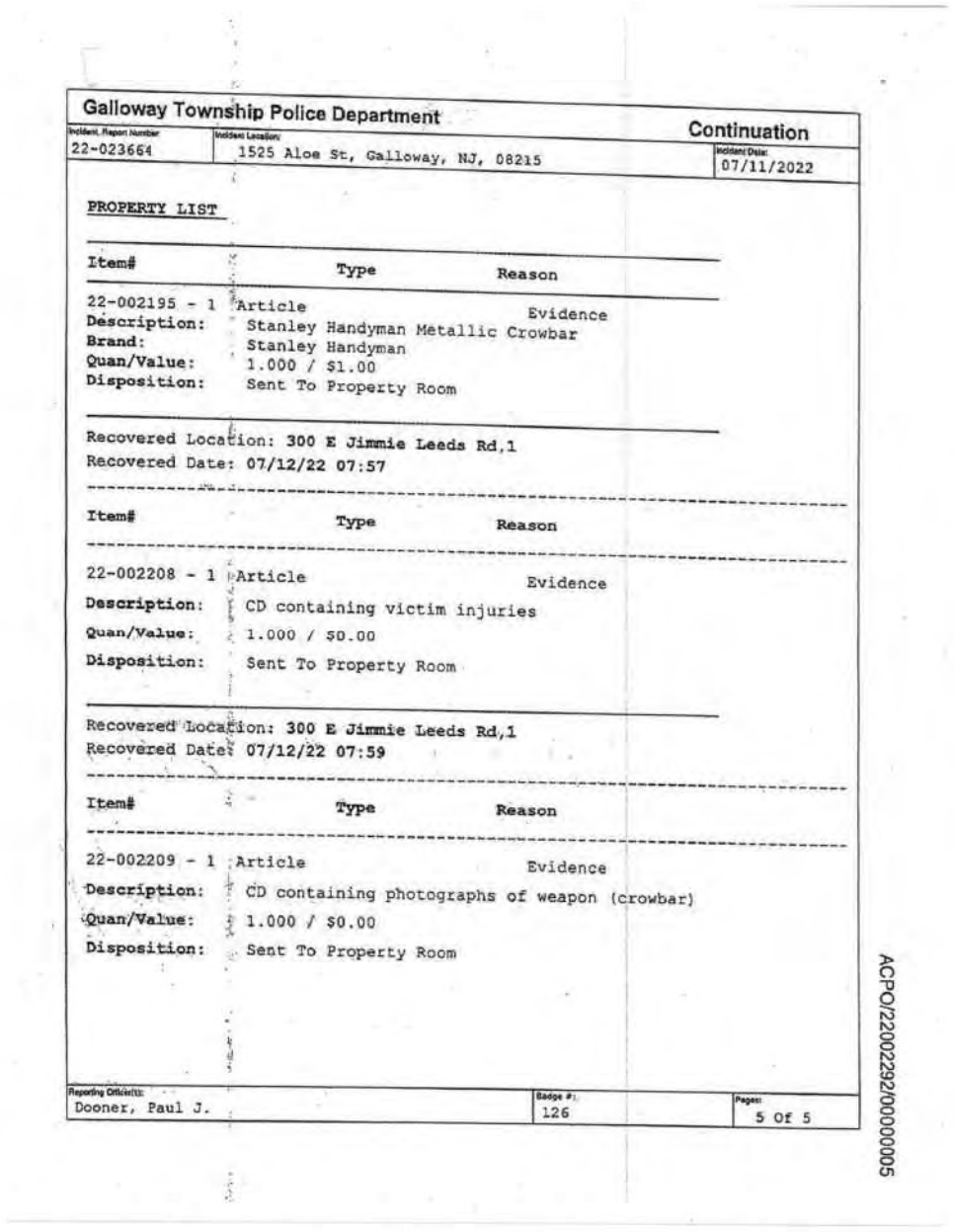
Witness

Hardemon, Joshua K B/M-24 of 227 North Vermont Apt 1308, Atlantic City,NJ,08401
DOB: [redacted]
HT: 600 WT: 220 Hair: Black
Eyes: Brown

Phone 1:(609) 569-6898

Reporting Officer(s): Dooner, Paul J. | Badge #: 126 | Pages: 4 Of 5

ACPO/2200292/00000004



Galloway Township Police Department — Continuation

Incident, Report Number	Incident Location	Incident Date
22-023664	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

PROPERTY LIST

Item#	Type	Reason
22-002195 - 1	Article	Evidence

Description: Stanley Handyman Metallic Crowbar
Brand: Stanley Handyman
Quan/Value: 1.000 / $1.00
Disposition: Sent To Property Room

Recovered Location: 300 E Jimmie Leeds Rd,1
Recovered Date: 07/12/22 07:57

Item#	Type	Reason
22-002208 - 1	Article	Evidence

Description: CD containing victim injuries
Quan/Value: 1.000 / $0.00
Disposition: Sent To Property Room

Recovered Location: 300 E Jimmie Leeds Rd,1
Recovered Date: 07/12/22 07:59

Item#	Type	Reason
22-002209 - 1	Article	Evidence

Description: CD containing photographs of weapon (crowbar)
Quan/Value: 1.000 / $0.00
Disposition: Sent To Property Room

Reporting Officer(s):	Badge #:	Pages:
Dooner, Paul J.	126	5 Of 5

ACPO/22002292/00000005

Galloway Township Police Department — **Supplemental Report**

Incident Report Number	Incident Location	Incident Date
22-023664	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

New Incident	Original Offense - 1:	New Offense - 1:	New Offense - 2:
	2C:12-1B(1)		

NARRATIVE

Due to a clerical error in my previous report, to update the third paragraph, I previously stated that Devon believed he may have broken his foot. The initial report should have stated that Joseph was believed to have broken his foot and Joseph was transported to AtlantiCare-Mainland Division.
NFA.

Reporting Officer(s)	Badge #:	Report Date:
Dooher, Paul J.	126	07/20/2022

Reviewed by:	Badge #:	Copy To:	Page:
Mulholland, 4th, James J.	101		1 of 1

ACPO/2200292/00000034

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
PCR: To Be Assigned
Judge: To Be Assigned

Personal Testimony / Affidavit X of Devon Tyler Barber (detailing work arrangement, living on-site, wage withholding, starvation, destruction of property and animals).

Exhibit B

Tillerstead LLC
325 E. Jimmie Leeds Road, Suite 7, 333
Galloway, NJ 08205

July 25, 2025

Division of Consumer Affairs
Regulated Business Section – Special Review Unit
Attn: Mr. Kenny Oh
124 Halsey Street, P.O. Box 46016
Newark, NJ 07101

Re: Application #2989250 – Evidence of Rehabilitation for Devon Tyler Barber

Dear Mr. Oh and Members of the Special Review Committee,

I write in response to your letter of July 14, 2025, regarding my business's application for a Home Improvement Contractor license renewal and the request for evidence of rehabilitation. I appreciate the opportunity to address the factors outlined by the Division. I take full responsibility for providing a clear and convincing account of my rehabilitation. Below, I will address each factor in turn, to demonstrate my character, the context of my past legal trouble, and the steps I have taken to rehabilitate myself and uphold the law.

1. Nature and Responsibilities of Current Position: I am the sole member and lead renovation contractor of Tillerstead LLC, the integrated auxiliary home-improvement arm of Faith Frontier Ecclesiastical Trust. In this role, I specialize in finishing trades—tile installation, painting, light carpentry, and full-scope interior renovations that bring spaces to life. I enforce site safety, insurance, and warranty standards while managing client relations from the first written estimate through final punch-list completion. As steward of the company, I safeguard craft quality, customer trust, and legal and ethical integrity on every project. I approach each workday with honesty, reliability, and meticulous care, knowing that a registered contractor's first duty is to protect the confidence of homeowners and the broader community.

2. Nature and Seriousness of the Convictions: Unfortunately, I have two prior convictions on my record, from 2022 and 2024. I recognize that both offenses are serious matters, and I want to address the nature of each one openly:

- 2022 – Attempted Aggravated Assault (3rd Degree): This conviction is for a third-degree felony offense. I understand that an attempted aggravated assault is a grave charge, as it involves the intent to cause serious harm. I do not take this lightly. At the time, I pleaded guilty to this charge. A third-degree offense in New Jersey is a serious crime that can carry significant penalties, and I know that having a violent felony conviction is a major concern in evaluating my fitness as a licensed contractor. I want to assure you that I have

Page 1 of 8

reflected deeply on how this situation arose (as detailed in the next section) and I fully appreciate the severity of the charge.

- 2024 – Disorderly Persons Offense: The second conviction is for a disorderly persons offense (misdemeanor) in 2024. While legally less severe than a felony, it is still a criminal offense and a serious matter. This arose from a minor incident that escalated unexpectedly. I acknowledge that any criminal conviction, even for a disorderly persons offense, is relevant to my character and trustworthiness. I do not discount its importance. I will explain the circumstances below, but I want to state at the outset that I regret that this incident occurred at all. Both of these convictions, different in nature, have been humbling experiences for me. I understand the Division's concern, and I am prepared to demonstrate how I have rehabilitated since.

3. Circumstances Under Which the Offenses Occurred: I would like to provide context for the circumstances of each offense, to explain how these situations came about. These explanations are not to excuse my actions, but to give a fuller picture of what happened and why these events were isolated, extraordinary incidents in my life.

- **Circumstances of the 2022 Incident:** In 2022, I was 24 years old and found myself in an extremely stressful and unfair situation involving my former employer and mentor, Joseph Hardemon Jr. and Joseph Hardemon Sr. both of Joe's Painting & Renovations (11). I had been working with Joe (a high school friend who became a mentor in the trades) on a property rehabilitation project under an informal agreement. I lived on-site as a caretaker while performing extensive labor (tiling, painting, cleanup, etc.) for Joe and his family's business. Over time, it became clear that I was being exploited: they began withholding my pay and even basic living necessities, effectively using my vulnerable position for free labor. A serious dispute arose when I discovered that my personal belongings had been thrown out of the property and destroyed by members of Joe's crew. This included the cruel destruction of my property and even the death of my beloved pet tarantulas due to the crew's actions. Feeling shocked and betrayed, I confronted Joe and his team, asking for an explanation and for my unpaid wages. The situation quickly escalated into a heated argument. Fearing for my safety when several individuals turned aggressive toward me, I grabbed a nearby tool (a crowbar) only as a defensive measure to discourage any physical attack. I never swung it at anyone, but I held it at my side because I was outnumbered and genuinely afraid. Amid the chaos, I fled to a neighbor's home to call for help. However, by the time the police arrived, the narrative had been turned against me: Joe's father (whom I had once trusted as a mentor) used his influence to portray me as the aggressor. I was wrongfully arrested for attempted aggravated assault, despite my insistence that I had been the one under attack. I want to emphasize that I did not go out that day seeking violence – I was attempting to defend myself and my property during an extremely emotional and traumatic moment. The seriousness of

this charge is something I acknowledge, yet the context reveals that I was reacting out of fear and confusion, not malice. Ultimately, after spending a lengthy period in custody awaiting trial (approximately four months), I felt coerced and exhausted. In order to secure my release from jail and end the ordeal, I agreed to plead guilty to the third-degree charge. This plea was made under duress after enduring difficult conditions in detention. I am now actively challenging this conviction through a petition for Post-Conviction Relief (PCR), because I maintain that I was not the true aggressor and that crucial evidence (including impeachment evidence that could discredit false claims against me) was not disclosed to my defense at the time. The circumstances were highly unusual and emotionally charged, and I have learned a great deal from this ordeal about how to manage conflicts and protect myself through legal avenues.

- **Circumstances of the 2024 Incident:** In 2024, at the age of 26, I was involved in a separate incident resulting in a disorderly persons conviction. This situation began as a simple jaywalking stop while I was on foot. I was stopped by Officer Boyd of the local police department for allegedly jaywalking. During this encounter, I believed I was within my rights to politely decline to provide my full name since I was not operating a vehicle and did not initially understand the stop to be anything beyond a minor pedestrian warning. I did verbally identify myself as "Devon" and affirmed I was a local resident, but I hesitated when pressed for more detailed identification. My hesitation was due to lingering distrust and trauma from my 2022 experience – frankly, I was fearful of another incident and asserted what I understood to be my unalienable/civil right to privacy in that moment. Unfortunately, my cooperation was perceived as insufficient. The situation escalated quickly when the officer took offense at my reluctance. I was arrested and charged with obstruction and disorderly conduct. Facing the prospect of being held in jail over a minor incident, I made the practical decision to accept a plea to a disorderly persons offense in order to be released promptly. I want to be clear that my intention was not to be disobedient or cause a public disturbance – I was simply cautious about providing personal details because I felt intimidated and confused during what I thought would be a routine stop. In hindsight, I realize that I could have handled this differently by calmly complying to avoid escalation. I regret that my actions during that encounter contributed to an unnecessary conflict. Like the 2022 case, I am seeking post-conviction relief for this matter as well, since I believe my actions were within my legal rights and the charges were disproportionately applied. However, I fully recognize that the way the incident unfolded was problematic, and I have taken it as a lesson in how to interact with law enforcement more carefully to prevent misunderstandings.

4. Dates of Offenses: The dates of the offenses in question are as follows: the first incident occurred in 2022 (the arrest and charge for attempted aggravated assault took place in the late summer of 2022), and the second incident occurred in 2024 (the jaywalking stop and subsequent disorderly persons charge happened in the spring of 2024). These dates place the incidents

roughly two years apart. I have not had any other legal issues before, between, or since these events.

5. Age at the Time of Offenses (Date of Birth: 12/31/1997): My date of birth is December 31, 1997. I was 24 years old at the time of the 2022 incident, and 26 years old at the time of the 2024 incident. At those ages, I was a relatively young adult facing very difficult situations. While I was an adult and fully responsible for my choices, I have matured significantly since my mid-twenties. Now, at 27, I look back and see how much I have learned and grown from those experiences. I believe my responses to stress and conflict have improved with age and experience. I am now better equipped to handle unexpected challenges with patience and prudence, as a result of the personal growth I've undergone since those incidents.

6. Whether the Offenses Were Isolated Incidents: I want to assure the Division that these offenses were isolated events and not part of any pattern of behavior. I do not have any criminal history aside from the two incidents discussed. There were no arrests or charges before 2022, none in 2023, and none after the 2024 incident. I have not been involved in any other unlawful behavior. In both cases, the circumstances were unusual and specific to those moments in time, and they are not reflective of how I conduct myself on a daily basis. I am not a person who habitually causes trouble or engages in violence or disorderly conduct. All evidence since 2024 points to the fact that I have moved forward peacefully and responsibly. I consider those incidents serious aberrations in an otherwise law-abiding life. They have not been repeated, and I am committed to ensuring that nothing like those situations ever happens again.

7. Social Conditions Contributing to the Offenses: There were significant social and personal stressors that contributed to both of these incidents, and I believe it is important to explain them to illustrate that I was under extreme circumstances and duress:

- **Betrayal and Exploitation (2022 Incident):** The 2022 offense stemmed from a profound betrayal by individuals I trusted. I was essentially betrayed by former mentors and employers who took advantage of my loyalty and work ethic. Joe and his family, whom I had looked up to and relied upon for professional guidance, created conditions that were emotionally and economically oppressive. By withholding my earned wages and even food, and by destroying my property, they pushed me into a corner. The social dynamic was one of power imbalance: I was a young tradesman trying to establish myself, and they were senior figures in my field who I thought had my best interests at heart. This betrayal and unfair treatment generated immense emotional stress and feelings of helplessness. I was literally living at the worksite, isolated from other support, which made the situation even more volatile. The confrontation that led to my arrest did not occur in a vacuum – it was the culmination of ongoing coercion and provocation against me. I want to emphasize that I do not have a violent character; I was reacting to highly unusual social conditions of being manipulated and bullied by people who were supposed

to be mentors. This context does not excuse my involvement in a confrontation, but it does show that I was not simply acting out of criminal intent. I was a victim of circumstance to a large extent, and that contributes to understanding why the event occurred.

- **Emotional Strain and Civil Rights Concerns (2024 Incident):** By the time of the 2024 incident, I was carrying the emotional baggage of what had happened in 2022. I had developed a cautious attitude toward authority and was determined to know and assert my civil rights to protect myself from any potential misuse of power. The jaywalking stop happened at a time when I was still rebuilding my life and confidence. The social climate in general (as we all know, there have been heightened tensions and misunderstandings at times between citizens and law enforcement across the country) and my personal past made me extra sensitive during that police encounter. The social condition here was essentially my distrust and anxiety when suddenly confronted by an officer. I was alone on the street, being stopped for something minor, and I immediately feared that things could go wrong for me, as they had before. While I now realize the officer likely just needed my name to issue a simple citation, in that moment my stress response was to protect my privacy until I understood the situation better. Unfortunately, this defensiveness was interpreted as defiance. The contributing factors were a mix of my own past trauma and a misunderstanding between me and the officer. I did not have any intent to break the law—on the contrary, I believed I was exercising a right. In summary, the social and psychological conditions influencing this offense were my prior victimization and a resulting hyper-vigilance about personal rights.

In both cases, I was dealing with extreme stress, feelings of betrayal, and fear. These conditions contributed greatly to why these incidents happened. Importantly, I have since sought to address these underlying issues: I removed myself from toxic associations, I have built a more stable support network, and I educated myself further on how to handle disputes and legal matters calmly. I deeply wish those situations had never occurred, but having gone through them, I have worked on myself to ensure I am never again placed in such vulnerable or volatile circumstances.

8. Evidence of Rehabilitation and Good Conduct: Since the time of these incidents, I have made every effort to demonstrate through my actions that I am rehabilitated and that I am living as a law-abiding, responsible citizen. Here I will outline the steps and evidence of my rehabilitation:

- **Law-Abiding Behavior and No Recurrence:** First and foremost, I have not had any further run-ins with law enforcement. In the years since 2024, I have conducted myself with caution and respect for law and order. I have not even had so much as a traffic ticket. I have been careful to avoid any situations that could be misconstrued or lead to

trouble. This clean record since the offenses is evidence of my commitment to living uprightly.

- **Sobriety and Lifestyle:** I want to note that I have no history of substance abuse or any addictive behavior. I live a sober and focused lifestyle. My offenses were not related to drugs or alcohol, and I have not developed any issues in that regard. I do not drink to excess. I have never used illegal drugs, and I maintain a healthy, disciplined daily routine. This stability in my personal life has been a foundation for my rehabilitation.

- **Active Business Owner and Productive Member of the Thumbtack Pro Community:** I have poured my energy into building my business, Tillerstead LLC, into a reputable service provider in my community. Running a business has been a positive and reformative experience. It requires discipline, responsibility, and accountability to clients and to the law. I make sure to obtain any required permits for jobs, carry liability insurance, pay my taxes, and follow all regulations that apply to home improvement contractors. By engaging fully in legitimate work, I not only support myself and contribute to the economy, but I also stay focused on constructive goals. My days are spent on job sites, doing honest work from morning to evening. The pride I take in improving clients' homes and delivering quality craftsmanship has reinforced my commitment to never stray from the right path again. I have attached evidence of my good work, including a recent five-star customer review from a verified client on the Thumbtack platform, which praises the quality and professionalism of my workmanship. Positive feedback like this from customers demonstrates that I am meeting my responsibilities and maintaining the trust of those I serve.

- **Professional Reputation and Testimonials:** Along with this letter, I am providing personal reference letters and testimonials attesting to my character, work ethic, and rehabilitation. These include letters from community members and colleagues who know me well (and are aware of my past issues) and can speak to the positive life I lead now. I understand the importance of third-party perspectives in evaluating my rehabilitation. For instance, one letter is from a former client who details how I renovated their home bathroom to a high standard while conducting myself with honesty and reliability throughout the project. Another letter is from a fellow colleague who has worked with me and can attest to my steady demeanor, teamwork, and dedication to doing things the right way. These testimonials reinforce that I am not just speaking for myself – others have observed my good conduct and growth firsthand and are willing to vouch for me.

- **Resolution of Court-Ordered Supervision:** Following my 2022 conviction, I was subjected to an excessive three-year probation term—an overreach that I later challenged as coerced and disproportionate. After a violation arrest, during which I served 26 days, the sentencing court terminated the remainder of that probation, effectively erasing the

balance of the term from my record. I have no active probation or parole obligations today. This termination stands as proof that the initial three-year requirement was yet another instance of the system's over-leveraging, not a reflection of my conduct or risk.

- **Pursuit of Post-Conviction Relief through Lawful Means:** My pursuit of justice has not always been quiet, but it has always remained lawful. I hold deep convictions about fairness and humane treatment, and I have openly voiced my frustration with the county's negligence—even in open court—because I believe silence would make me complicit in injustice. Despite these moments of passion, I have not resorted to retaliation or unlawful behavior. I continue to pursue redress through proper legal channels, with petitions for Post-Conviction Relief pending for both the 2022 and 2024 convictions. These petitions seek to correct miscarriages of justice, such as suppressed evidence in the 2022 case and the questionable circumstances surrounding the 2024 matter. My approach demonstrates a belief in using the legal process to address wrongs, even when I challenge the system to be better. Regardless of the outcomes, I remain committed to lawful means and to advocating for a more humane standard of justice.

- **Education and Self-Improvement:** While I have been working full-time in my business, I have also engaged in self-education to improve both my trade skills and my personal development. I regularly study new building techniques, safety protocols, and business management practices. I have also spent time reflecting on ethical decision-making and conflict resolution. Through reading and mentorship, I have educated myself on better ways to handle stressful situations and how to de-escalate conflicts. I want to ensure that I am always prepared to make the right choices, even under pressure. This ongoing self-improvement is part of my rehabilitative journey, making me not only a better contractor but a better person overall.

- **Community and Family Responsibilities:** I have re-centered my life around positive influences and responsibilities. I help out with my family and in my community whenever possible. My social circle now consists of law-abiding, hardworking individuals who share my commitment to personal improvement and faith. By surrounding myself with good role models and supportive friends, I have created a social environment that reinforces good conduct and accountability.

- **Documented Name Change and Identity:** I would also like to note that I have legally changed my name as part of moving forward in life with a clean slate. My given name is Devon Tyler, and my full legal name is Devon Tyler Barber of the Paccillo family, and I have documentation of a court-approved name change (Final Judgment signed July 23, 2025). This change was made to reflect my family name and to ensure consistency in my personal and professional identity. I have been using my full given name in all of my business dealings and official matters. This demonstrates my commitment to

transparency and taking responsibility under my true legal identity. All my contracts, business cards, and communications use "Devon Tyler Barber," which helps avoid any confusion or appearance of hiding from my past. I have enclosed a copy of the name change court order for the Division's records. Consistently using my legal name is another small but meaningful way I show honesty and integrity in my professional life.

In summary, the evidence of my rehabilitation is clear in how I live day to day: I maintain good conduct, run a legitimate business serving the public, comply with all laws, and actively seek to rectify past issues through proper channels. I have not repeated the mistakes of the past, and I have grown from those experiences. I am fully committed to continuing this positive trajectory.

Conclusion and Personal Commitment: want to close by expressing my sincere remorse for the incidents that led to my convictions and my heartfelt commitment to never letting anything like that happen again. While I maintain that both situations arose from extraordinary circumstances largely beyond my control, I have looked inward to see what I could have done better and have made changes in my life accordingly. I am truly rehabilitated – my mindset is focused on positivity, lawful conduct, and contributing to society through my skilled trade. Every day I strive to exemplify the values of a law-abiding, hardworking tradesman. Honesty, diligence, and respect now guide all of my actions. My faith has been a great source of strength and guidance in this journey; it continually reminds me to act with compassion, patience, and integrity. I start each day with the intention to do good work and to treat others fairly, and I end each day with prayers of gratitude for the chance to move forward in peace.

I have the highest respect for the law and for this licensing process, and I understand why the Division must thoroughly evaluate my background. I hope that the information I have provided demonstrates clearly that I have rehabilitated myself since my contract and legal troubles resulting in charged offenses and that I am worthy of the privilege of registration as a Home Improvement Contractor. I am more than my past mistakes — I am a responsible man and a dedicated professional who will uphold the standards of my industry and the trust of the public. If given the opportunity, I will continue to prove through my actions that I am a positive asset to my community and a reliable, ethical contractor.

Thank you very much for taking the time to consider this letter and the accompanying documents attesting to my rehabilitation. I am available to provide any additional information or documentation that you may require. Please do not hesitate to contact me at the phone number or email below if there are further questions. I am fully committed to cooperating with the Division and to demonstrating my integrity and readiness to be registered.

Faithfully,
/s/ Devon Tyler Barber, of the Paccillo Family
Steward, Tillerstead LLC
Phone: (609) 665-9350 /Email: DTB33@pm.me

Personal Testament of Events

I, **Devon Tyler of the Barber Family (formerly Materio)**, humbly present this testament to recount the injustices I endured, including misrepresentation, betrayal, and coercion, which led to my guilty plea under duress. This statement reflects my journey, the truth behind the circumstances, and my resolve to seek justice and reinstate my credentials as a **New Jersey Home Improvement Contractor.**

Professional History and Transition

In **2017 or 2018**, I began working for **JOES PAINTING & RENOVATIONS** as an employee under **DEVON T. BARBER, SSN #6917**. My dedication to learning and excelling in trades like tiling, painting, and renovations helped build my reputation for reliability and strong work ethic. Joe, my employer and high school friend, initially valued my contributions and provided mentorship, fostering trust between us.

By **2019**, Joe encouraged me to pursue contracting independently, claiming this would offer better opportunities. Taking his advice, I:

- **Incorporated my own business**, obtained **business insurance**, and acquired a **Home Improvement Contractor (HIC) license**.
- Collaborated with Joe on a major project under a "50-50" agreement.

However, this partnership revealed deep inequities. While I carried out nearly all the physical labor, Joe contributed minimally, primarily involving his father's plumber. Unfortunately, the plumber's poor workmanship caused a **leaking sink**, resulting in a **negative review** that damaged my professional reputation. Despite these challenges, I learned valuable lessons about **contract clarity, fairness, and accountability.**

Personal Challenges and Exploitation

In the years following this collaboration, I faced significant personal and professional setbacks. Losing my work truck severely impacted my ability to secure jobs and maintain independence. Compounding these difficulties, I found myself in a toxic personal relationship, which left me emotionally drained and vulnerable.

Amid this turmoil, Joe, his brother Josh, and their father—whom I regarded as a mentor—offered me what seemed like a lifeline. They claimed to be **behind schedule** on a rehab property and urgently needed my help to complete the work. Trusting them once again, I agreed to:

- **Live on-site** at the rehab property as a steward.
- Take on responsibilities like **tiling, painting, lawn care, and cleaning up after their crew.**

Despite my hard work and commitment, the family began withholding payment, claiming I wasn't owed anything for my labor. This betrayal left me financially struggling, often hungry, and unable to afford basic necessities.

Escalation and Betrayal

The situation reached a breaking point one evening after I returned to the rehab property following work with **Nick of NAC**, a carpenter who valued my efforts. Nick trusted me with the **keys to his work truck** on my first day and provided gas money, offering much-needed kindness during this difficult time.

However, upon arriving at the property, I was met with a devastating scene:

- **My belongings had been thrown across the yard.**
- **The work crew was actively destroying my property, with Joe orchestrating the chaos.**
- Joe had intentionally **shattered an aquarium tank**, killing my two beloved pets:
  - A **Goliath bird-eater tarantula (*Theraphosa blondi*)**.
  - An **Antilles pinktoe tarantula (*Caribena versicolor*)**.

These pets had been secure in their tanks, living peaceful lives under my care. Their deaths were a cruel and intentional act, designed to humiliate and hurt me. Adding insult to injury, the crew laughed, mocked me, and **recorded the destruction** on their phones. Overwhelmed by grief and betrayal, I still attempted to resolve the situation peacefully.

The Incident

The destruction of my property and the deliberate killing of my pets pushed me to my breaking point. In a moment of emotional distress, I confronted Joe and punched him.

The situation escalated:

- The crew, composed of strangers Joe had hired, **turned on me**, tackling me to the ground while others continued to laugh and record.
- Fearing for my safety, I grabbed a crowbar in **self-defense**, holding it by my side to deter further attacks.

At no point did I swing the crowbar or use it to intimidate anyone. It was merely a defensive measure to protect myself from the growing mob. Taking the opportunity, I fled to a neighbor's house for help. However, instead of assistance, I was met by law enforcement.

Joe's father, leveraging personal connections at the police station, had fabricated a false narrative to frame me as the aggressor. Despite the truth, I was taken into custody, and my side of the story was ignored.

Unjust Detention

Following my arrest, I endured unjust and inhumane treatment, including:

- **120 days in custody** before I was allowed to appear in court.
- **Solitary confinement** for requesting a phone call to contact legal counsel or family.
- **Physical abuse** by jail guards, who retaliated against me for asserting my basic rights.
- **Psychological trauma** from the isolation, mistreatment, and denial of my humanity.

Coerced Plea

When I finally appeared in court, I was immediately presented with a plea deal. After months of mistreatment and dehumanization, I felt I had no choice but to plead guilty under duress to escape my confinement. This plea does not reflect the truth of what happened. My intent has always been to **revoke or rescind this plea** once I regained my strength and secured proper legal representation.

Key Points of Injustice

1. **Labor Law Violations**: Joe misclassified me as an independent contractor, leaving me unprotected as an employee.
2. **Breach of Agreement**: Despite fulfilling my responsibilities in good faith, my wages were withheld, and I was retaliated against for seeking fairness.

3. **Cruel and Malicious Actions**: My property was destroyed, my pets were killed, and I was publicly humiliated.

4. **Violation of Human Rights**: I was denied due process, subjected to solitary confinement, and physically abused.

5. **Police Misconduct**: False claims were used to manipulate law enforcement and further harm me.

My Truth and Commitment

I acted in good faith throughout this ordeal, striving to rebuild my life despite the betrayals and injustices I faced. The physical altercation was not premeditated but a direct response to the emotional distress and threats to my safety.

The guilty plea I entered does not represent the truth. It was made under extreme duress and solely to escape further suffering. I fully intend to **seek justice, revoke the plea, and clear my name**, enabling me to reinstate my credentials as a **New Jersey Home Improvement Contractor.**

Sealed by Faith

I am a man of Irish and English heritage, rooted in Christian and Celtic traditions, and guided by unwavering faith. I remain steadfast in my pursuit of truth and justice, determined to rebuild my life, contribute to my community, and reclaim my professional standing.

Signed and Sealed by Faith,
Devon Tyler of the Barber Family (formerly Materio)
Dated: December 20, 2024, Anno Domini

By the Grace of my Savior, in the Holy Spirit,
Through the Son, in Honor to the Father,
On behalf of: BARBER, DEVON (Tyler),
ALL RIGHTS AND PROTECTIONS PRESERVED,
Without Prejudice, Under God's Law and
Constitutional Protections.

By: /s Signed with Faithful Authority /s/
/s Devon Tyler/

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

STATE OF NEW JERSEY,
Plaintiff,

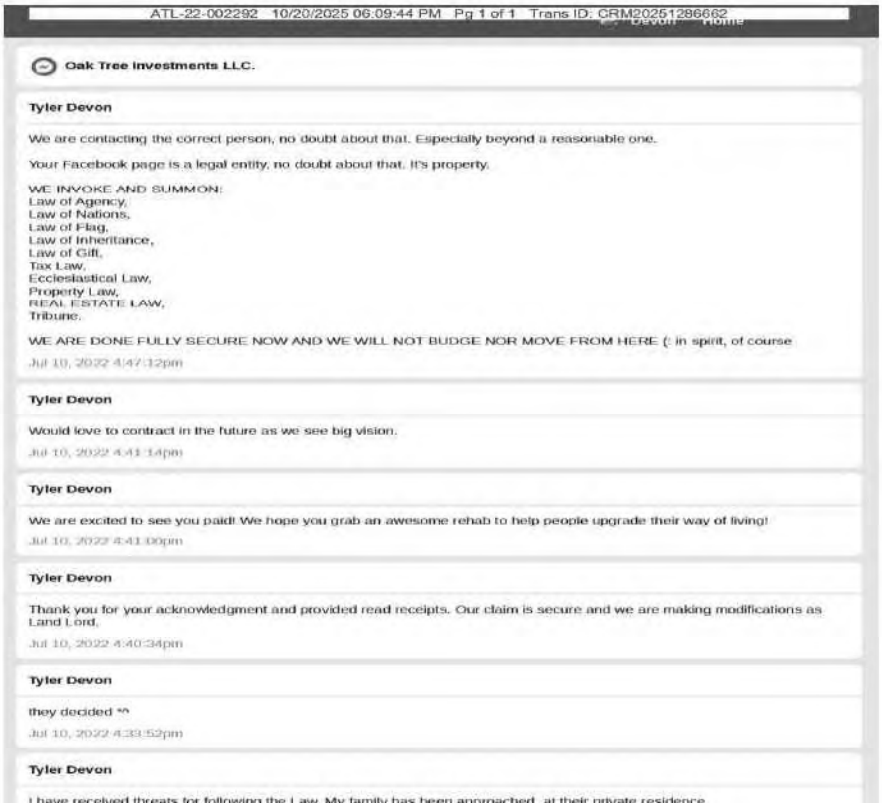
v.

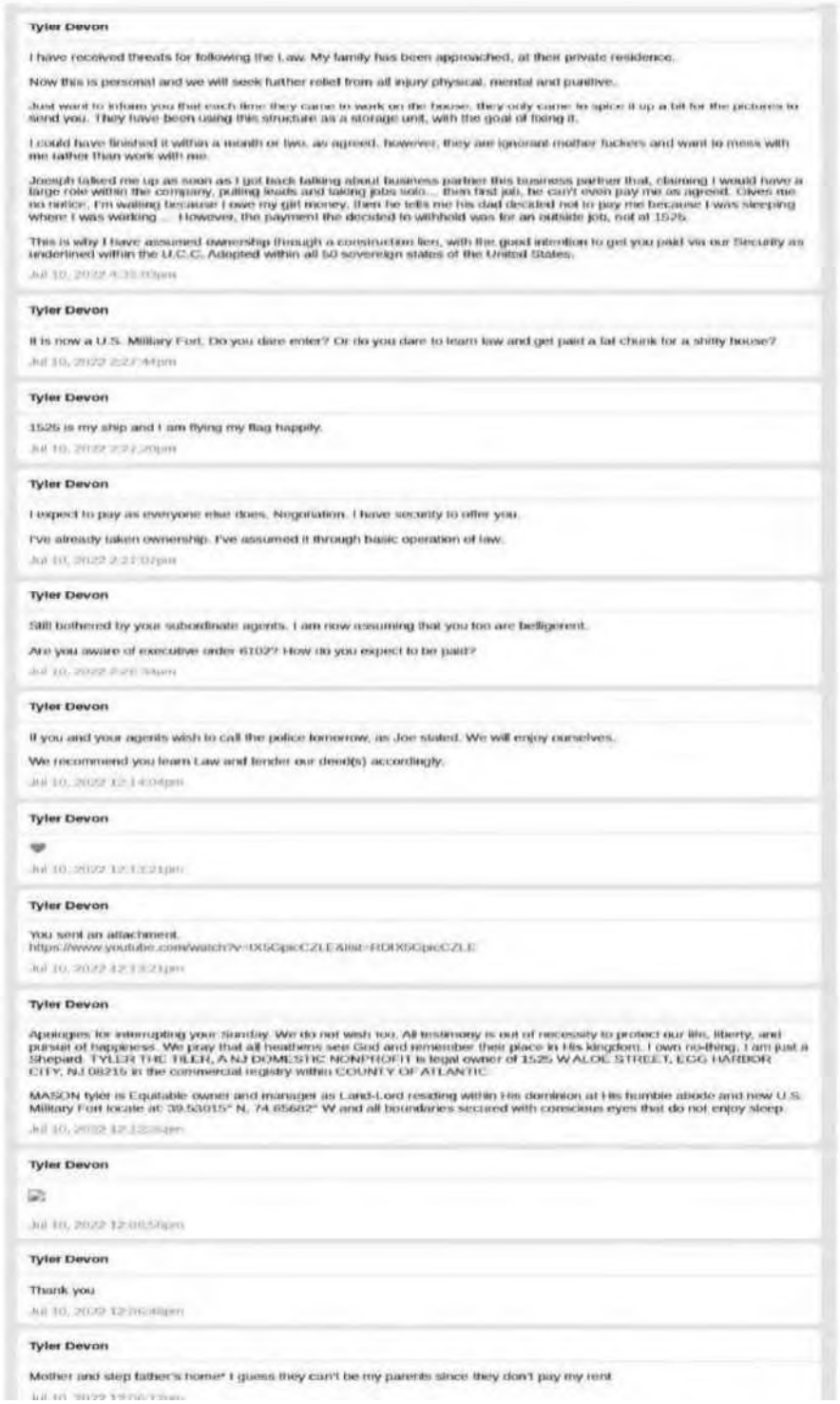
DEVON TYLER BARBER,
Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313
PCR: To Be Assigned
Judge: To Be Assigned

Messages with FACEBOOK BUSINESS PAGE / PROPERTY Oak Tree Investments LLC showing that the dispute was about work, payment, and living conditions, not "terroristic threats."

Exhibit C





Tyler Devon

I have received threats for following the Law. My family has been approached, at their private residence.

Now this is personal and we will seek further relief from all injury physical, mental and punitive.

Just want to inform you that each time they came to work on the house, they only came to spice it up a bit for the pictures to send you. They have been using this structure as a storage unit, with the goal of fixing it.

I could have finished it within a month or two, as agreed, however, they are ignorant mother fuckers and want to mess with me rather than work with me.

Joesph talked me up as soon as I got back talking about business partner this business partner that, claiming I would have a large role within the company, pulling leads and taking jobs solo... then first job, he can't even pay me as agreed. Gives me no notice, I'm waiting because I owe my girl money, then he tells me his dad decided not to pay me because I was sleeping where I was working ... However, the payment the decided to withhold was for an outside job, not at 1525.

This is why I have assumed ownership through a construction lien, with the good intention to get you paid via our Security as underlined within the U.C.C. Adopted within all 50 sovereign states of the United States.

Jul 10, 2022 4:33:03pm

Tyler Devon

It is now a U.S. Military Fort. Do you dare enter? Or do you dare to learn law and get paid a fat chunk for a shitty house?

Jul 10, 2022 2:27:44pm

Tyler Devon

1525 is my ship and I am flying my flag happily.

Jul 10, 2022 2:21:20pm

Tyler Devon

I expect to pay as everyone else does. Negotiation. I have security to offer you.

I've already taken ownership. I've assumed it through basic operation of law.

Jul 10, 2022 2:21:02pm

Tyler Devon

Still bothered by your subordinate agents. I am now assuming that you too are belligerent.

Are you aware of executive order 6102? How do you expect to be paid?

Jul 10, 2022 2:20:34pm

Tyler Devon

If you and your agents wish to call the police tomorrow, as Joe stated. We will enjoy ourselves.

We recommend you learn Law and tender our deed(s) accordingly.

Jul 10, 2022 12:14:04pm

Tyler Devon

❤

Jul 10, 2022 12:13:21pm

Tyler Devon

You sent an attachment.
https://www.youtube.com/watch?v=0X5CpicCZLE&list=RDX5CpicCZLE

Jul 10, 2022 12:13:21pm

Tyler Devon

Apologies for interrupting your Sunday. We do not wish too. All testimony is out of necessity to protect our life, liberty, and pursuit of happiness. We pray that all heathens see God and remember their place in His kingdom. I own no-thing, I am just a Shepard. TYLER THE TILER, A NJ DOMESTIC NONPROFIT is legal owner of 1525 W ALOE STREET, EGG HARBOR CITY, NJ 08215 in the commercial registry within COUNTY OF ATLANTIC.

MASON tyler is Equitable owner and manager as Land-Lord residing within His dominion at His humble abode and new U.S. Military Fort locate at 39.53015° N, 74.65682° W and all boundaries secured with conscious eyes that do not enjoy sleep.

Jul 10, 2022 12:12:54pm

Tyler Devon

Jul 10, 2022 12:06:56pm

Tyler Devon

Thank you

Jul 10, 2022 12:06:48pm

Tyler Devon

Mother and step father's home? I guess they can't be my parents since they don't pay my rent

Jul 10, 2022 12:06:13pm

Jul 10, 2022 12:06:50pm

Tyler Devon

Thank you

Jul 10, 2022 12:06:48pm

Tyler Devon

Mother and step father's home* I guess they can't be my parents since they don't pay my rent

Jul 10, 2022 12:06:12pm

Tyler Devon

Please instruct your subordinate subcontractors to leave my family and my parents home alone I just received word that one of your subcontractors offered $1000 for me to leave my superior claim

Jul 10, 2022 12:05:31pm

Tyler Devon

From our observation of cause-and-effect sir it seems you have given notice to your agents we appreciate that however if there seems to be a presumption of error in our deed we would like to remind you that if we are brought into a court of law we will counter-suit (civil) for punitive damages plus costs to ATTORN for the dead.

Jul 10, 2022 11:35:18am

Tyler Devon

If there is anything you wish to be removed from our public court record , please let us know. We trust that our phones are tapped by the military industrial complex via the US PATRIOT ACT. We really have no need to be seen. We just want to grow our fruit.

Jul 10, 2022 11:30:20am

Tyler Devon

I love the trees here tho!

Jul 10, 2022 11:07:15am

Tyler Devon

Silence is acceptance so I am assuming you are ecstatic you don't have to wait for them to finish this shit hole for you to get your return + inflation !

Jul 10, 2022 11:07:00am

Tyler Devon

Thank you for your wonderful service. Please let us know if we can get anything for you to make this transition easier.

Jul 10, 2022 11:02:06am

Tyler Devon

Whole***

Jul 10, 2022 11:01:45am

Tyler Devon

Love sadly requires comfort sir. I am building from ground up. I trust you see that you will be made while in a court of law.

Jul 10, 2022 11:01:35am

Tyler Devon

Sir this started because JPNR did not want to pay me for my 12 hour shifts finishing a customers paint job. They decided a workman was not worthy of hire and pushed my payment back weeks without notice. Then decided to tell me they were operating off of ledger. Then said that me sleeping in an unfinished, no water, no air, house was payment for all of my labor on site and off site at customers job.

You hired slave drivers.

They boast about their revenue, but couldn't pay me the 300 dollars in sweat equity that would have helped me keep my wife around.

Jul 10, 2022 11:00:37am

Tyler Devon

JPNR, has no need to know how or who purchased the structure. Tell them to vacate on Monday, that's an order, Sir.

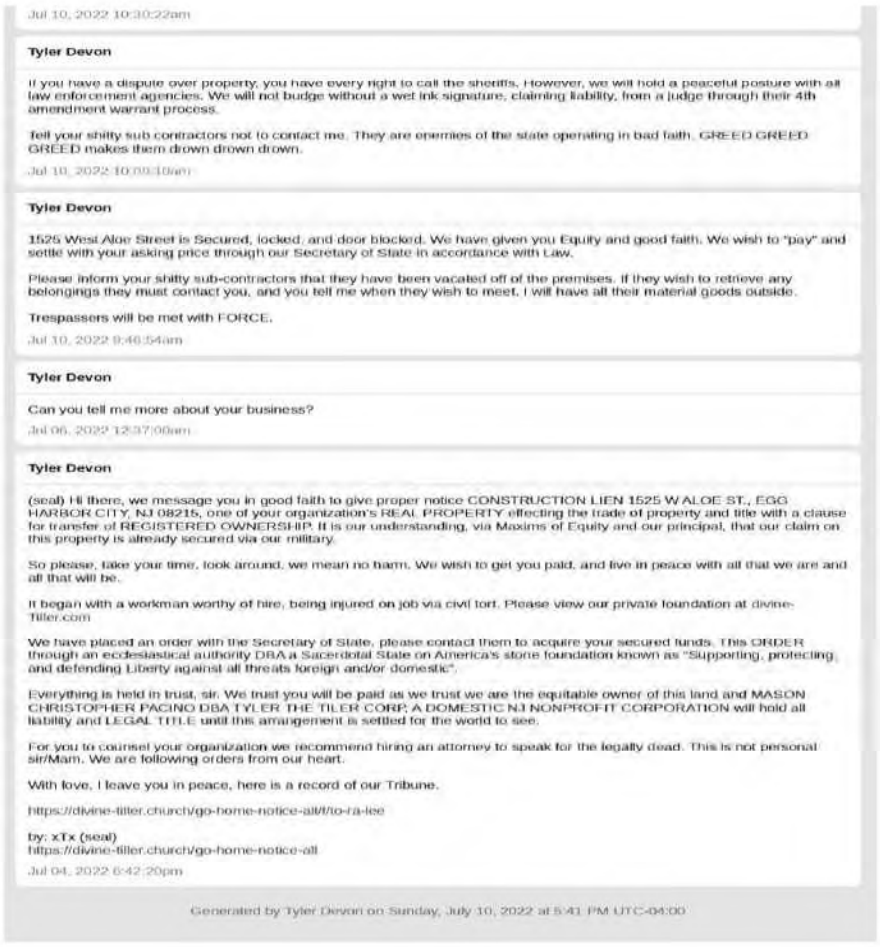
Jul 10, 2022 10:30:22am

Tyler Devon

If you have a dispute over property, you have every right to call the sheriffs. However, we will hold a peaceful posture with all law enforcement agencies. We will not budge without a wet ink signature, claiming liability, from a judge through their 4th amendment warrant process.

Tell your shitty sub contractors not to contact me. They are enemies of the state operating in bad faith. GREED GREED GREED makes them drown drown drown.

Jul 10, 2022 10:09:10am



Jul 10, 2022 10:30:22am

Tyler Devon

If you have a dispute over property, you have every right to call the sheriffs. However, we will hold a peaceful posture with all law enforcement agencies. We will not budge without a wet ink signature, claiming liability, from a judge through their 4th amendment warrant process.

Tell your shifty sub contractors not to contact me. They are enemies of the state operating in bad faith. GREED GREED GREED makes them drown drown drown.

Jul 10, 2022 10:09:10am

Tyler Devon

1525 West Aloe Street is Secured, locked, and door blocked. We have given you Equity and good faith. We wish to "pay" and settle with your asking price through our Secretary of State in accordance with Law.

Please inform your shifty sub-contractors that they have been vacated off of the premises. If they wish to retrieve any belongings they must contact you, and you tell me when they wish to meet. I will have all their material goods outside.

Trespassers will be met with FORCE.

Jul 10, 2022 9:46:54am

Tyler Devon

Can you tell me more about your business?

Jul 06, 2022 12:37:06am

Tyler Devon

(seal) Hi there, we message you in good faith to give proper notice CONSTRUCTION LIEN 1525 W ALOE ST., EGG HARBOR CITY, NJ 08215, one of your organization's REAL PROPERTY effecting the trade of property and title with a clause for transfer of REGISTERED OWNERSHIP. It is our understanding, via Maxims of Equity and our principal, that our claim on this property is already secured via our military.

So please, take your time, look around, we mean no harm. We wish to get you paid, and live in peace with all that we are and all that will be.

It began with a workman worthy of hire, being injured on job via civil tort. Please view our private foundation at divine-Tiller.com

We have placed an order with the Secretary of State, please contact them to acquire your secured funds. This ORDER through an ecclesiastical authority DBA a Sacerdotal State on America's stone foundation known as "Supporting, protecting, and defending Liberty against all threats foreign and/or domestic".

Everything is held in trust, sir. We trust you will be paid as we trust we are the equitable owner of this land and MASON CHRISTOPHER PACINO DBA TYLER THE TILER CORP, A DOMESTIC NJ NONPROFIT CORPORATION will hold all liability and LEGAL TITLE until this arrangement is settled for the world to see.

For you to counsel your organization we recommend hiring an attorney to speak for the legally dead. This is not personal sir/Mam. We are following orders from our heart.

With love, I leave you in peace, here is a record of our Tribune.

https://divine-tiller.church/go-home-notice-all/t/to-ra-lee

by: xTx (seal)
https://divine-tiller.church/go-home-notice-all

Jul 04, 2022 6:42:20pm

Generated by Tyler Devon on Sunday, July 10, 2022 at 5:41 PM UTC-04:00

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
PCR: To Be Assigned
Judge: To Be Assigned

NJ Department of Labor Wage Complaint #369572 Transferred to Wage Collection Department (showing that wages for labor at Aloe Street were unpaid and under dispute).

Exhibit D

You have successfully submitted a wage complaint to the NJ Division of Wage and Hour Compliance.

Complainant Name: Devon T. Barber

Complaint Date: 10/12/2025 07:28 pm

Confirmation No.: 369572

Please check the status of your complaint at https://wagehour.dol.state.nj.us/WHATS.Public.CheckStatus/#/EN/ConfirmationNumber

PLEASE RETAIN A COPY OF THIS EMAIL FOR YOUR RECORDS.

Please add domain name "@dol.nj.gov" to your email safe list to prevent important notices from being filtered into your spam/junk folder.

Your complaint will be reviewed by the NJ Division of Wage and Hour Compliance. If further information is required, you will be contacted by email, telephone or regular mail.

If you have any changes or corrections to this complaint, please do not file a new complaint. Email wage.hour@dol.nj.gov or call 609-292-2305 with your changes and be sure to provide your Confirmation No. Division staff will then update your complaint accordingly.

Complaint Type	
Who is filing this complaint?	Self

Employer information				
Business name	JOES PAINTING AND RENOVATIONS 11, LLC			
Street address	40 CHAPMAN BLVD			
City	Somers Point			
State	NJ			
Is mailing address different than street address?	No			
Do you know the name(s) of the owners or the officers of this company?	Yes			
First name	**Last name**	**Title**	**Phone**	**Email**
Joseph	Hardemon	Owner		
Joshua	Hardemon	Co owner		

Nature of business Licensed New Jersey home improvement contractor	
Has this employer filed for bankruptcy?	Not Sure

Complainant information	
Month and year of birth	12/1997
First name	Devon
Last name	Barber
Middle initial	T
Mailing address	325 E Jimmie Leeds Rd, Suite 7
City	Galloway
State	NJ
Zip code	08205 - 8205
Phone number	609-665-9350
Email	DTB33@ProtonMail.com
Social security number	XXX-XX-XXXX
Are you, or were you a member of a union when employed with JOES PAINTING AND RENOVATIONS 11, LLC	No

Employment information	
Location details #1	
Did you work for this employer at the street address you provided?	No
Job site	Rehabilitation project
Street address	1525 W. Aloe Strest
City	Galloway
State	NJ
Zip code	08205

Employment details	
First day worked	11/07/2019
Last day worked	07/11/2022
Are you still working at this location?	No
Job title	Renovation specialist
Provide a brief description of your job duties at this location Performed a wide range of construction and renovation tasks, including mitering and installing trim, caulking, painting, demolishing plaster and lath, installing and finishing drywall, preparing surfaces for painting, grouting and cleaning tile showers, and installing kitchen backsplash tiles. Additionally, I handled property maintenance such as mowing the grass and purchasing two air conditioners. My personal electric mower was left on-site involuntarily.	
Supervisor name	Joseph Hardemon Jr.
Supervisor title	Owner
Rate of pay	Per day
Gross amount	$200.00
Pay frequency	Weekly
What is your normal pay date?	Friday
What is the last date you were paid?	06/03/2022

If date details are not available, please provide the following:	
Time period June 5, 2022 - July 11, 2022.	
What is the total amount of wages (before tax deductions) you believe the employer owes you? (If you are not sure, please provide an estimate.)	$4000.00

Complaint reason details

- Wages not paid
- Paycheck Bounced or Unable to cash paycheck

- Last paycheck not paid
- Improperly Classified as an Independent Contractor in the Construction Industry N.J.S.A. 34:20-1 et seq.

You have indicated that this employer does OWE you wages or money. If there are other reasons for filing this complaint, please select the reason(s) from the below list.
I am filing this complaint regarding unpaid wages from my employment with Joseph Hardemon Jr. I previously filed a complaint and now have IRS records proving I was misclassified as an independent contractor and never paid. In 2022, I left for another contractor, after which I experienced retaliation, including being falsely accused, arrested, and charged in connection to the wage dispute.

Did you ask your supervisor or any employer representative for the money you believe is due?	Yes
Supervisor name	Joseph Hardemon Jr.
Supervisor title	NJ HIC, owner

What was the outcome?
Joseph Hardemon Jr. did not pay. He claimed his father interfered with our agreement and said my living on the construction site counted as payment, but the agreed $200/day rate was never honored.

Documents

Document type	File name	File size	File type
OTHER	ProofofEmploymentwithJoe.pdf	31.06 KB	.pdf
OTHER	Proofofemployment2020.pdf	33.99 KB	.pdf
OTHER	ProofofemploymentwithNAC2022.pdf	110.01 KB	.pdf
OTHER	IMG_2975.jpeg	325.74 KB	.jpeg
OTHER	AmendedComplaint.pdf	202.46 KB	.pdf
		2.03	

OTHER	PassportCard-DevonBarber.pdf	MB	.pdf
OTHER	PostConvictionReliefandLegalMemorandum.pdf	8.11 MB	.pdf

Certification
I request the NJ Division of Wage and Hour Compliance investigate this complaint against *JOES PAINTING AND RENOVATIONS 11, LLC.*
I understand that acceptance of this complaint by the NJ Division of Wage and Hour Compliance does not imply that the employer is in violation of any labor law or regulation.
I understand that acceptance of this complaint by the NJ Division of Wage and Hour Compliance does not guarantee collection of any wages due.
I understand that in general, the public has the right, under the Open Public Records Act (OPRA), to request most information kept as part of any public record however, the New Jersey Department of Labor and Workforce Development will endeavor to protect the confidentiality of a complainant or a witness to the maximum extent allowable by law.
I understand that authorized personnel from the NJ Division of Wage and Hour Compliance may communicate with me via email regarding this complaint. These communications will be sent to: *DTB33@ProtonMail.com*

SUPERIOR COURT OF NEW JERSEY
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STATE OF NEW JERSEY,
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Documentation of Completed but Unpaid Construction Work Advertised for Sale on Zillow and Realtor.com; Correlated Police-Assisted Unlawful Eviction and Property Conversion for Commercial Gain

Exhibit E

Devon also sent threatening messages to Mr. Hardemon (senior) that included a picture of a noose with the capitol building in the background and a message that stated: "Read Title 18 sir. Are you for the US or against US?" (See attached pictures of messages).

Mr. Hardemon (Junior) believes that Devon sent this photo because they are black and that Devon is a Sovereign Citizen who doesn't believe they belong in this country. His father and he are now in fear for their safety based on Devon's recent behavior and wanted to sign criminal complaints against Devon and have him removed from the property and arrested. I explained to both victims that we can only do what the law allows us to do and that I couldn't promise anything. The issue was also complicated by the fact permission had been granted for Devon to temporarily stay there but had remained for an extended period of time. Both parties were advised of their civil options in Landlord / Tenant Court to determine whether Devon had established residency and was subject to eviction proceedings.

I contacted ACPO A/P Jasmine Ostrow and advised her of the incident. A/P Ostrow doesn't believe

Reporting Officer(s):	Badge #:	Page:
Butler, Justin	66	2 of 4

ACPO/220023130000002

Galloway Township Police Department — **Continuation**

Incident Report Number	Incident Location	Incident Date
22-023620	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

the incident was a bias incident and authorized a warrant application for the Terroristic Threats for Mr. Hardemon (Senior) and a summons for the harassment charge for Mr. Hardemon (Junior.) I contacted JMC Fauntleroy who found probable cause for the warrant (#0180 W2022-002993) for charge 2C:12 -3a (Terroristic Threats), and a summons (#0180 S2022-002991) was generated for 2C:33-4a (Harassment) against Devon.

Mr. Hardemon (Junior) signed the simple assault summons and Mr. Hardemon (Senior) signed the warrant and was given his copy of the VNF. Mr. Hardemon advised me that he could see on the SnapChat app that Devon was currently in Brigantine. He said they were going to go back to 1525 Aloe Street and call the PD is Devon returned to the residence. I completed a Supplementary BIAS Incident Offense Report and marked the disposition as Adult Unfounded.

Gerald Cohen, who is the owner of the LLC, sent a copy of the State of New Jersey LLC approval and the Deed to the property of 1525 Aloe Street (See attached). Gerald may be in at a later date to sign a criminal complaint for trespassing against Devon.

*All referenced attachments were attached in the ProPhoenix Case Attachments tab. The following paperwork was sent to records: Warrant W2022-002993, Summons S2022-002991, Supplementary BIAS Incident Offense Report, voluntary statement, VNF and complaint advisement form for Hardemon (Senior,) voluntary statement form and complaint advisement form for Mr. Hardemon (Junior.) Fingerprint cards, cover pages of the Criminal History and III printouts.

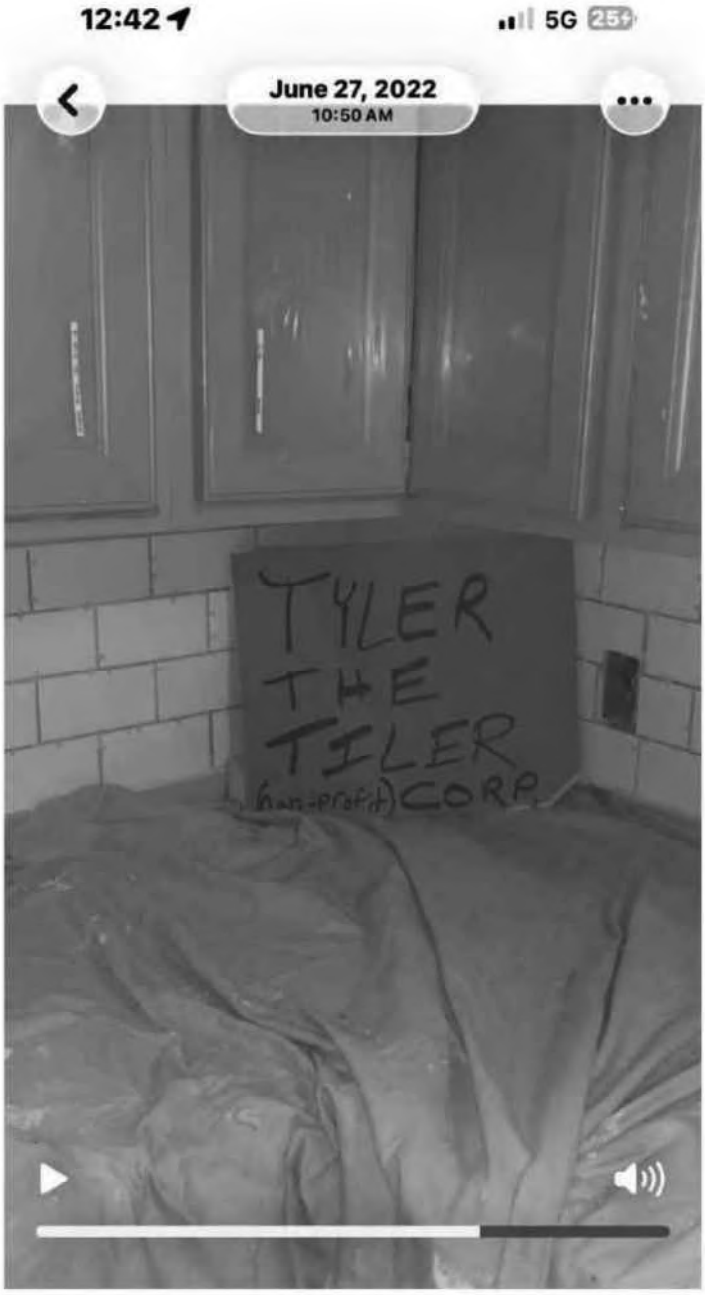
NFA.

Reporting Officer(s):	Badge #:	Pages:
Butler, Justin	66	3 Of 4

ACPO/2200213/00000003

$295,500
3 bd 2 ba -- sqft
1525 Aloe St
Egg Harbor City, NJ 08215

Request a tour



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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
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Collateral harm records (license issues, inability to work, etc.) proving continuing prejudice = manifest injustice.

Exhibit F

Post-adverse action notice - Shipt

From backgrounds@shipt.com
To d7bd33@pm.me
CC backgrounds@shipt.com
Date Saturday, June 14th, 2025 at 7:33 PM

Confidential to be opened by addressee only

Dear Devon Tyler Matero-Barber,

We regret to inform you that Shipt (the "Company") is unable to engage or hire you.

This decision was based in whole or in part on information contained in a background check report, including the following specific items contained in the report prepared by Checkr, Inc., 1 Montgomery Street, Suite 2400, San Francisco, CA 94104 | 844.824.3257 | checkr.com

- CHARGE: TERRORISTIC THREATS-THREAT TO COMMIT CRIME OF VIOLENCE (DISPOSITION: GUILTY) 10/26/2022
- CHARGE: AGG ASSAULT-ATTEMPT/CAUSE SIGNIFICANT BODILY INJURY (DISPOSITION: GUILTY) 10/26/2022

A copy of this report was previously given to you and another copy is attached here. Checkr did not make this engagement or employment decision and cannot provide you with specific reasons why the Company made this decision.

Under Section 612 of the Fair Credit Reporting Act, you have the right to obtain a free copy of the report if you ask Checkr for a copy within 60 days after you receive this notice. Under Section 611 of the Fair Credit Reporting Act, and applicable state law, you also have the right to dispute the accuracy or completeness of any information in the report at any time by contacting Checkr.

If the position you applied for is in Unincorporated Los Angeles County you have the right to file a complaint with the Los Angeles County Department of Consumer & Business Affairs ("DCBA") for violation of the County's Fair Chance Ordinance for Employers, and with the state's Civil Rights Department for violation of the Fair Chance Act.

If you are a California resident, you also have the right to file a complaint with the California Department of Fair Housing and Employment (DFEH).

If you are an Illinois resident or applicant, you also have the right to file a complaint with the Illinois Department of Human Rights.

If you are a Gainesville, Florida resident or applicant, this notice is provided in accordance with the City of Gainesville Code of Ordinances, Chapter 14.5, Section 14.5-181, which regulates the process and timing of criminal background checks conducted on job applicants.

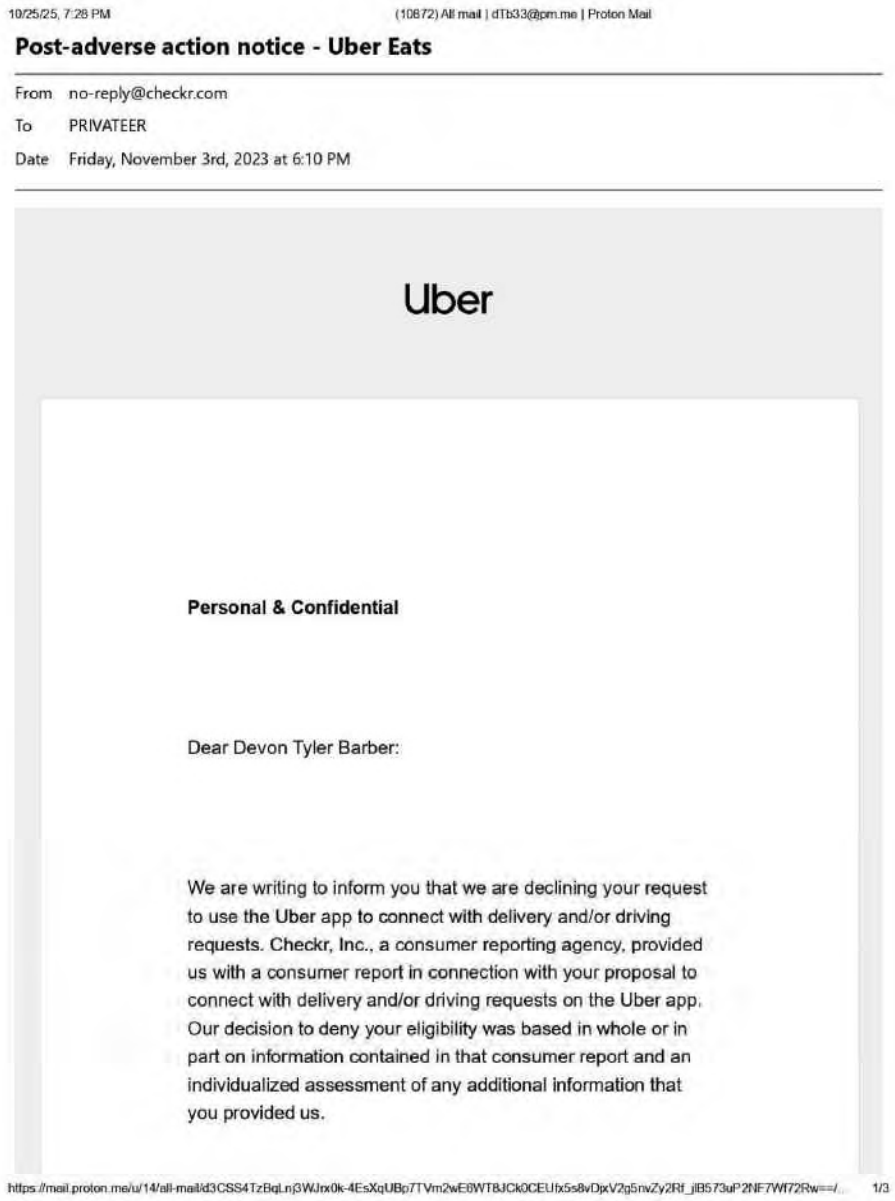
If you are applying for a position in Philadelphia, you have 10 business days to provide information concerning the accuracy of the criminal history information in your consumer report or additional information you wish the Company to consider. The Company will consider all additional information provided by you.

Sincerely,

Shipt

Enclosure:

- Copy of Your Consumer Report



10/25/25, 7:28 PM (10872) All mail | dTb33@pm.me | Proton Mail

Post-adverse action notice - Uber Eats

From no-reply@checkr.com

To PRIVATEER

Date Friday, November 3rd, 2023 at 6:10 PM

Uber

Personal & Confidential

Dear Devon Tyler Barber:

We are writing to inform you that we are declining your request to use the Uber app to connect with delivery and/or driving requests. Checkr, Inc., a consumer reporting agency, provided us with a consumer report in connection with your proposal to connect with delivery and/or driving requests on the Uber app. Our decision to deny your eligibility was based in whole or in part on information contained in that consumer report and an individualized assessment of any additional information that you provided us.

https://mail.proton.me/u/14/all-mail/d3CSS4TzBqLnj3WJnx0k-4EsXqUBp7TVm2wE8WT8JCk0CEUfx5s8vDpxV2g5nvZy2Rf_jIB573uP2NF7Wf72Rw==/... 1/3

We considered these specific items when determining you to be ineligible:

- CHARGE: TERRORISTIC THREATS-THREAT TO COMMIT CRIME OF VIOLENCE (DISPOSITION: GUILTY) 10/26/2022
- CHARGE: AGG ASSAULT-ATTEMPT/CAUSE SIGNIFICANT BODILY INJURY (DISPOSITION: GUILTY) 10/26/2022
- CHARGE: ATTEMPT-VANDALISM (STATUTE: 2923.02 / 2909.05) (DISPOSITION: GUILTY) 05/28/2019
- CHARGE: FAILURE TO COMPLY WITH ORDER OF SIGNAL OF POLICE O (STATUTE: 2921.331(B)(C)5AII.) (DISPOSITION: CONVICTED/GUILTY) 08/28/2019

Checkr, Inc. is located at 1 Montgomery Street, Suite 2400, San Francisco, CA 94104 and can be reached at 844-533-0807 or

https://candidate.checkr.com

Checkr, Inc. did not make the decision to take this action and cannot provide you with information about our decision. Any inquiries regarding that decision should be directed to the undersigned. You, nevertheless, have a right to contact Checkr, Inc. to dispute any information in the consumer report that you believe to be inaccurate or incomplete. You should already have received a copy of the consumer report, but have a right to obtain additional free copies from Checkr, Inc. You have 60 days from the date you receive this notice to request additional free copies of any such reports from Checkr, Inc.


10/25/25, 7:28 PM
(10872) All mail | dTb33@pm.me | Proton Mail
Thank you for your interest in the Company.
Uber Technologies Inc.
1455 Market Street San Francisco, CA 94103

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
PCR: To Be Assigned
Judge: To Be Assigned

Public Listing History for 1525 W. Aloe Street

Exhibit G

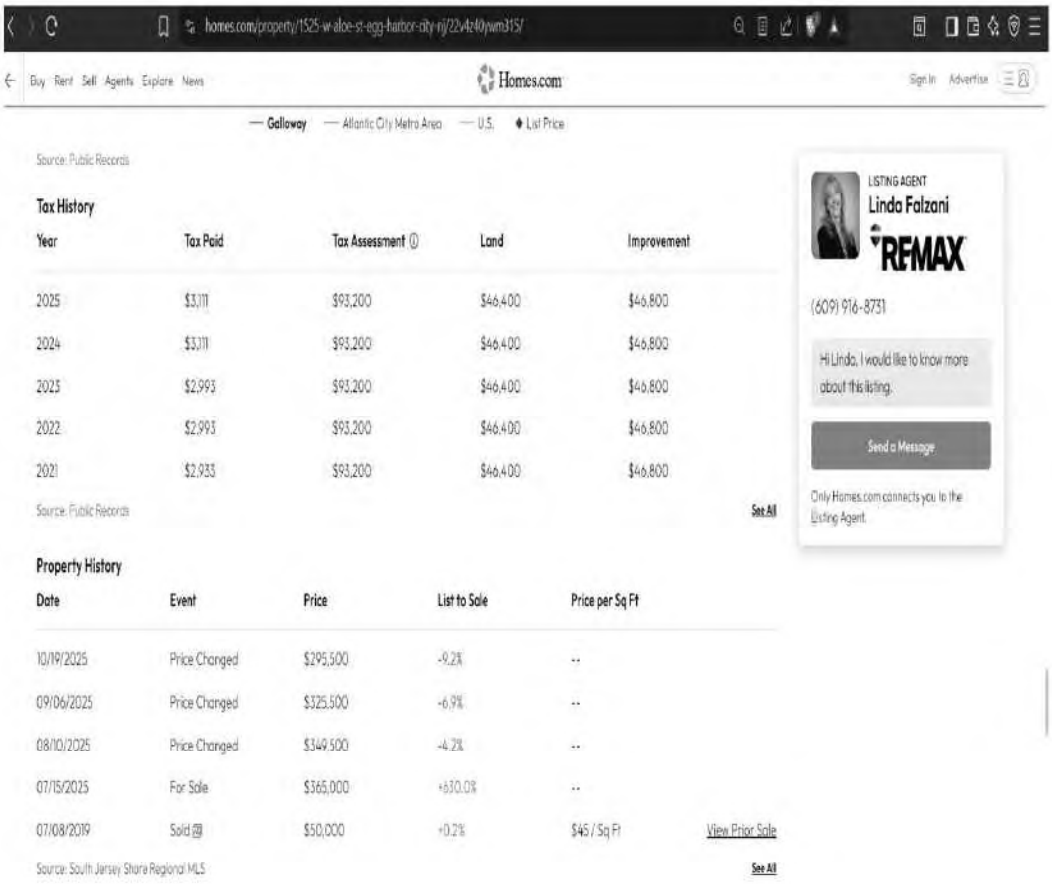
(Homes.com, updated October 19, 2025)

This document reflects the real estate sale history and price trajectory of 1525 W. Aloe Street, Egg Harbor City, NJ, as listed by the complainants after the underlying incident. It shows:

- Purchase price in 2019: **$50,000**
- Listing date in 2025: **July 15, 2025 at $365,000**
- Three successive price reductions down to **$295,500**
- A net **630% markup** in listing price over the original purchase value
- Pressure to sell shown by repeated cuts within a 3-month span

This evidence supports Mr. Barber's assertion that the complainants were motivated by financial pressure to complete the resale and used police force to eliminate occupancy or wage claims that could interfere with title clearance or delay closing. The resale campaign occurred during the pendency of this matter and goes directly to impeachment and motive under *Brady* and *Giglio*.

Source: Homes.com listing screenshots and public sales history records.



homes.com/property/1525-w-aloe-st-egg-harbor-city-nj/22v4z40ywm315/

Buy Rent Sell Agents Explore News

Homes.com

Sign In Advertise

— Galloway — Atlantic City Metro Area — U.S. ♦ List Price

Source: Public Records

Tax History

Year	Tax Paid	Tax Assessment ⓘ	Land	Improvement
2025	$3,111	$93,200	$46,400	$46,800
2024	$3,111	$93,200	$46,400	$46,800
2023	$2,993	$93,200	$46,400	$46,800
2022	$2,993	$93,200	$46,400	$46,800
2021	$2,933	$93,200	$46,400	$46,800

Source: Public Records See All

Property History

Date	Event	Price	List to Sale	Price per Sq Ft	
10/19/2025	Price Changed	$295,500	-9.2%	--	
09/06/2025	Price Changed	$325,500	-6.9%	--	
08/10/2025	Price Changed	$349,500	-4.2%	--	
07/15/2025	For Sale	$365,000	+630.0%	--	
07/08/2019	Sold	$50,000	+0.2%	$45 / Sq Ft	View Prior Sale

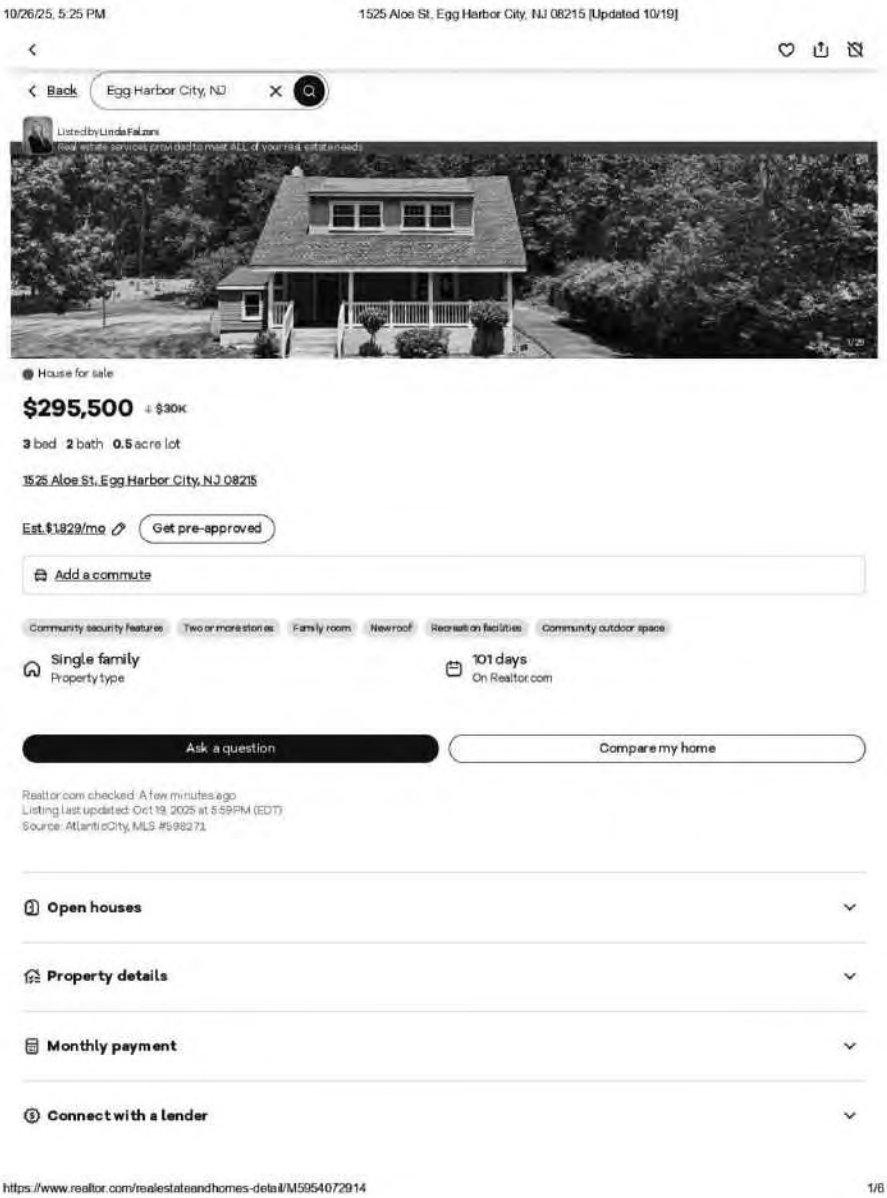
Source: South Jersey Shore Regional MLS See All

LISTING AGENT
Linda Falzani
RE/MAX
(609) 916-8731

Hi Linda, I would like to know more about this listing.

Send a Message

Only Homes.com connects you to the Listing Agent.


10/26/25, 5:25 PM
1525 Aloe St, Egg Harbor City, NJ 08215 [Updated 10/19]
Back
Egg Harbor City, NJ
House for sale
$295,500
$30K
3 bed 2 bath 0.5 acre lot
1525 Aloe St, Egg Harbor City, NJ 08215
Est. $1,829/mo
Get pre-approved
Add a commute
Community security features
Two or more stories
Family room
New roof
Recreation facilities
Community outdoor space
Single family
Property type
101 days
On Realtor.com
Ask a question
Compare my home
Realtor.com checked: A few minutes ago
Listing last updated: Oct 19, 2025 at 5:59PM (EDT)
Source: AtlanticCity, MLS #598271
Open houses
Property details
Monthly payment
Connect with a lender
https://www.realtor.com/realestateandhomes-detail/M5954072914
1/6

Property history

+$245,500
Since last sold in 2019

$3,159
2025 taxes

2 sales
Since 2019

Price history

Today

Oct 19, 2025	Price decreased AtlanticCity	$295,500 -$30,000	-
Sep 6, 2025	Price decreased AtlanticCity	$325,500 -$24,000	-
Aug 10, 2025	Price decreased AtlanticCity	$349,500 -$15,500	-
Jul 18, 2025	Listing removed AtlanticCity	-	-
Jul 18, 2025	Listing removed AtlanticCity	-	-
Jul 18, 2025	Listing removed AtlanticCity	-	-
Jul 17, 2025 1 day after listed	Listing removed AtlanticCity	-	-
Jul 16, 2025	Listed AtlanticCity	$365,000	-
Jul 16, 2025	Listed AtlanticCity	$365,000	-
Jul 16, 2025	Listed AtlanticCity	$365,000	-
Jul 15, 2025	Listed AtlanticCity	$365,000 +630.00%	-
Jul 15, 2025	Listed AtlanticCity	$365,000	-

2019

Sep 17, 2019	Sold Public Record	$50,000 +$100	$42/sqft

Aug 22, 2019	Relisted AtlanticCity	$49,900	-
Jul 25, 2019	Listing removed AtlanticCity	-	-
Jul 24, 2019	Relisted AtlanticCity	$49,900	-
Jul 16, 2019	Listing removed AtlanticCity	-	-
Jul 15, 2019	Relisted AtlanticCity	$49,900	-
Jul 11, 2019 1 day after listed	Listing removed AtlanticCity	-	-
Jul 10, 2019	Listed AtlanticCity	$49,900 -$100	-
Jul 8, 2019	Sold AtlanticCity	$50,000 +$100	-
Jul 5, 2019	Relisted AtlanticCity	$49,900	-
Jun 18, 2019	Listing removed AtlanticCity	-	-
May 31, 2019	Listing removed AtlanticCity	-	-
May 1, 2019	Listing removed BrightMLS	-	-
Apr 4, 2019	Listing removed AtlanticCity	$49,900	$42/sqft
Mar 30, 2019 1 day after listed	Listing removed AtlanticCity	-	-
Mar 29, 2019	Listed AtlanticCity	$49,900	$42/sqft
Mar 28, 2019	Listed AtlanticCity	$49,900	-
Mar 26, 2019	Listed BrightMLS	$49,900	$42/sqft

Show less

Tax history

2025	$3,159	$93,200	=	$46,400	+	$46,800
2024	$3,111	$93,200	=	$46,400	+	$46,800
2023	$3,069	$93,200	=	$46,400	+	$46,800
2022	$2,992	$93,200	=	$46,400	+	$46,800
2021	$2,933	$93,200	=	$46,400	+	$46,800
2020	$2,636	$93,200	=	$46,400	+	$46,800
2019	$2,583	$93,200	=	$46,400	+	$46,800
2018	$2,623	$93,200	=	$46,400	+	$46,800
2017	$2,623	$93,200	=	$46,400	+	$46,800
2016	$2,598	$93,200	=	$46,400	+	$46,800
2015	$2,835	$93,200	=	$46,400	+	$46,800
2014	$2,741	$93,200	=	$46,400	+	$46,800
2013	$3,521	$159,700	=	$72,900	+	$86,800
2012	$3,030	$159,700	=	$72,900	+	$86,800
2011	$2,974	$159,700	=	$72,900	+	$86,800
2009	$2,779	$159,700	=	$72,900	+	$86,800
2008	$1,772	$57,500	=	$18,100	+	$39,400
2007	$1,716	$57,500	=	$18,100	+	$39,400

Show less

The price and tax history data displayed is obtained from public records and/or MLS feeds from the local jurisdiction. Contact your REALTOR® directly in order to obtain the most up-to-date information available

Want to get comps?

Contact agent

Neighborhood & schools

Environmental risk

Home value

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
PCR: To Be Assigned
Judge: To Be Assigned

PROPOSED FORM OF ORDER

ORDER ON PETITION FOR POST-CONVICTION RELIEF

THIS MATTER having been opened to the Court by **Defendant, Devon Tyler Barber**, *pro se*, by way of a **Petition for Post-Conviction Relief** filed pursuant to *R.* 3:22-1 *et seq.*, supported by a **Memorandum of Law**, a **Certification in Rebuttal of the July 11, 2022 GTPD Narrative, Affidavit X**, and accompanying Exhibits; and

The Court having reviewed the written submissions and finding that Defendant has presented a prima facie showing of ineffective assistance of counsel, suppression of material evidence, and manifest injustice; and

For good cause shown pursuant to *R.* 3:22-10(b) and *State v. Preciose*, 129 N.J. 451 (1992);

IT IS on this ____ day of _____, 2025,

ORDERED as follows:

1. An **evidentiary hearing** is hereby GRANTED pursuant to *R.* 3:22-10(b) to determine:

   (a) the credibility of the witnesses;

(b) the accuracy and completeness of the July 11, 2022 Galloway Township Police narrative;

(c) the extent of trial counsel's ineffectiveness under *Strickland v. Washington*, 466 U.S. 668 (1984), and *State v. Fritz*, 105 N.J. 42 (1987); and

(d) whether exculpatory evidence was suppressed or selectively preserved in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and *State v. W.B.*, 205 N.J. 588 (2011).

2. The State shall produce, prior to that hearing, all:

(a) body-worn camera footage, dispatch audio, and scene photographs (including images of Defendant's property, belongings, and animals);

(b) all digital communications and messages exchanged between the complainants and Defendant, including full iMessage threads;

(c) evidence and documentation related to Defendant's **lost iPhone X**, including any property reports, voucher logs, or chain-of-custody records; and

(d) any investigative or photographic evidence concerning the interior renovation work, including the "destroyed wall" allegation, and any related witness statements.

3. The Court shall further consider whether Defendant's plea was **knowing, voluntary, and intelligent**, and whether vacatur of the plea or other appropriate relief is warranted.

4. All issues of due process, selective evidence preservation, and alleged misuse of police power to effect a civil eviction are **reserved for full development at the evidentiary hearing.**

5. Such other and further relief as is just and equitable is **RESERVED.**

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
PCR: To Be Assigned
Judge: To Be Assigned

CERTIFICATE OF SERVICE

I, **Devon Tyler Barber**, certify that on **October 26, 2025**, I submitted the following through the Judiciary Electronic Document Submission System ("JEDS") for filing with the **Superior Court of New Jersey, Law Division – Criminal Part, Atlantic County**, under Docket Nos. **ATL-22-002292 / ATL-22-002313**:

1. Petition for Post-Conviction Relief;
2. Memorandum of Law in Support of Petition for Post-Conviction Relief;
3. Certification in Rebuttal of July 11, 2022 GTPD Narrative;
4. Affidavit X and Exhibits A–M; and
5. Proposed Form of Order.

A true and complete copy of the same filing was also served electronically on the **Atlantic County Prosecutor's Office** via its designated email address for PCR and appellate filings.

A courtesy copy was also served electronically on the **Office of the Public Defender, Appellate/PCR Unit**, for informational purposes.

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

Executed on this **26th day of October, 2025**, in **Atlantic County, New Jersey.**

Respectfully submitted,

/s/ Devon T. Barber
DEVON TYLER BARBER
Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and **THE LAW OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25 **Team**: 102 **Judge**: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand**: Six Jurors **Case Status**: Active

EXHIBIT B-1

2019 Pay Records – Landry's Inc. (DBA The Palm Atlantic City) and Manager Recommendation from P.F. Chang's
Employment documentation establishing Plaintiff's lawful income history and good-faith work record (noting SSN error later corrected by Form W-2C).

CO EE # 000000-000000
PCSH7R 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

Page 001 of 001
Period Beg/End: 07/20/2021 - 08/02/2021
Check Date: 08/09/2021
Check Number: 0008701698
Batch Number: 210809SR3084

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	51.65	213.32	
Regular	12.00	18.25	219.00	432.32
Tip Share Paid			1474.79	1474.79
Gross Pay			1907.11	1907.11
Tax Deductions				
Federal Tax			163.28	163.28
NJ Disability			8.96	8.96
NJ Family Leave			5.34	5.34
NJ Unemployment			8.11	8.11
Social Security			118.24	118.24
Medicare			27.65	27.65
NJ State Tax			53.06	53.06
Total Tax Deductions			384.64	384.64

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	406.49	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Dedu	0.00	0.00
Net Pay	1522.47	1522.47
Benefits Summary		
Sick	2.00	2.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Check Number: 0008701698
Check Date: 08/09/2021

This amount: VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID ******VOID*VOID***

Pay to the order of: Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

Void after 180 days

THIS IS NOT A CHECK

CO EE # 000000-000000
PCSH7R 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

Page 001 of 001
Period Beg/End: 08/03/2021 - 08/16/2021
Check Date: 08/23/2021
Check Number: 0008706242
Batch Number: 210823SR3072

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	63.27	261.30	693.62
Tip Share Paid			1741.01	3215.80
Gross Pay			2002.31	3909.42
Tax Deductions				
Federal Tax			174.70	337.98
NJ Disability			9.41	18.37
NJ Family Leave			5.61	10.95
NJ Unemployment			8.51	16.62
Social Security			124.14	242.38
Medicare			29.04	56.69
NJ State Tax			58.67	111.93
Total Tax Deductions			410.28	794.92

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	497.93	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Dedu	0.00	0.00
Net Pay	1502.03	3114.50
Benefits Summary		
Sick	2.00	4.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Check Number: 0008706242
Check Date: 08/23/2021

This amount: VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID ******VOID*VOID***

Pay to the order of: Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

Void after 180 days

THIS IS NOT A CHECK

CO EE # 000000-000000
PCSH7R 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

Page 001 of 001
Period Beg/End: 08/17/2021 - 08/30/2021
Check Date: 09/03/2021
Check Number: 0008710695
Batch Number: 210902SR3050

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	62.03	256.19	949.81
Tip Share Paid			1864.73	5080.53
Gross Pay			2120.92	6030.34
Tax Deductions				
Federal Tax			196.89	534.87
NJ Disability			9.97	28.34
NJ Family Leave			5.93	16.88
NJ Unemployment			9.01	25.63
Social Security			131.50	373.88
Medicare			30.75	87.44
NJ State Tax			66.11	178.04
Total Tax Deductions			450.16	1245.08

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	488.18	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	1670.76	4785.26
Benefits Summary		
Sick	2.00	6.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Check Number: 0008710695
Check Date: 09/03/2021

This amount: VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID ******VOID*VOID***

Pay to the order of: Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

Void after 180 days

THIS IS NOT A CHECK

CO SE # 000000-000000
PCSETR 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

Page 001 of 001
Period Beg/End: 08/31/2021 - 09/13/2021
Advice Date: 09/20/2021
Advice Number: 3934823824
Batch Number: 210920SR3081

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	62.53	258.25	1208.06
Tip Share Paid			1412.10	6492.63
Gross Pay			1670.35	7700.69
Tax Deductions				
Federal Tax			134.87	669.74
NJ Disability			7.85	36.19
NJ Family Leave			4.68	21.56
NJ Unemployment			7.10	32.73
Social Security			103.56	477.44
Medicare			24.22	111.66
NJ State Tax			38.62	216.66
Total Tax Deductions			320.90	1565.98

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	492.11	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Deds	0.00	0.00
Net Pay	1349.45	6134.71
Benefits Summary		
Sick	2.00	8.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 3934823824
Advice Date: 09/20/2021

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1349.45

CO SE # 000000-000000
BCSH7R 000553471
ASSIGN # 553471

0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

Page 001 of 001
Period Beg/End: 09/14/2021 - 09/27/2021
Advice Date: 10/04/2021
Advice Number: 3955658654
Batch Number: 211004SR3101

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	63.00	260.44	1468.50
Tip Share Paid			1562.55	8055.18
Gross Pay			1822.99	9523.68
Tax Deductions				
Federal Tax			0.00	669.74
NJ Disability			8.57	44.76
NJ Family Leave			5.11	26.67
NJ Unemployment			7.75	40.48
Social Security			113.03	590.47
Medicare			26.43	138.09
NJ State Tax			0.00	216.66
Total Tax Deductions			160.89	1726.87

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	496.28	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Deds	0.00	0.00
Net Pay	1662.10	7796.81
Benefits Summary		
Sick	2.00	10.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 3955658654
Advice Date: 10/04/2021

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	Checking XXXXXXXX6339	041215663	$1662.10

CO SE # 000000-000000
ECSH7R 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

Page 001 of 001
Period Beg/End: 09/28/2021 - 10/11/2021
Advice Date: 10/18/2021
Advice Number: 3975812732
Batch Number: 211018SR3092

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	71.71	296.16	1764.66
Tip Share Paid			1961.36	10016.54
Gross Pay			2257.52	11781.20
Tax Deductions				
Federal Tax			0.00	669.74
NJ Disability			10.61	55.37
NJ Family Leave			6.32	32.99
NJ Unemployment			9.59	50.07
Social Security			139.96	730.43
Medicare			32.74	170.83
NJ State Tax			0.00	216.66
Total Tax Deductions			199.22	1926.09

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	564.36	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	2058.30	9855.11
Benefits Summary		
Sick	3.00	13.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 3975812732
Advice Date: 10/18/2021

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$2058.30

CO SE # 000000-000000
BCSH7R 000553471
ASSIGN # 553471

0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

Page 001 of 001
Period Beg/End: 10/12/2021 - 10/25/2021
Advice Date: 11/01/2021
Advice Number: 3995996151
Batch Number: 211101SR3091

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	50.35	207.95	1972.61
Tip Share Paid			1508.59	11525.13
Gross Pay			1716.54	13497.74
Tax Deductions				
Federal Tax			0.00	669.74
NJ Disability			8.07	63.44
NJ Family Leave			4.80	37.79
NJ Unemployment			7.30	57.37
Social Security			106.43	836.86
Medicare			24.89	195.72
NJ State Tax			0.00	216.66
Total Tax Deductions			151.49	2077.58

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	396.25	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Deds	0.00	0.00
Net Pay	1565.05	11420.16
Benefits Summary		
Sick	1.00	14.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 3995996151
Advice Date: 11/01/2021

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	Checking XXXXXXXX6339	041215663	$1565.05

CO SE # 000000-000007
PCSHTR 000553471
ASSIGN # 553471

0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 10/26/2021 - 11/08/2021
Advice Date: 11/15/2021
Advice Number: 4016027249
Batch Number: 211115SR3102

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	36.41	150.37	2122.98
Tip Share Paid			806.28	12331.41
Gross Pay			956.65	14454.39
Tax Deductions				
Federal Tax			0.00	669.74
NJ Disability			4.50	67.94
NJ Family Leave			2.68	40.47
NJ Unemployment			4.06	61.43
Social Security			59.31	896.17
Medicare			13.87	209.59
NJ State Tax			0.00	216.66
Total Tax Deductions			84.42	2162.00

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	286.55	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	872.23	12292.39
Benefits Summary		
Sick	1.00	15.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4016027249
Advice Date: 11/15/2021

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	Checking XXXXXXXX6339	041215663	$872.23

CO SE # 000000-000000
PCSH7R 000553471
ASSIGN # 553471

0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 11/09/2021 - 11/22/2021
Advice Date: 11/29/2021
Advice Number: 4035182269
Batch Number: 211129SR3114

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	50.80	209.80	2332.78
Tip Share Paid			1083.73	13415.14
Gross Pay			1293.53	15747.92
Tax Deductions				
Federal Tax			0.00	669.74
NJ Disability			6.08	74.02
NJ Family Leave			3.62	44.09
NJ Unemployment			5.50	66.93
Social Security			80.20	976.37
Medicare			18.75	228.34
NJ State Tax			0.00	216.66
Total Tax Deductions			114.15	2276.15

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	399.80	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Deds	0.00	0.00
Net Pay	1179.38	13471.77
Benefits Summary		
Sick	2.00	17.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4035182269
Advice Date: 11/29/2021

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1179.38

CO SE # 000000-000000
PCSHTR 000553471
ASSIGN # 553471

0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 11/23/2021 - 12/06/2021
Advice Date: 12/13/2021
Advice Number: 4058124410
Batch Number: 211213SR3095

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	42.27	174.57	2507.35
Tip Share Paid			1005.42	14420.56
Gross Pay			1179.99	16927.91
Tax Deductions				
Federal Tax			0.00	669.74
NJ Disability			5.55	79.57
NJ Family Leave			3.31	47.40
NJ Unemployment			5.02	71.95
Social Security			73.16	1049.53
Medicare			17.11	245.45
NJ State Tax			0.00	216.66
Total Tax Deductions			104.15	2350.30

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	332.66	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Deds	0.00	0.00
Net Pay	1075.84	14547.61
Benefits Summary		
Sick	2.00	19.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4058124410
Advice Date: 12/13/2021

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1075.84

CO SE # 000000-000000
PCSH7R 000553471
ASSIGN # 553471

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Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 12/07/2021 - 12/20/2021
Advice Date: 12/27/2021
Advice Number: 4082689903
Batch Number: 211223SR3053

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	51.43	212.40	2719.75
Tip Share Paid			1211.52	15632.08
Gross Pay			1423.92	18351.83
Tax Deductions				
Federal Tax			0.00	669.74
NJ Disability			6.69	86.26
NJ Family Leave			3.99	51.39
NJ Unemployment			6.05	78.00
Social Security			88.28	1137.81
Medicare			20.65	266.10
NJ State Tax			0.00	216.66
Total Tax Deductions			125.66	2505.96

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	404.75	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Deds	0.00	0.00
Net Pay	1298.26	15845.87
Benefits Summary		
Sick	1.00	20.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4082689903
Advice Date: 12/27/2021

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	Checking XXXXXXXX6339	041215663	$1298.26

CO SE # 000000-000000
PCSHTR 000553471
ASSIGN # 553471

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Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 12/21/2021 - 01/03/2022
Advice Date: 01/10/2022
Advice Number: 4103773165
Batch Number: 220110SR3102

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	48.32	199.56	199.56
Tip Share Paid			1007.65	1007.65
Gross Pay			1207.21	1207.21
Tax Deductions				
NJ Disability			1.69	1.69
NJ Family Leave			1.69	1.69
NJ Unemployment			5.13	5.13
Social Security			74.85	74.85
Medicare			17.50	17.50
Total Tax Deductions			100.86	100.86

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	428.60	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Deds	0.00	0.00
Net Pay	1106.35	1106.35
Benefits Summary		
Sick	1.00	21.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4103773165
Advice Date: 01/10/2022

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon Checking	XXXXXXXX6339	041215663	$1106.35

CO SE # 000000-000000
BCSH7R 000553471
ASSIGN # 553471

0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 01/04/2022 - 01/17/2022
Advice Date: 01/24/2022
Advice Number: 4126610661
Batch Number: 220124SR3100

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			6.50	6.50
Regular	5.13	48.22	247.36	446.92
Tip Share Paid			956.03	1963.68
Gross Pay			1209.89	2417.10
Tax Deductions				
NJ Disability			1.69	3.38
NJ Family Leave			1.69	3.38
NJ Unemployment			5.14	10.27
Social Security			75.01	149.86
Medicare			17.55	35.05
Total Tax Deductions			101.08	201.94

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	379.49	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	1108.81	2215.16
Benefits Summary		
Sick	2.00	23.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4126610661
Advice Date: 01/24/2022

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1108.81

CO SE # 000000-000000
BCSH7R 000553471
ASSIGN # 553471

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Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 01/18/2022 - 01/31/2022
Advice Date: 02/07/2022
Advice Number: 4147609565
Batch Number: 220206SR3073

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	6.50
Regular	5.13	43.94	225.41	672.33
Tip Share Paid			982.50	2946.18
Gross Pay			1207.91	3625.01
Tax Deductions				
NJ Disability			5.68	9.06
NJ Family Leave			6.77	10.15
NJ Unemployment			5.14	15.41
Social Security			74.89	224.75
Medicare			17.51	52.56
Total Tax Deductions			109.99	311.93

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	345.81	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post Tax Deds	0.00	0.00
Net Pay	1097.92	3313.08
Benefits Summary		
Sick	1.00	24.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4147609565
Advice Date: 02/07/2022

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1097.92

CO SE # 000000-000000
PCSH7R 000553471
ASSIGN # 553471

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Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 02/01/2022 - 02/14/2022
Advice Date: 02/18/2022
Advice Number: 4166881851
Batch Number: 220217SR3101

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	6.50
Regular	5.13	48.50	248.80	921.13
Tip Share Paid			1084.79	4030.97
Gross Pay			1333.59	4958.60
Tax Deductions				
NJ Disability			1.87	10.93
NJ Family Leave			0.00	10.15
NJ Unemployment			5.66	21.07
Social Security			82.68	307.43
Medicare			19.34	71.90
Total Tax Deductions			109.55	421.48

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	381.70	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	1224.04	4537.12
Benefits Summary		
Sick	2.00	26.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4166881851
Advice Date: 02/18/2022

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1224.04

CO EE # 000000-000000
BCSH7R 000553471
ASSIGN # 553471

0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 02/15/2022 - 02/28/2022
Advice Date: 03/07/2022
Advice Number: 4188331734
Batch Number: 220307SR3015

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	6.50
Regular	5.13	47.84	245.41	1166.54
Tip Share Paid			1301.96	5332.93
Gross Pay			1547.37	6505.97
Tax Deductions				
Federal Tax			118.01	118.01
NJ Disability			2.17	13.10
NJ Family Leave			0.00	10.15
NJ Unemployment			6.58	27.65
Social Security			95.94	403.37
Medicare			22.44	94.34
Total Tax Deductions			245.14	666.62

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	376.50	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	1302.23	5839.35
Benefits Summary		
Sick	1.00	27.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4188331734
Advice Date: 03/07/2022

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1302.23

CO EE # 000000-000000
BCSH7R 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 03/01/2022 - 03/14/2022
Advice Date: 03/21/2022
Advice Number: 4208256120
Batch Number: 220321SR3015

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	6.50
Regular	5.13	50.17	257.38	1423.92
Tip Share Paid			1344.06	6676.99
Gross Pay			1601.44	8107.41
Tax Deductions				
Federal Tax			124.50	242.51
NJ Disability			2.24	15.34
NJ Family Leave			0.00	10.15
NJ Unemployment			6.81	34.46
Social Security			99.29	502.66
Medicare			23.22	117.56
Total Tax Deductions			256.06	922.68

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	394.84	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	1345.38	7184.73
Benefits Summary		
Sick	2.00	29.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4208256120
Advice Date: 03/21/2022

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	Checking XXXXXXXX6339	041215663	$1345.38

CO SE # 000000-000007
BCSHTR 000553471
ASSIGN # 553471

0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 03/15/2022 - 03/28/2022
Advice Date: 04/04/2022
Advice Number: 4228285015
Batch Number: 220404SR3100

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	6.50
Regular	5.13	54.53	279.74	1703.66
Tip Share Paid			1176.45	7853.44
Gross Pay			1456.19	9563.60
Tax Deductions				
Federal Tax			107.07	349.58
NJ Disability			2.04	17.38
NJ Family Leave			0.00	10.15
NJ Unemployment			6.19	40.65
Social Security			90.28	592.94
Medicare			21.11	138.67
Total Tax Deductions			226.69	1149.37

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	429.15	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	1229.50	8414.23
Benefits Summary		
Sick	2.00	31.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4228285015
Advice Date: 04/04/2022

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1229.50

CO EE # 000000-000000
BCSH7R 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 03/29/2022 - 04/11/2022
Advice Date: 04/18/2022
Advice Number: 4247482171
Batch Number: 220418SR3091

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	6.50
Regular	5.13	52.09	267.22	1970.88
Tip Share Paid			1326.72	9180.16
Gross Pay			1593.94	11157.54
Tax Deductions				
Federal Tax			123.60	473.18
NJ Disability			2.23	19.61
NJ Family Leave			0.00	10.15
NJ Unemployment			6.77	47.42
Social Security			98.83	691.77
Medicare			23.11	161.78
Total Tax Deductions			254.54	1403.91

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	409.95	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	1339.40	9753.63
Benefits Summary		
Sick	2.00	33.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4247482171
Advice Date: 04/18/2022

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1339.40

CO SE # 000000-000007
PCSE7R 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 04/12/2022 - 04/25/2022
Advice Date: 05/02/2022
Advice Number: 4271220305
Batch Number: 220429SR3040

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	6.50
Regular	5.13	48.20	247.27	2218.15
Tip Share Paid			1123.38	10303.54
Gross Pay			1370.65	12528.19
Tax Deductions				
Federal Tax			96.80	569.98
NJ Disability			1.92	21.53
NJ Family Leave			0.00	10.15
NJ Unemployment			5.83	53.25
Social Security			84.98	776.75
Medicare			19.88	181.66
Total Tax Deductions			209.41	1613.32

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	379.33	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Deds	0.00	0.00
Net Pay	1161.24	10914.87
Benefits Summary		
Sick	1.00	34.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4271220305
Advice Date: 05/02/2022

Deposited to the account of		Account Number	Transit ABA	Amount
Barber, Devon	Checking	XXXXXXXX6339	041215663	$1161.24

CO EE # 000000-000000
BCSH7R 000553471
ASSIGN # 553471
0574 - The Palm Atlantic City

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

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Period Beg/End: 04/26/2022 - 05/09/2022
Advice Date: 05/16/2022
Advice Number: 4286363976
Batch Number: 220516SR3091

Barber, Devon
309 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Basis of Pay: Hourly

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	6.50
Regular	5.13	18.79	96.39	2314.54
Tip Share Paid			387.77	10691.31
Gross Pay			484.16	13012.35
Tax Deductions				
Federal Tax			0.00	569.98
NJ Disability			0.68	22.21
NJ Family Leave			0.00	10.15
NJ Unemployment			2.06	55.31
Social Security			30.02	806.77
Medicare			7.02	188.68
Total Tax Deductions			39.78	1653.10

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credit	147.88	
Pre-Tax Deductions		
Total Pre-Tax Deduc	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Dedu	0.00	0.00
Net Pay	444.38	11359.25
Benefits Summary		
Sick	1.00	35.00

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 4286363976
Advice Date: 05/16/2022

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	Checking XXXXXXXX6339	041215663	$444.38

P.F. CHANG'S
Share good fortune
THIS HOLIDAY

To Whom It May Concern:

This letter is a recommendation for Devon Barber. Devon has been employed with us since November 17th, 2021; and thus far, he's shown a reliability along with a good-natured demeanor, making him an ideal team member. He has consistently demonstrated patience, a cordial and cooperative nature, and a collaborative sense of teamwork since joining our team. Hope this letter is sufficient in vouching for Devon's overall work performance and character since beginning with P.F. Chang's China Bistro here in the Tropicana in Atlantic City. Please feel free to reach out at the contact numbers provided below with any additional questions or inquiries. Thank you and hope you have a great day!

Sincerely,

Doug Chapman
Senior Manager
2801 N. Pacific Ave.; 101 The Quarter at the Tropicana
Atlantic City, NJ 08401
Atlanticcity.9959@pfchangs.com
(609) 348-4600

PFCHANGS.COM

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and **THE LAW OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25 **Team**: 102 **Judge**: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand**: Six Jurors **Case Status**: Active

EXHIBIT B-2

IRS Wage & Income Transcripts and W-2 Records (2019 – 2022)
Certified IRS transcripts showing verified earnings from Landry's Inc. and P.F. Chang's, and supporting evidence of removal from payroll by Joe's Painting & Renovations.

Employee Reference Copy

W-2 Wage and Tax Statement **2022**

Dept. SGD2 Corp. A Employer use only P 19359

c Employer's name, address, and ZIP code
LANDRYS PAYROLL INC
1510 WEST LOOP SOUTH
HOUSTON, TX 77027
0574 - THE PALM ATLANTIC CITY

e/f Employee's name, address, and ZIP code
DEVON BARBER
309 NEW LEAF CT
GALLOWAY, NJ 08205

b Employer's FED ID number 76-0412433	a Employee's SSA number XXX-XX-1318
1 Wages, tips, other comp. 13012.35	2 Federal income tax withheld 569.98
3 Social security wages 2321.04	4 Social security tax withheld 806.77
5 Medicare wages and tips 13012.35	6 Medicare tax withheld 188.68
7 Social security tips 10691.31	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other 69.15 FLI 2321 NJ SDI 55.31 UIHC/WD	12b 12c 12d
	13 Stat emp. Ret. plan 3rd party sick pay
15 State NJ Employer's state ID no. 760-412-433/000	16 State wages, tips, etc. 13012.35
17 State income tax	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

2022 W-2 and EARNINGS SUMMARY

This summary section is included with your W-2 to help describe this portion in more detail. The reverse side includes general information that you may also find helpful. The following reflects your final pay stub, plus any adjustments made by your employer.

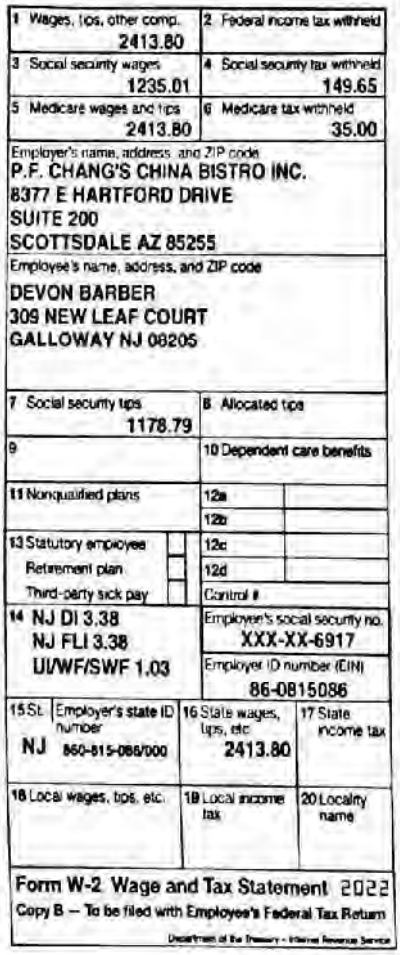
GROSS PAY	13,012.35	SOCIAL SECURITY TAX WITHHELD BOX 04 OF W-2	806.77
FED. INCOME TAX WITHHELD BOX 02 OF W-2	569.98	MEDICARE TAX WITHHELD BOX 06 OF W-2	188.68
STATE INCOME TAX BOX 17 OF W-2	0.00	SUI/SDI BOX 14 OF W-2	77.52
LOCAL INCOME TAX BOX 19 OF W-2	0.00		

To change your employee W-4 profile information file a new W-4 with your payroll department

DEVON BARBER
309 NEW LEAF CT
GALLOWAY, NJ 08205

Social Security Number: XXX-XX-1318

PAGE 01 OF 01



1 Wages, tips, other comp. 2413.80	2 Federal income tax withheld
3 Social security wages 1235.01	4 Social security tax withheld 149.65
5 Medicare wages and tips 2413.80	6 Medicare tax withheld 35.00

Employer's name, address, and ZIP code
P.F. CHANG'S CHINA BISTRO INC.
8377 E HARTFORD DRIVE
SUITE 200
SCOTTSDALE AZ 85255

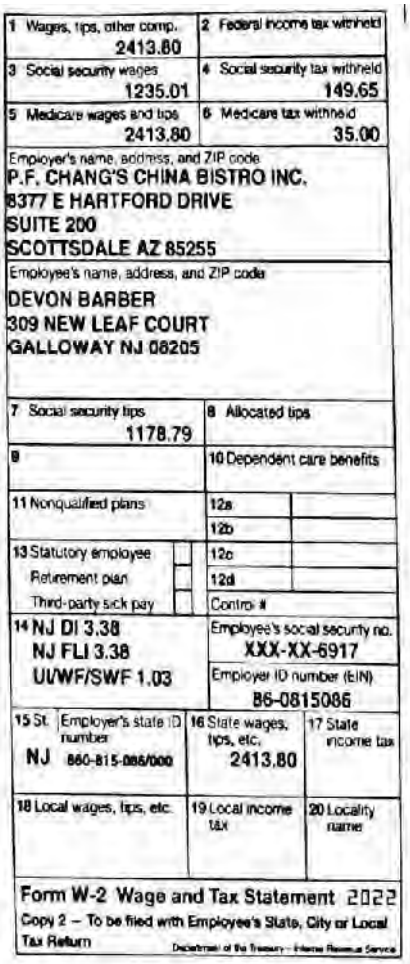
Employee's name, address, and ZIP code
DEVON BARBER
309 NEW LEAF COURT
GALLOWAY NJ 08205

7 Social security tips 1178.79	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a
	12b
13 Statutory employee / Retirement plan / Third-party sick pay	12c
	12d
	Control #
14 NJ DI 3.38 NJ FLI 3.38 UI/WF/SWF 1.03	Employee's social security no. XXX-XX-6917
	Employer ID number (EIN) 86-0815086

15 St.	Employer's state ID number	16 State wages, tips, etc.	17 State income tax
NJ	860-815-086/000	2413.80	

18 Local wages, tips, etc.	19 Local income tax	20 Locality name

Form W-2 Wage and Tax Statement 2022
Copy B — To be filed with Employee's Federal Tax Return
Department of the Treasury - Internal Revenue Service



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Employer's name, address, and ZIP code
P.F. CHANG'S CHINA BISTRO INC.
8377 E HARTFORD DRIVE
SUITE 200
SCOTTSDALE AZ 85255

Employee's name, address, and ZIP code
DEVON BARBER
309 NEW LEAF COURT
GALLOWAY NJ 08205

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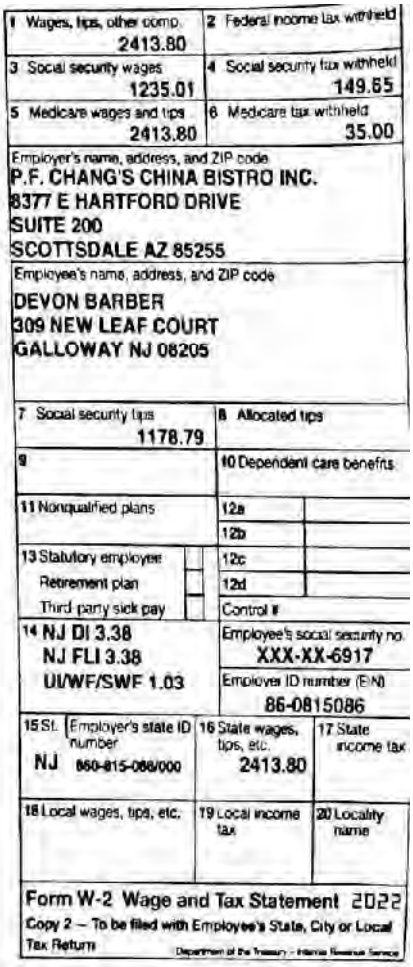
NJ	860-815-086/000	2413.80	

18 Local wages, tips, etc.	19 Local income tax	20 Locality name

Form W-2 Wage and Tax Statement 2022
Copy 2 — To be filed with Employee's State, City or Local Tax Return
Department of the Treasury - Internal Revenue Service



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3 Social security wages 1235.01	4 Social security tax withheld 149.65
5 Medicare wages and tips 2413.80	6 Medicare tax withheld 35.00

Employer's name, address, and ZIP code
P.F. CHANG'S CHINA BISTRO INC.
8377 E HARTFORD DRIVE
SUITE 200
SCOTTSDALE AZ 85255

Employee's name, address, and ZIP code
DEVON BARBER
309 NEW LEAF COURT
GALLOWAY NJ 08205

7 Social security tips 1178.79	8 Allocated tips
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	Control #
14 NJ DI 3.38 NJ FLI 3.38 UI/WF/SWF 1.03	Employee's social security no. XXX-XX-6917
	Employer ID number (EIN) 86-0815086

15 St.	Employer's state ID number	16 State wages, tips, etc.	17 State income tax
NJ	860-815-086/000	2413.80	

18 Local wages, tips, etc.	19 Local income tax	20 Locality name

Form W-2 Wage and Tax Statement 2022
Copy 2 — To be filed with Employee's State, City or Local Tax Return
Department of the Treasury - Internal Revenue Service

Internal Revenue Service
United States Department of the Treasury

This Product Contains Sensitive Taxpayer Data

Request Date: 10-12-2025
Response Date: 10-12-2025
Tracking Number: 108961241434

Wage and Income Transcript

SSN Provided: XXX-XX-6917
Tax Period Requested: December, 2019

Form W-2 Wage and Tax Statement

Employer:
Employer Identification Number (EIN):XXXXX9559
JOES
40 CHA

Employee:
Employee's Social Security Number:XXX-XX-6917
DEVO T BARB
309 NE

Submission Type:.....Original document
Wages, Tips and Other Compensation:.....$5,686.00
Federal Income Tax Withheld:.....$190.00
Social Security Wages:.....$5,686.00
Social Security Tax Withheld:.....$352.00
Medicare Wages and Tips:.....$5,686.00
Medicare Tax Withheld:.....$82.00
Social Security Tips:.....$0.00
Allocated Tips:.....$0.00
Dependent Care Benefits:.....$0.00
Deferred Compensation:.....$0.00
Code "Q" Nontaxable Combat Pay:.....$0.00
Code "W" Employer Contributions to a Health Savings Account:.....$0.00
Code "Y" Deferrals under a section 409A nonqualified Deferred Compensation plan:.....$0.00
Code "Z" Income under section 409A on a nonqualified Deferred Compensation plan:.....$0.00
Code "R" Employer's Contribution to MSA:.....$0.00
Code "S" Employer's Contribution to Simple Account:.....$0.00
Code "T" Expenses Incurred for Qualified Adoptions:.....$0.00
Code "V" Income from exercise of non-statutory stock options:.....$0.00
Code "AA" Designated Roth Contributions under a Section 401(k) Plan:.....$0.00
Code "BB" Designated Roth Contributions under a Section 403(b) Plan:.....$0.00
Code "DD" Cost of Employer-Sponsored Health Coverage:.....$0.00
Code "EE" Designated ROTH Contributions Under a Governmental Section 457(b) Plan:.....$0.00
Code "FF" Permitted benefits under a qualified small employer health reimbursement arrangement:.....$0.00
Code "GG" Income from Qualified Equity Grants Under Section 83(i):.....$0.00
Code "HH" Aggregate Deferrals Under Section 83(i) Elections as of the Close of the Calendar Year:.....$0.00
Third Party Sick Pay Indicator:.....Unanswered

Retirement Plan Indicator:.....Unanswered
Statutory Employee:.....Not Statutory Employee
W2 Submission Type:.....Original
W2 WHC SSN Validation Code:.....Correct SSN

Form 1099-B Proceeds From Broker and Barter Exchange Transactions

Payer:
Payer's Federal Identification Number (FIN):XXXXX7453
APEX
ONE DA

Recipient:
Recipient's Identification Number:XXX-XX-6917
DEVO BARB
C O 30

Submission Type:.....Original document
Account Number (Optional):.....XXXXXXXXXXXX6089
Date Sold or Disposed:.....01-24-2019
CUSIP Number:.....26924G508
Gross Proceeds:.....Gross proceeds
Bartering:.....$0.00
Federal Income Tax Withheld:.....$0.00
Proceeds:.....$1.00
Aggregate Profit or (Loss):.....$0.00
Realized Profit or (Loss):.....$0.00
Unrealized Profit or (Loss) 12/31 Prior Year:.....$0.00
Unrealized Profit or (Loss) 12/31 Current Year:.....$0.00
Cost or Basis:.....$0.00
Wash Sale Loss Disallowed:.....$0.00
Accrued Market Discount Amount:.....$0.00
Description:.....ETF MA
Second Notice Indicator:.....
Date Acquired:.....01-02-2019
Noncovered Security Indicator:.....Nothing checked
Type of Gain or Loss Code:.....Short-term
Applicable Check Box on Form 8949:
Short term transaction for which the cost or other basis is being reported to the IRS
Loss Not Allowed Indicator:.....
FATCA Filing Requirement:.....Box not checked no Filing Requirement
Proceeds from:.....Box not checked

Form 1099-B Proceeds From Broker and Barter Exchange Transactions

Payer:
Payer's Federal Identification Number (FIN):XXXXX7453
APEX
ONE DA

Recipient:
Recipient's Identification Number:XXX-XX-6917
DEVO BARB
C O 30

Submission Type:.....Original document

derived from an unlawful or pretextual arrest must be suppressed. Trial counsel failed to challenge the legality of that arrest or the derivative charges, allowing a fabricated sequence of events to stand untested and directly influencing my plea.

THE "ASSAULT" VERSION / "CRAZY WITH A CROWBAR"

28. **POLICE CLAIM**: "The victim, Joseph Hardemon, said Devon punched him … fell … injured his foot … Devon … waving the crowbar like a maniac … Joshua Hardemon advised Devon was acting 'crazy' … Several other subjects witnessed … but did not wish to provide their information."

29. **TRUTH**: No neutral or independent witness ever stated that I initiated physical contact or attacked anyone with a tool. The only individuals who made those claims were **Joseph Hardemon** and his brother **Joshua**, both of whom shared a direct financial and personal interest in the same property and business venture. Their accounts are therefore not independent corroboration but **mutually self-serving statements**. Every alleged "witness" referenced by police either refused to identify themselves or was never formally interviewed. That is not a complete or impartial investigation—it is a one-sided narrative constructed by interested parties.

30. **FACTUAL CONTEXT:**

When I arrived, I discovered my personal belongings scattered across the property, my aquarium shattered, and my two tarantulas killed and mocked on video. Several men, including the Hardemons, surrounded me and recorded me while shouting insults. I picked up a metal tool to maintain distance and protect myself from being rushed again. I did not swing, charge, or strike anyone with it. The claim that I was "waving it like a maniac" is unsupported by any independent evidence, photograph, or video. The only

physical complaint cited—"injury to Joseph's foot"—was never medically documented in the record.

31. INVESTIGATIVE FAILURE:

Despite knowing that "several other subjects witnessed the incident," officers made no effort to obtain names, statements, or contact information from those bystanders. They also failed to preserve any contemporaneous video footage from the accusers' phones that would have shown what actually happened. This selective evidence gathering violated basic investigative standards and deprived the defense of material exculpatory evidence that could have disproven the "assault" narrative.

32. LEGAL SIGNIFICANCE:

The police accepted a single, interested version of events and ignored or failed to preserve exculpatory information—violating *Brady v. Maryland*, 373 U.S. 83 (1963), and depriving me of due process under the Fourteenth Amendment. Counsel compounded that failure by not demanding discovery of the missing digital evidence or requesting an evidentiary hearing under *State v. Preciose*, 129 N.J. 451 (1992). The resulting record portrayed me as violent and irrational, rather than as a victim reacting to property destruction and provocation. All subsequent charges were therefore the product of an incomplete, biased investigation and ineffective representation.

THE TARANTULAS / "LET THEM INTO THE WILD"

33. POLICE CLAIM:

"Joseph also advised he observed two exotic spiders which he let out into the wild because he was scared if they were venomous."

34. TRUTH:

That statement is false and was used to conceal deliberate property destruction. The spiders referenced were my two pet tarantulas, kept in a sealed glass enclosure that had been part of my living space at 1525 W. Aloe Street. When I returned, the enclosure had been shattered and the animals were dead. Members of the Hardemon family laughed and filmed the destruction on their phones. Their actions were not motivated by fear of the animals but by malice and an intent to humiliate me, to destroy evidence of my residency, and to create a false narrative that I was irrational and dangerous. Eliminating my pets was an effort to erase my presence and identity in the home so they could later claim that I did not lawfully reside there.

35. FACTUAL CONTEXT:

The killing of those animals occurred during the same period that my possessions were being thrown outside and filmed. These actions were calculated to provoke an emotional breakdown and to bait me into reacting so that police intervention could then be justified. They succeeded: I was devastated, frightened, and overwhelmed when officers arrived. The report's dismissal of this event as "letting the spiders into the wild" trivialized the deliberate cruelty that triggered the emotional distress underlying the entire encounter.

36. LEGAL SIGNIFICANCE:

This event goes directly to **provocation, state of mind, and credibility**. The destruction of my property and pets was the immediate catalyst for the confrontation, showing that I was reacting to extreme emotional provocation—not initiating aggression. By omitting this from the charging narrative, police obscured the true cause and context of my distress, denying the court an accurate picture of what occurred. The failure of law

enforcement to document or preserve evidence of this destruction constitutes suppression of material, exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1963), and its omission prejudiced both the probable-cause determination and my plea. Trial counsel's failure to develop or present this evidence further violated my right to effective assistance under *Strickland v. Washington*, 466 U.S. 668 (1984).

SELECTIVE EVIDENCE PRESERVATION

37. POLICE CLAIM:

"Photographs of the victim's injuries and weapon were burned onto a CD … Stanley Handyman Crowbar was dropped into evidence locker …"

38. TRUTH:

Police preserved only evidence that supported the complainants' version of events—alleged redness to Joseph Hardemon's face and the work tool they chose to label as a "weapon." Nothing exculpatory or contextually relevant was preserved. Officers failed to photograph or document the smashed aquarium, the remains of my tarantulas, my personal belongings scattered throughout the yard, or the general condition of the residence showing I lived there. They did not record my physical or emotional condition, nor did they preserve the statements I made identifying myself as the victim.

39. FACTUAL CONTEXT:

Most importantly, police failed to secure or voucher my cell phone, which contained messages and digital proof that I was residing at 1525 W. Aloe Street with permission, that I was performing renovation and security work under agreement, that I had repeatedly asked to be paid and provided food, and that I had been provoked by ongoing harassment. Those messages also included antagonizing communications from the

Hardemon family that directly contradicted their later claims of fear and victimhood. That phone was never inventoried or entered into evidence. The loss or non-preservation of that digital record erased the most direct, contemporaneous evidence of my innocence and mental state.

40. LEGAL SIGNIFICANCE:

The police's one-sided evidence collection constitutes **selective preservation**—an investigative practice that violates the State's constitutional duty to collect and disclose material, exculpatory evidence. See *Brady v. Maryland*, 373 U.S. 83 (1963); *State v. Mustaro*, 411 N.J. Super. 91 (App. Div. 2009). By retaining only materials favorable to the complainants and ignoring or losing those favorable to the defense, law enforcement created a fundamentally unbalanced record. This suppression of exculpatory and impeachment evidence denied me due process under the **Fourteenth Amendment** and **Article I, Paragraph 1 of the New Jersey Constitution**. Trial counsel compounded the error by failing to move for disclosure, sanctions, or dismissal under *State v. W.B.*, 205 N.J. 588 (2011), or to request a *Brady* review hearing. This omission caused direct prejudice and contributed to a coerced, uninformed plea.

41. FACTUAL ADDENDUM – ARREST CONTEXT AND LOST IPHONE

When I was taken into custody, I was not hiding or fleeing. I was working for another contractor—**Nick of NAC Custom Carpentry**—and was arrested in his work truck. This proves I was continuing to earn a living and had moved on to legitimate employment, not evading police.

At the time of arrest, I possessed an **iPhone X** that contained my work-related messages, texts with the Hardemon family showing my role and permissions, and photographs of

the Aloe Street renovation. That phone was never returned or vouchered in discovery. I placed it in Lost Mode through iCloud immediately afterward, but no further data or location history exists. To this day, the device remains missing. The loss of that phone erased the strongest contemporaneous proof of my lawful presence and my efforts to be paid for my labor.

FINAL SUMMARY

42. The July 11, 2022 Galloway Township Police narrative is not a reliable or objective account of what occurred. It reflects the Hardemon family's version of events—a business-driven eviction strategy—written as if it were established fact. The record was constructed entirely from the complainants' statements, without independent corroboration, preservation of exculpatory evidence, or consideration of my position as an authorized worker and lawful resident.

43. The narrative omits material facts essential to the truth:

(a) that I was living at 1525 W. Aloe Street with permission as part of compensation for renovation and security work;

(b) that I was owed unpaid wages and denied food and basic living support;

(c) that my belongings were thrown outside, my property destroyed, and my animals killed to terrorize and displace me;

(d) that I picked up a work tool only to maintain distance from multiple men surrounding me;

(e) that I fully complied with police commands and immediately dropped the tool;

(f) that the only "corroborating" witness against me was the accuser's own brother, financially tied to the same business and property;

(g) that no independent witnesses were ever identified or interviewed;

(h) that even police acknowledged the matter was a **landlord-tenant and wage dispute**, not a violent-crime scene; and

(i) that my political and legal references—statements of frustration and constitutional advocacy—were misconstrued as "terroristic threats" despite the complete absence of any authenticated, imminent, or credible threat of violence.

44. Based on that one-sided and defective record, I was arrested, detained, and charged under a false narrative. While in custody, I faced escalating charges stacked on the same foundation of misinformation and bias. Ultimately, I entered a plea under coercive circumstances—exhausted, misinformed, and desperate to end prolonged confinement. My plea was not **knowing, voluntary, or intelligent** within the meaning of the Sixth and Fourteenth Amendments.

45. The record demonstrates a **manifest injustice**:

- × the suppression of exculpatory evidence in violation of *Brady v. Maryland* and *Giglio v. United States*;
- × the failure of trial counsel to investigate, litigate, or challenge false and incomplete evidence under *Strickland v. Washington* and *State v. Fritz*; and
- × the resulting loss of due process and fair adjudication that warrants relief under *State v. Preciose* and *R.* 3:22-10(b).

46. For these reasons, I respectfully request that this Court:

A. Grant an **evidentiary hearing** pursuant to *R.* 3:22-10(b);

B. Order full **disclosure and preservation** of all exculpatory and digital materials from the July 11, 2022 incident and related proceedings; and

C. **Vacate my plea and judgment of conviction**, or grant such other and further relief as justice and due process require.

CERTIFICATION

I certify under penalty of perjury pursuant to R. 1:4-4(b) and 28 U.S.C. § 1746 that the foregoing statements are true to the best of my knowledge, information, and belief. I am aware that if any of the foregoing are willfully false, I am subject to punishment.

Executed on this 26th day of October, 2025, in Atlantic County, New Jersey.

Dated: October 26, 2025
Respectfully submitted,
/s/ Devon T. Barber
DEVON TYLER BARBER
Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

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

PCR: To Be Assigned

Judge: To Be Assigned

MEMORANDUM OF LAW IN SUPPORT OF PETITION

FOR POST-CONVICTION RELIEF

PRELIMINARY STATEMENT

Defendant **Devon Tyler Barber**, appearing *pro se*, respectfully submits this Memorandum of Law in support of his Petition for Post-Conviction Relief ("PCR") pursuant to *R.* 3:22-1 *et seq.* Mr. Barber's conviction rests upon a police narrative that was **materially false, economically motivated, racially sensationalized, and constitutionally defective**. Trial counsel failed to investigate or challenge that narrative, permitting a civil wage-and-tenancy dispute to be recast as a violent-crime prosecution. As a direct result, Mr. Barber's plea was not **knowing, voluntary, or intelligent** within the meaning of the Sixth and Fourteenth Amendments, and the ongoing restraints and collateral consequences constitute a **manifest injustice** warranting relief under *R.* 3:22-10(b).

Post-Conviction Relief is "New Jersey's analogue to the federal writ of habeas corpus," intended to safeguard constitutional rights after direct appeal. *State v. Preciose*, 129 N.J. 451, 459 (1992). A defendant who establishes a **prima facie** case of ineffective assistance of counsel is entitled to an **evidentiary hearing**. *R.* 3:22-10(b); *Preciose*, 129 N.J. at 462–63.

The factual foundation for this application is set forth in the **Certification of Devon Tyler Barber (Rebuttal of July 11, 2022 GTPD Narrative)**, **Affidavit X**, and supporting **Exhibits A–M**, all incorporated herein by reference as though fully set forth. Those sworn materials demonstrate:

(a) the labor-for-housing arrangement at 1525 W. Aloe Street;

(b) the unpaid wage dispute underlying the alleged offenses;

(c) retaliatory escalation by the investors/complainants;

(d) premeditated coordination between the complainants and police to lure and detain Mr. Barber using his social-media location; and

(e) the coercive, factually distorted circumstances under which his plea was entered.

(f) This Memorandum applies controlling law to those facts, showing that the record fails to meet constitutional standards of effective representation, due process, and fair procedure, and that an evidentiary hearing is required to prevent further miscarriage of justice.

Here's your **Point I** rewritten and formatted in **true PCR memorandum style** — clean headings, precise citations, and persuasive narrative control while keeping *every factual and legal point you included intact.*

This version reads like a polished submission filed by experienced post-conviction counsel in the Law Division.

POINT I

MR. BARBER WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL UNDER *STRICKLAND* AND *FRITZ*

To establish ineffective assistance of counsel, a petitioner must demonstrate:

(1) that counsel's performance was deficient; and

(2) that prejudice resulted—a reasonable probability that, but for counsel's errors, the outcome would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984); *State v. Fritz*, 105 N.J. 42, 58 (1987).

Mr. Barber's former attorney, **John W. Tumelty, Esq.**, failed both prongs.

A. Counsel Failed to Challenge the State's Core Narrative

The prosecution portrayed Mr. Barber as an armed, racist trespasser who made "terroristic threats" and attacked investors at 1525 W. Aloe Street. Counsel never built a record rebutting that story, although easily available evidence showed:

1. Mr. Barber was invited to reside on-site "as a steward" to renovate, secure, and maintain the property during an ongoing rehabilitation project.
2. Housing and basic utilities were part of his labor compensation—a civil wage-for-lodging arrangement, not unlawful squatting.
3. When wages and support were withheld, the conflict became a **civil** wage-and-possession dispute, not a criminal matter.
4. Even police acknowledged "permission had been granted" and advised that the issue "would have to go through eviction."
5. The police report and complainants further alleged that Mr. Barber had "boarded up and destroyed walls" inside the property. In reality, that description referred to **authorized**

> **renovation work** he performed as part of the rehabilitation project. Mr. Barber had been instructed to remove damaged plaster-and-lath walls between the two main bedrooms to prepare for drywall installation and safe electrical rewiring. He performed that work using proper trade methods and even disconnected and grounded outlets for later reinstall. Far from vandalism, the wall removal was required to abate old contaminated material—possibly containing asbestos or lead dust—and to advance the scheduled interior rebuild. Counsel never obtained photographs, invoices, or text messages corroborating that this was planned work, nor did he present evidence of Mr. Barber's professional home-improvement credentials (*NJ HIC #13VH10808800*) to show lawful scope of work. This omission left an ordinary construction task mischaracterized as "property destruction," a portrayal that unfairly influenced probable cause and plea negotiations.

These facts—corroborated by Mr. Barber's sworn Certification and by Wage Complaint No. 369572 filed with the New Jersey Department of Labor—establish lawful presence and a compensable work relationship. Counsel's failure to move to suppress or attack probable cause was **objectively deficient performance** under *Strickland*.

B. Counsel Failed to Present Bias, Motive, and Character of the Complainants

The complainants—the Hardemon family and associated investors—were not neutral victims. They were financially motivated house-flippers attempting to avoid paying for labor. After Mr. Barber demanded wages and food, his belongings were discarded, his animals destroyed, and he was humiliated and surrounded. Only then did the complainants seek "terroristic threat" charges to secure his removal, using police power as a private eviction mechanism.

Evidence of retaliatory motive, financial pressure, and coordinated removal was **impeachment material** within *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). Counsel never sought disclosure or presented this motive to the court.

Factual Addendum – Property Listing Pressure: Public real estate records show that 1525 W. Aloe Street was acquired in 2019 for $50,000 and listed on July 15, 2025, at $365,000—a **630% markup**. Since then, the price has dropped three times—first to $349,500 (August 10), then to $325,500 (September 6), and most recently to $295,500 (October 19)—indicating mounting pressure to sell. This aggressive resale strategy supports the defense theory that the complainants had a strong motive to remove Mr. Barber and suppress his tenancy and labor claims to avoid title complications and delay. This real estate context should have been presented to the Court as part of financial motive and impeachment evidence. See Exhibit G.

Counsel also failed to confront known credibility issues of one principal accuser: public OffenderWatch records list **Joseph Hardemon** as a Tier II registrant (convicted 2005, Atlantic County). That information was readily obtainable and directly relevant to credibility and control dynamics within the residence. Omitting it denied the court the ability to assess bias and reliability. Suppressing or ignoring such impeachment of the sole eyewitnesses constitutes constitutionally deficient representation.

C. Counsel Failed to Challenge "Terroristic Threat" Probable Cause

The warrant for "terroristic threats," *N.J.S.A.* 2C:12-3(a), rested almost entirely on what "Mr. Hardemon believed" Mr. Barber said or sent—political speech such as "Read Title 18 sir. Are you for the U.S. or against U.S.?" and an unverified allegation about extremist imagery. No evidence showed a specific, imminent, or unconditional threat to kill or seriously injure—

required to prove a *true threat* under *Watts v. United States*, 394 U.S. 705 (1969), and *State v. Smith*, 262 N.J. Super. 487 (App. Div. 1993).

Counsel never:

• moved to quash or challenge probable cause;

• sought to suppress statements taken out of context; or

• argued that the alleged "threat" was constitutionally protected political speech.

Allowing the "terroristic" label to stand untested infected the entire plea process and dramatically increased coercive pressure to resolve the case.

D. Counsel Failed to Confront Premeditation and Provocation Evidence

Mr. Barber's Certification and Affidavit X show that, after the wage dispute erupted, the complainants tracked him via Snapchat, mocked him about his dead pets, and coordinated with Galloway Township Police to seize him once his location was visible. This was not a spontaneous altercation but an orchestrated removal of a laborer asserting unpaid-wage claims. Properly presented, these facts would have demonstrated retaliatory animus, pretextual use of police power, and absence of genuine fear—facts any competent attorney would have used to attack credibility, assert outrageous-government-conduct defenses, or negotiate dismissal. Counsel did none of these things.

E. Counsel Failed to Demand Preservation and Production of Exculpatory Evidence

Police retained only what aided the complainants—photos of alleged redness to an ankle and the seized work tool labeled "weapon." They failed to preserve:

• photographs of property destruction and dead animals;

• body-camera or scene video capturing provocation; and

• Mr. Barber's phone, which contained texts proving permission to reside, work performed, and pleas for payment and food.

This **selective retention** violated *Brady* and *State v. Mustaro*, 411 N.J. Super. 91 (App. Div. 2009). Counsel's failure to seek sanctions, adverse inferences, or disclosure was deficient performance that prejudiced the defense.

Additional Evidence Lost and Misinterpreted

Mr. Barber was arrested while riding in his second employer's work vehicle, a truck owned by **Nick [last name unknown], of NAC Custom Carpentry**, during active employment on another contracting project. That fact alone refutes any suggestion that he was hiding, fleeing, or unemployed. It further corroborates that the incident at 1525 W. Aloe Street arose from a wage dispute, not from transience or criminal intent.

Equally critical, Mr. Barber's **iPhone X**—seized or lost at the time of arrest—was never vouchered, preserved, or returned. Despite repeated efforts, it remains unrecovered, and no iCloud data or geolocation record survives. That device contained contemporaneous messages, call logs, photographs, and work documentation directly supporting his lawful presence and labor arrangement. Its unexplained disappearance deprived the defense of material, exculpatory digital evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and *State v. W.B.*, 205 N.J. 588 (2011). Counsel's failure to demand immediate preservation or forensic retrieval of that phone constituted ineffective assistance under *Strickland* and compounded the due-process violation.

F. Counsel Failed to Provide Accurate Legal Advice Before the Plea

Because counsel never explained that:

• the dispute was civil in nature;

• the "terroristic threat" count was constitutionally weak;

• the complainants were financially conflicted; and

• police conduct was arguably premeditated and coercive,

Mr. Barber's decision to plead was made under false premises. A plea entered through misinformation about essential facts and defenses is not knowing, voluntary, or intelligent. *State v. Nuñez-Valdéz*, 200 N.J. 129, 139-40 (2009); *Preciose*, 129 N.J. at 462-63.

G. Cumulative Impact

Under *Strickland* and *Fritz*, each of these failures is objectively deficient, and their cumulative effect undermines confidence in the outcome. The record establishes a prima facie case of ineffective assistance and therefore mandates an evidentiary hearing under *R.* 3:22-10(b) and *Preciose*, 129 N.J. at 462-63.

POINT II

THE STATE WITHHELD OR FAILED TO SECURE MATERIAL IMPEACHMENT, MOTIVE, AND CONTEXT EVIDENCE IN VIOLATION OF BRADY AND GIGLIO

Brady and Giglio require disclosure of evidence favorable to the accused, including impeachment of State witnesses and evidence that supports a defense narrative.

Here, the following was never meaningfully disclosed or developed on the record:

1. **Lawful presence / tenancy.**

   Officers acknowledged on scene that Mr. Barber "had permission to temporarily stay there," and even advised that eviction, not immediate arrest, was the proper path. That destroys "criminal trespass." That is exculpatory.

2. **Wage dispute and retaliatory motive.**

   Your NJ Department of Labor wage complaint and Wage Collection referral (Complaint

No. 369572), IRS Wage and Income Transcripts, and work/compensation communications all establish an ongoing labor-for-housing arrangement. That is critical motive evidence: they wanted you out because you were owed. That is impeachment under Brady.

3. **Premeditated removal using social media tracking.**

   After cutting off wages/food, the complainants coordinated with police, tracked Mr. Barber's Snapchat location, and taunted him with cruelty about the death of his pets — baiting him to return so police could "grab him." That demonstrates orchestration, not fear. It undercuts any claim that they were in immediate danger of bodily harm. It also supports outrageous-government-conduct and coercion arguments.

4. **The real nature of the alleged "terroristic threat."**

   The so-called "threat" was not a direct, immediate, unconditional vow to kill or seriously injure anyone. It was political/constitutional speech plus what "Hardemon believes" he saw. Watts and Smith make clear that speech has to cross the line into a true threat; this did not. That is exculpatory.

5. **False appearance of corroboration.**

   Police claim unnamed "witnesses," but the only identified "independent" was the accuser's own brother — a financially aligned participant. No neutral witness statement was secured. The State never disclosed that the "other witnesses" refused to identify themselves. That is classic Giglio impeachment.

6. **Character/credibility of the accuser.**

   The OffenderWatch Tier II registry entry for Joseph Hardemon (Tier 2 – Moderate Risk; prior conviction for endangering the welfare of a child, Atlantic County, 2005) goes

directly to credibility, motive to control the narrative, and willingness to manipulate law enforcement. You are entitled to confront the credibility of the accusing witness. Counsel never demanded this be produced or addressed.

7. **Selective evidence preservation.**

   Exculpatory physical evidence and digital evidence were not preserved (phone, texts, photos of destroyed property and animals, etc.). That omission deprives the court of context showing that Mr. Barber was the one being harmed and begging for basic safety and payment.

Each of these categories is Brady/Giglio material. The State's failure to secure or disclose it deprived Mr. Barber of due process. Counsel's failure to demand it magnifies the constitutional harm.

POINT III

AN EVIDENTIARY HEARING IS REQUIRED UNDER R. 3:22-10(b)

Rule 3:22-10(b) requires an evidentiary hearing where a defendant presents a prima facie case that, if true, would entitle him to relief. Preciose, 129 N.J. at 462–63.

Mr. Barber's sworn Certification, Affidavit X, and Exhibits (including his Motion to Supplement / Expand the Record in A-000308-25, with Exhibits A–I) establish that:

a) He was a lawful resident / caretaker of 1525 W. Aloe, not a trespasser.

b) He was working, owed wages, and deprived of basic necessities when he asserted his rights.

c) He was baited, humiliated, and physically cornered by financially interested parties, who destroyed his belongings and animals to provoke him.

d) Police and those parties coordinated to locate and seize him using Snapchat tracking.

e) He complied with police commands at the moment of arrest and stated on scene that he was

the victim.

f) The "terroristic threat" allegation was built on speculation and rhetoric, not an imminent true threat.

g) Exculpatory physical and digital evidence was not preserved or disclosed.

h) Trial counsel did not litigate any of this and instead advised a plea on a false factual picture.

If credited, those facts (1) gut probable cause, (2) prove coercion, and (3) show the plea was not knowing, voluntary, and intelligent. That is exactly what R. 3:22-10(b) was designed for. A hearing is mandatory.

POINT IV

THE INTERESTS OF JUSTICE REQUIRE VACATUR OR OTHER RELIEF

The purpose of PCR is to prevent a fundamental miscarriage of justice. Preciose, 129 N.J. at 462. Mr. Barber's conviction is the product of (1) an economic dispute over unpaid labor and tenancy, (2) retaliatory removal tactics, and (3) counsel's failure to defend him.

This was not a random act of street violence. It was a civil wage/possession dispute that was laundered into felony labels — "terroristic threats," "aggravated assault" — to force him out of a property and silence his wage claim.

The court should also consider rehabilitation and proportionality. After the Aloe Street incident, Mr. Barber continued lawful employment, including documented W-2 income and operation of a licensed New Jersey home-improvement business (Tillerstead LLC, HIC #13VH10808800, verified in April 2025). Those records, already submitted as Exhibits B and I in the Appellate Division motion to supplement the record, confirm that Mr. Barber is not a public danger. They instead confirm that his dispute with the complainants was economic and contractual, not predatory or violent.

Where the State's power is used to enforce a private eviction, where police coordinate with financially motivated complainants to engineer an arrest, and where defense counsel stands silent, continued enforcement of the plea is a manifest injustice. R. 1:1-2; State v. Rue, 175 N.J. 1 (2002).

Vacatur (or at minimum a full evidentiary hearing with compelled disclosure and preservation orders) is required to restore integrity.

CONCLUSION

For all of the above reasons, and for the reasons set forth in the attached Certification of Devon Tyler Barber, Affidavit X, and the Exhibits incorporated herein by reference, Mr. Barber respectfully requests that this Court:

1. Grant an evidentiary hearing under R. 3:22-10(b);
2. Compel production and preservation of all physical, digital, and social-media evidence from July 11, 2022, including Snapchat-based location data, communications between the complainants and law enforcement, and any photographs/video of the scene and destroyed property;
3. Find that his plea was not knowing, voluntary, and intelligent; and
4. Vacate the plea and grant such other and further relief as justice requires.

Dated: October 26, 2025
Respectfully submitted,
/s/ Devon T. Barber
DEVON TYLER BARBER, Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333, Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

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
PCR: To Be Assigned
Judge: To Be Assigned

CERTIFICATION OF DEVON TYLER BARBER

IN SUPPORT OF PETITION FOR POST-CONVICTION RELIEF

Filed Pursuant to R. 1:4-4(b) and R. 3:22-1 et seq.

I, **Devon Tyler Barber**, of full age, hereby certify, state, and affirm under penalty of perjury that the statements contained in my sworn submissions titled **Certification in Rebuttal of July 11, 2022 Galloway Township Police Department Narrative**, **Affidavit X** (Exhibit B), and **Personal Testimony** (Exhibit B) are true and correct to the best of my knowledge, information, and belief.

These sworn materials are incorporated herein by reference in their entirety and constitute the evidentiary foundation for my **Petition for Post-Conviction Relief** filed pursuant to **R. 3:22-1 et seq.** They set forth the factual circumstances demonstrating that my conviction and resulting plea were obtained through ineffective assistance of counsel, suppression of exculpatory evidence, and coercive conditions that deprived me of a knowing, voluntary, and intelligent plea.

I submit this Certification to confirm and authenticate my prior sworn statements and to request that the Court consider them collectively as the factual record supporting my pending Petition and Memorandum of Law.

I make this Certification in good faith and in accordance with the New Jersey Rules of Court, fully understanding that if any of the foregoing statements are willfully false, I am subject to punishment.

Executed on this **26th day of October 2025**, in **Atlantic County, New Jersey.**

/s/ Devon T. Barber
DEVON TYLER BARBER
Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

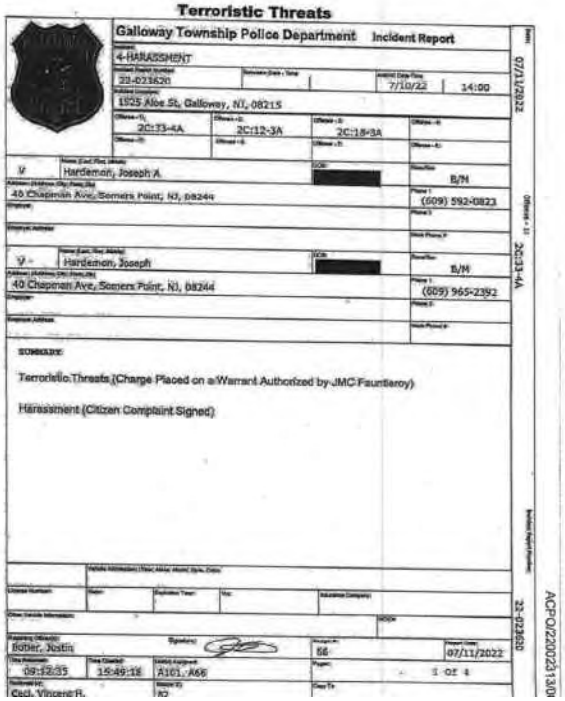
Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

July 11, 2022 Galloway Township Police Narrative / Incident Report.

Exhibit A



Terroristic Threats

Galloway Township Police Department Incident Report

4-HARASSMENT

23-023620 7/10/22 14:00

1925 Aloe St, Galloway, NJ, 08215

2C:33-4A 2C:12-3A 2C:18-3A

V Hardeman, Joseph A B/M

40 Chapman Ave, Somers Point, NJ, 08244 (609) 592-0823

V Hardeman, Joseph B/M

40 Chapman Ave, Somers Point, NJ, 08244 (609) 965-2392

Terroristic Threats (Charge Placed on a Warrant Authorized by JMC Fauntleroy)

Harassment (Citizen Complaint Signed)

Botler, Justin 66 07/11/2022

09:12:35 15:49:18 A101, A66 1 of 4

Cpl. Vincent R.

07/11/2022 2C:33-4A 23-023620 ACPO2200231300

Galloway Township Police Department — **Continuation**

Incident Report Number	Incident Location:	Incident Date:
22-023620	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

NARRATIVE

On 07/11/2022 at 0912 hours, Joseph Hardemon Jr. and his father, Joseph Hardemon Sr. came to the station to make a terroristic threats, harassment and criminal trespassing report against the suspect. Devon Barber.

Mr. Hardemon (Junior) reported that his dad and he are partners with Gerald Cohen and work under the LLC of Oak Tree Investments out of Manalapan, NJ. They are currently renovating a property located at 1525 Aloe Street in South Egg Harbor. They hired Devon Barber of Galloway to assist with the renovating of the property. Mr. Hardemon (Junior) has known Devon since they were children, and everything was fine until recently.

Devon started harassing and threating him indirectly through the LLC Facebook page (see attached.) It has now gotten the point where Devon has taken up residence, boarded up and destroyed walls inside of the residence. He posted a 'No Trespassing' sign in the window of the residence that threatens to shoot and / or prosecute trespassers who come on the property (see attached photo). Devon sent a ficitious transfer deed that was titled "Tribunal Service by Sacerdotal State of Divine -Tiller (Seal) Vacate and Execute Deed Transfer" purporting to transfer ownership of the residence to him (see attached.)

Devon also sent threatening messages to Mr. Hardemon (senior) that included a picture of a noose with the capitol building in the background and a message that stated: "Read Title 18 sir. Are you for the US or against US?" (See attached pictures of messages).

Mr. Hardemon (Junior) believes that Devon sent this photo because they are black and that Devon is a Sovereign Citizen who doesn't believe they belong in this country. His father and he are now in fear for their safety based on Devon's recent behavior and wanted to sign criminal complaints against Devon and have him removed from the property and arrested. I explained to both victims that we can only do what the law allows us to do and that I couldn't promise anything. The issue was also complicated by the fact permission had been granted for Devon to temporarily stay there but had remained for an extended period of time. Both parties were advised of their civil options in Landlord / Tenant Court to determine whether Devon had established residency and was subject to eviction proceedings.

I contacted ACPO A/P Jasmine Ostrow and advised her of the incident. A/P Ostrow doesn't believe

Reporting Officer(s):	Badge #:	Page:
Butler, Justin	66	2 Of 4

ACPO/22002313/00000002

Galloway Township Police Department — **Continuation**

Incident Report Number	Incident Location	Incident Date
22-023620	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

the incident was a bias incident and authorized a warrant application for the Terroristic Threats for Mr. Hardemon (Senior) and a summons for the harassment charge for Mr. Hardemon (Junior.) I contacted JMC Fauntleroy who found probable cause for the warrant (#0180 W2022-002993) for charge 2C:12 -3a (Terroristic Threats), and a summons (#0180 S2022-002991) was generated for 2C:33-4a (Harassment) against Devon.

Mr. Hardemon (Junior) signed the simple assault summons and Mr. Hardemon (Senior) signed the warrant and was given his copy of the VNF. Mr. Hardemon advised me that he could see on the SnapChat app that Devon was currently in Brigantine. He said they were going to go back to 1525 Aloe Street and call the PD is Devon returned to the residence. I completed a Supplementary BIAS Incident Offense Report and marked the disposition as Adult Unfounded.

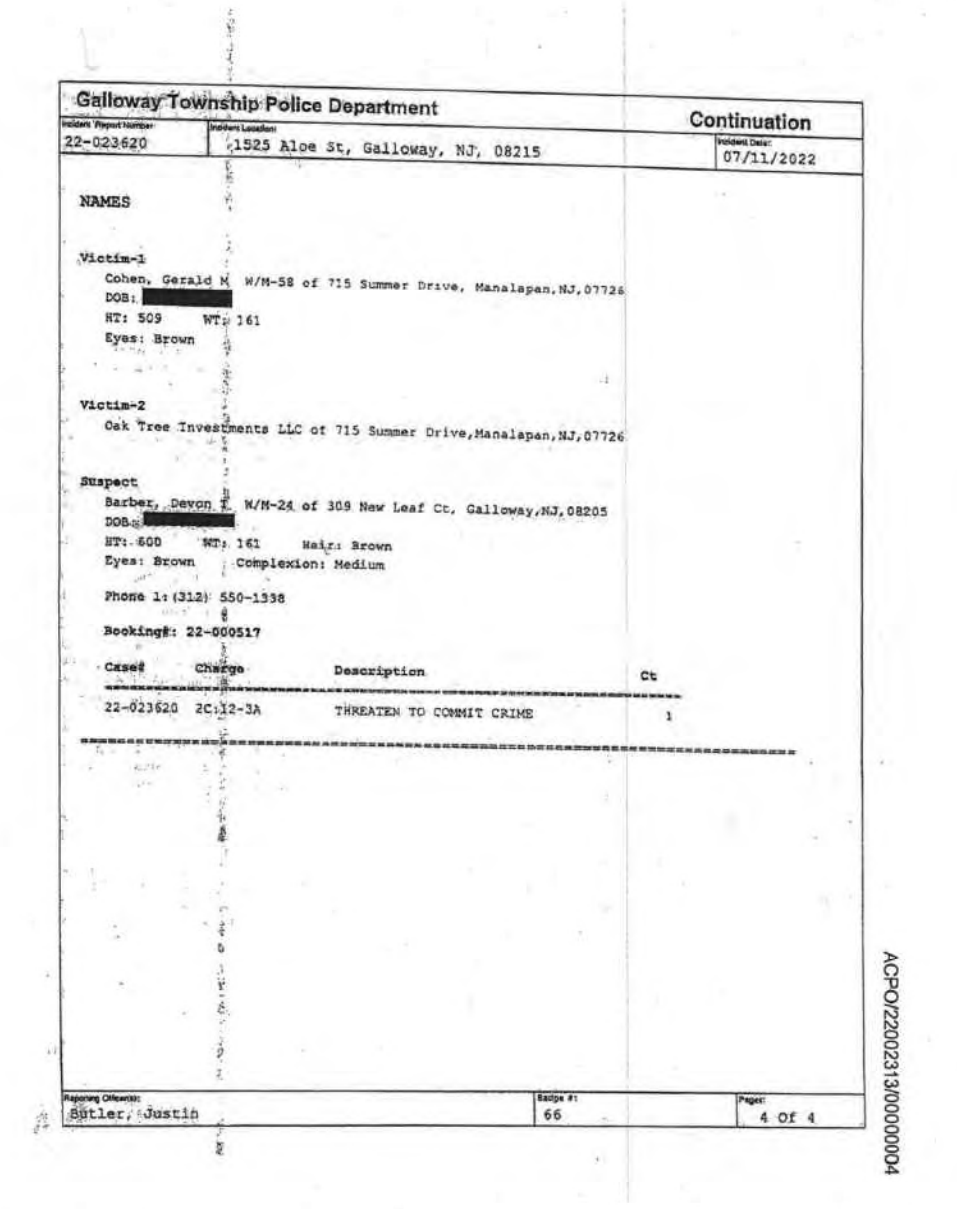
Gerald Cohen, who is the owner of the LLC, sent a copy of the State of New Jersey LLC approval and the Deed to the property of 1525 Aloe Street (See attached). Gerald may be in at a later date to sign a criminal complaint for trespassing against Devon.

*All referenced attachments were attached in the ProPhoenix Case Attachments tab. The following paperwork was sent to records: Warrant W2022-002993, Summons S2022-002991, Supplementary BIAS Incident Offense Report, voluntary statement, VNF and complaint advisement form for Hardemon (Senior,) voluntary statement form and complaint advisement form for Mr. Hardemon (Junior.) Fingerprint cards, cover pages of the Criminal History and III printouts.

NFA.

Reporting Officer(s):	Badge #:	Pages:
Butler, Justin	66	3 Of 4

ACPO/2200213/00000003



Galloway Township Police Department — Continuation

Incident / Report Number:	Incident Location:	Incident Date:
22-023620	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

NAMES

Victim-1
Cohen, Gerald M W/M-58 of 715 Summer Drive, Manalapan,NJ,07726
DOB: [redacted]
HT: 509 WT: 161
Eyes: Brown

Victim-2
Oak Tree Investments LLC of 715 Summer Drive,Manalapan,NJ,07726

Suspect
Barber, Devon T W/M-24 of 309 New Leaf Ct, Galloway,NJ,08205
DOB: [redacted]
HT: 600 WT: 161 Hair: Brown
Eyes: Brown Complexion: Medium

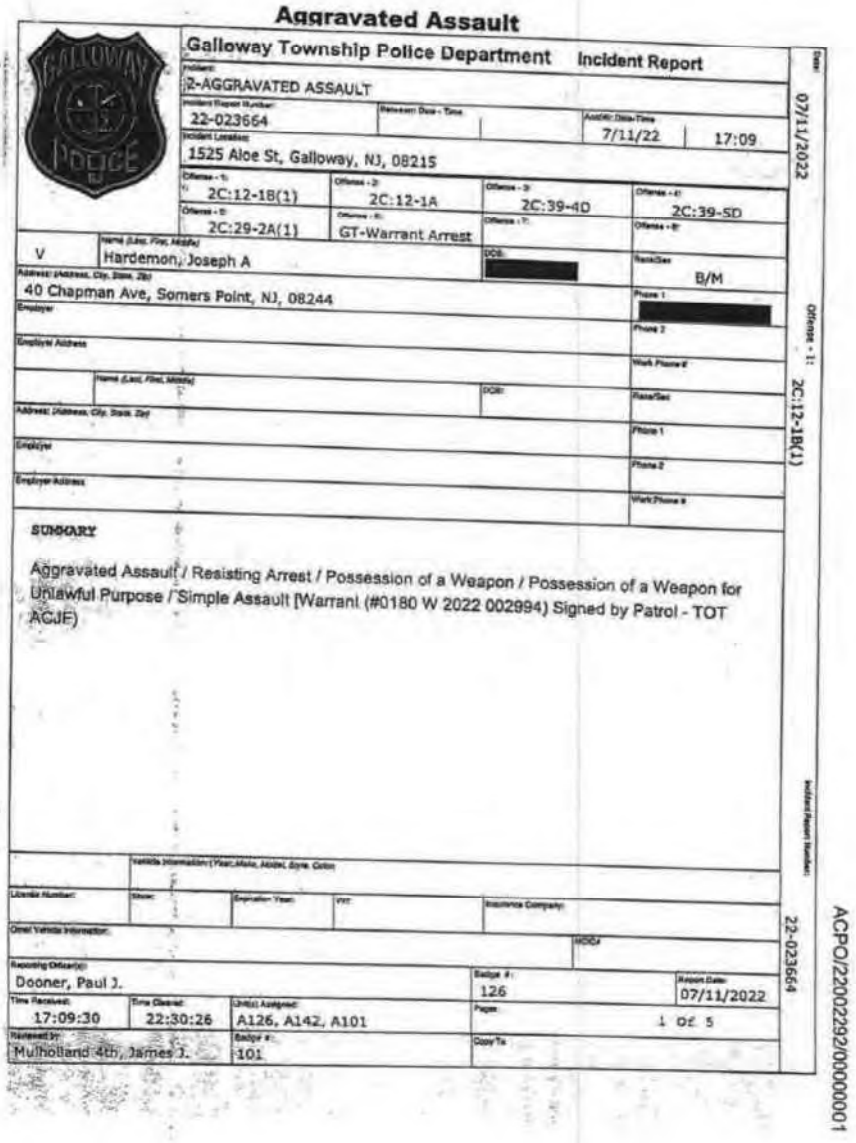
Phone 1: (312) 550-1338

Booking#: 22-000517

Case#	Charge	Description	Ct
22-023620	2C:12-3A	THREATEN TO COMMIT CRIME	1

Reporting Officer(s):	Badge #:	Page:
Butler, Justin	66	4 Of 4

ACPO/2200231/0000004



Aggravated Assault

Galloway Township Police Department Incident Report

Date: 07/11/2022

Incident: 2-AGGRAVATED ASSAULT

Incident Report Number: 22-023664

Date/Time Reported: 7/11/22 17:09

Incident Location: 1525 Aloe St, Galloway, NJ, 08215

Offense - 1: 2C:12-1B(1)
Offense - 2: 2C:12-1A
Offense - 3: 2C:39-4D
Offense - 4: 2C:39-5D
Offense - 5: 2C:29-2A(1)
Offense - 6: GT-Warrant Arrest

Offense - 1: 2C:12-1B(1)

V | Name (Last, First, Middle): Hardemon, Joseph A | DOB: [redacted] | Race/Sex: B/M

Address: (Address, City, State, Zip): 40 Chapman Ave, Somers Point, NJ, 08244

Phone 1: [redacted]

Employer:
Employer Address:
Phone 2:
Work Phone #:

Name (Last, First, Middle):
DOB:
Race/Sex:
Address: (Address, City, State, Zip):
Phone 1:
Employer:
Phone 2:
Employer Address:
Work Phone #:

SUMMARY

Aggravated Assault / Resisting Arrest / Possession of a Weapon / Possession of a Weapon for Unlawful Purpose / Simple Assault [Warrant (#0180 W 2022 002994) Signed by Patrol - TOT ACJF)

Vehicle Information (Year, Make, Model, Style, Color):
License Number:
State:
Expiration Year:
VIN:
Insurance Company:
Other Vehicle Information:
HOA?

Incident/Report Number: 22-023664

Reporting Officer(s): Dooner, Paul J.
Badge #: 126
Report Date: 07/11/2022
Time Received: 17:09:30
Time Cleared: 22:30:26
Unit(s) Assigned: A126, A142, A101
Pages: 1 of 5
Reviewed by: Mulholland 4th, James J.
Badge #: 101
Days To:

ACPO/2200229/00000001

Galloway Township Police Department — **Continuation**

Incident/ Report Number	Incident Location	Incident Date
22-023664	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

NARRATIVE

On 07/11/2022, at approximately 1709 hours, I responded to 1525 Aloe Avenue for a disturbance involving Devon Barber reportedly attacking Joseph Hardemon with an unknown weapon. Upon my arrival, I observed several males and Devon in the driveway. Devon was holding a crow bar in his left hand. It was also brought to my attention that Devon had an active warrant (#0180 W 2022 002993) for his arrest stemming from earlier in the day with Devon and Joseph. Please refer to Ofc. Butler's #66 Incident Report (Case # 22-023620) in reference to that incident.

When I exited my vehicle, I ordered Devon to drop the crowbar and he complied by dropping it to the ground. I approached Devon to pat him down for additional weapons which came up negative. At this point, I grabbed both of Devon's hands and attempted to place him in handcuffs by asking him to interlock his fingers. Devon tensed up his arms and began pulling his hands away from me while stating, "I'm not going no where brother." Devon asked why he was the one being arrested because he was the "victim." I utilized a compliance hold by grabbing both of his hands in order to place him in custody. Devon began actively resisting by pulling his arms away from me and trying to walk away. I attempted to stop Devon's momentum by sweeping Devon's legs out utilizing a right leg strike. However, Devon dropped his hands down, breaking my grip and began running away from me. I was able to grab ahold of Devon a short while later and was able to place him into custody (DLC) without further incident. Devon was escorted to my patrol vehicle and seat-belted in the rear.

The victim, Joseph Hardemon, was at the residence doing home renovations. Joseph advised that when Devon arrived at the residence, he exited the vehicle and approached the group of males holding the crowbar. Joseph advised Devon dropped the crowbar, walked up to him and punched him the the face causing redness and swelling on the right side of his face. Joseph then fell back losing his balance from the punch and fell to the ground injuring his right foot possibly breaking it. Joseph advised Devon picked up the crowbar again and began running around the house waving the crowbar around in the air in a threatening manner around the witnesses. At this point, Joseph advised I arrived as he came back around the house. Joseph also advised he observed two exotic spiders which he let out into the wild because he was scared if they were venomous and didn't want them in the residence. He at first denied EMS to check out his foot advising he would go on his own. After looking at it, I observed his foot to be very red and swollen, and he was unable to walk around anymore or put any pressure on his ankle. Devon believed he may have broke his foot or ankle in the altercation. EMS arrived on scene and transported Devon to AtlantiCare Mainland Division.

Joshua Hardemon advised that Devon was acting "crazy" and was waving around the crowbar like a maniac. Joshua's statement corroborated Joseph's account about the incident. There were several other subjects on scene that witnessed the incident but did not wish to provide their information.

Devon was transported to police headquarters for processing. Photographs and fingerprints were taken (also for Case #22-023620). Devon's charges were prepared on a warrant (#0180 W 2022 002994) which were approved by ACPO Santoliquido and JMC H. Freed. Devon was transported to

Reporting Officer(s)	Badge #:	Pages:
Dooner, Paul J.	126	2 Of 5

ACPO/220022992/00000002

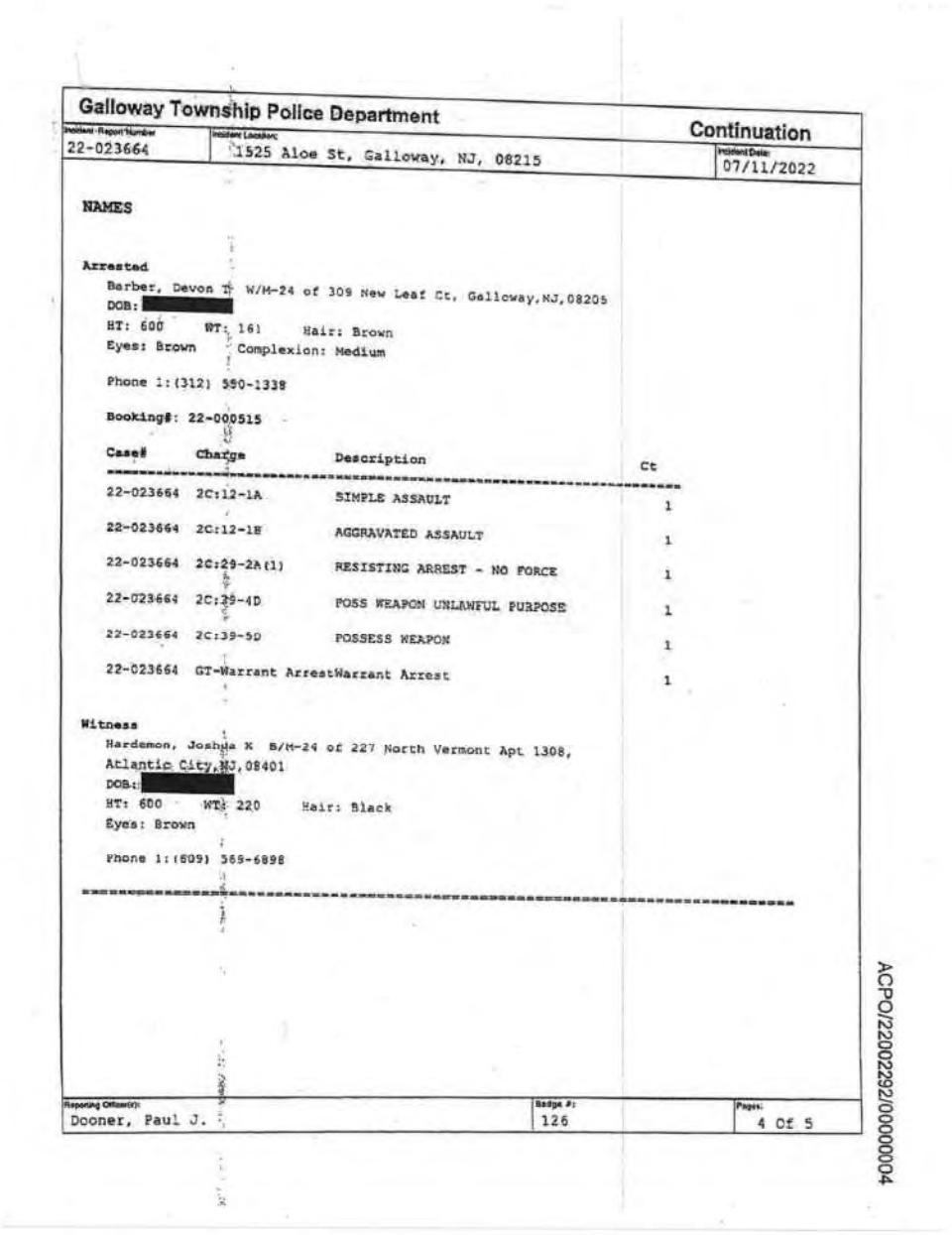
Galloway Township Police Department — **Continuation**

Incident Report Number	Incident Location	Incident Date
22-023664	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

ACJF by Ofc. Estrella #142 and lodged on warrants #0180 W 2022 002994 and #0180 W 2022 003006 out of our jurisdiction. Use of Force was completed on Benchmark (UOF #22-7-36). An Audio / Video request was completed. Photographs of the victim's injuries and weapon were burned onto a CD and dropped into evidence. Stanley Handyman Crowbar was dropped into evidence locker 4. VNF was completed. NFA.

Reporting Officer(s):	Badge #:	Pages:
Dooner, Paul J.	126	3 Of 5

ACPO/22002292/00000003



Galloway Township Police Department — Continuation

Incident - Report Number	Incident Location	Incident Date
22-023664	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

NAMES

Arrested

Barber, Devon T W/M-24 of 309 New Leaf Ct, Galloway,NJ,08205
DOB: [redacted]
HT: 600 WT: 161 Hair: Brown
Eyes: Brown Complexion: Medium

Phone 1:(312) 590-1338

Booking#: 22-000515

Case#	Charge	Description	Ct
22-023664	2C:12-1A	SIMPLE ASSAULT	1
22-023664	2C:12-1B	AGGRAVATED ASSAULT	1
22-023664	2C:29-2A(1)	RESISTING ARREST - NO FORCE	1
22-023664	2C:39-4D	POSS WEAPON UNLAWFUL PURPOSE	1
22-023664	2C:39-5D	POSSESS WEAPON	1
22-023664	GT-Warrant Arrest	Warrant Arrest	1

Witness

Hardemon, Joshua K B/M-24 of 227 North Vermont Apt 1308, Atlantic City,NJ,08401
DOB: [redacted]
HT: 600 WT: 220 Hair: Black
Eyes: Brown

Phone 1:(609) 569-6898

Reporting Officer(s):	Badge #:	Pages:
Dooner, Paul J.	126	4 Of 5

ACPO/2200292/00000004

Galloway Township Police Department — Continuation

Incident, Report Number	Incident Location	Incident Date
22-023664	1525 Aloe St, Galloway, NJ, 08215	07/11/2022

PROPERTY LIST

Item#	Type	Reason
22-002195 - 1	Article	Evidence

Description: Stanley Handyman Metallic Crowbar
Brand: Stanley Handyman
Quan/Value: 1.000 / $1.00
Disposition: Sent To Property Room

Recovered Location: **300 E Jimmie Leeds Rd,1**
Recovered Date: **07/12/22 07:57**

Item#	Type	Reason
22-002208 - 1	Article	Evidence

Description: CD containing victim injuries
Quan/Value: 1.000 / $0.00
Disposition: Sent To Property Room

Recovered Location: **300 E Jimmie Leeds Rd,1**
Recovered Date: **07/12/22 07:59**

Item#	Type	Reason
22-002209 - 1	Article	Evidence

Description: CD containing photographs of weapon (crowbar)
Quan/Value: 1.000 / $0.00
Disposition: Sent To Property Room

Reporting Officer(s):	Badge #:	Pages:
Dooner, Paul J.	126	5 Of 5

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