

**DEVON TYLER BARBER**

Plaintiff, Pro Se

**Via JEDS and Electronic Mail**

**Date:** December 12, 2025

Clerk of the Superior Court  
Superior Court of New Jersey  
Law Division – Civil Part, Atlantic County

**Re: Barber v. Hamilton Township Police Department, et al., Docket No. ATL-L-003252-25**

Dear Clerk of the Court:

Please accept the enclosed documents for filing in the above-captioned matter. Plaintiff submits these materials via the Judiciary Electronic Document Submission (JEDS) system in accordance with the New Jersey Court Rules. Enclosed for filing are the following:

1. **Verified Supplemental Application for Declaratory and Interim Relief Regarding MVC License Suspension and Derivative Enforcement;**
2. **Proposed Order Granting Interim Declaratory and Equitable Relief;**
3. **Certification of Service;** and
4. **Selected filings from the South Bound Brook Municipal Court proceeding (E20-1586), including Plaintiff's Motion to Vacate Plea and Proof of Service, submitted solely for contextual and evidentiary purposes.**

The South Bound Brook materials are **not submitted for adjudication, review, or relief by this Court**. They are included only to demonstrate that Plaintiff **timely and actively contested the municipal guilty plea on due-process grounds both before and after the MVC license suspension issued**, and that the suspension and subsequent enforcement actions occurred while the plea was under formal constitutional challenge.

This submission seeks **interim and equitable relief only**, narrowly tailored to address ongoing and irreparable harm arising from continued reliance on a challenged MVC suspension and derivative enforcement actions occurring within Atlantic County. Plaintiff does not seek appellate review, reversal, or modification of any municipal judgment, but only equitable restraint of collateral enforcement pending resolution of the due-process challenge in the proper forum.

Service of the enclosed materials has been effected electronically in good faith, as reflected in the accompanying Certification of Service. Plaintiff respectfully requests that the Court accept these filings for docketing and take such action as it deems appropriate. Thank you for your attention to this matter.

Respectfully submitted,  
/s/ **Devon Tyler Barber**

**Devon Tyler Barber**

Plaintiff, Pro Se 3536 Pacific Avenue, Apt. A5, Atlantic City, NJ 08401  
(609) 862-8808 | [dTb33@PM.Me](mailto:dTb33@PM.Me)

**DEVON TYLER BARBER**, *Plaintiff, Pro Se*  
 3536 Pacific Ave., A5  
 Atlantic City, NJ 08401  
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**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION – CIVIL PART**  
**ATLANTIC COUNTY**

**DEVON TYLER BARBER**,

*Plaintiff*,

v.

**HAMILTON TOWNSHIP POLICE  
 DEPARTMENT, DIRKES AUTO LLC,  
 D/B/A DIRKES USED AUTO PARTS, AND  
 ANY OTHER CUSTODIANS OF THE  
 VEHICLE,**

DEFENDANTS.

Docket No.: **ATL-L-003252-25**

**Civil Action**

**VERIFIED SUPPLEMENTAL  
 APPLICATION FOR**

**DECLARATORY AND INTERIM RELIEF  
 REGARDING**

**MVC LICENSE SUSPENSION AND  
 DERIVATIVE ENFORCEMENT**

**PRELIMINARY STATEMENT**

This **Verified Supplemental Application** is submitted to address a narrow but dispositive issue now central to this action: whether Defendants may lawfully continue to rely on a New Jersey Motor Vehicle Commission (“MVC”) driver’s license suspension that arose from an uncounseled municipal guilty plea entered without understanding its collateral consequences and without effective notice, and to prevent ongoing **irreparable harm** resulting from derivative enforcement actions in Atlantic County.

Plaintiff is not asking this Court to retry or review the merits of the underlying offense. Rather, Plaintiff seeks declaratory and interim equitable relief establishing that the suspension lacked procedural due process and therefore could not lawfully serve as the predicate for the November 29, 2025 stop, arrest, and impoundment of Plaintiff’s vehicle in Atlantic County.

Because the suspension is **constitutionally infirm**, the downstream enforcement actions that relied upon it are *tainted* and must be **enjoined** pending proper adjudication. Plaintiff expressly **does not waive** any suppression, dismissal, or jurisdictional arguments by submitting this **notice**.

## FACTUAL BACKGROUND (SUPPLEMENTAL)

1. In September 2025, Plaintiff entered a guilty plea in a remote municipal proceeding arising from a 2020 traffic summons.
2. At the time of the plea, Plaintiff was indigent, housing-unstable, and unrepresented by counsel.
3. Plaintiff did not understand, and was not advised in a meaningful way, that the plea would result in a **180-day driver's license suspension** by the MVC.
4. On or about October 13, 2025, the MVC issued a suspension notice to a mailing address Plaintiff could not reliably access due to housing and financial instability.
5. Plaintiff learned of the suspension only after retrieving delayed mail and **promptly filed a Motion to Vacate Plea**, asserting involuntariness and lack of understanding of plea consequences.
6. Despite the pendency of that constitutional challenge, the MVC continued to treat the suspension as final and enforceable.
7. On November 29, 2025, Hamilton Township officers relied upon the suspension as a basis for arrest and ordered Plaintiff's vehicle impounded in Atlantic County.
8. Prior to initiating the stop, Officer Ruiz observed Plaintiff's vehicle while it was parked at the Wawa convenience store. Several of the alleged non-moving motor-vehicle violations later cited were **readily** observable at that time, yet no stop or enforcement action was initiated while Plaintiff was parked.
9. Officer Ruiz then departed the Wawa location by making a left turn. After observing the officer leave and without anticipating further interaction, Plaintiff briefly entered the Wawa to purchase food.
10. Upon exiting the Wawa, Plaintiff proceeded by making a right turn toward the Budget Inn, where he had recently been placed following a prolonged period of homelessness during which he had lived out of his vehicle. Despite having previously departed in the opposite direction, Officer Ruiz later reappeared and positioned himself behind Plaintiff's vehicle.
11. Officer Ruiz followed Plaintiff for a period of time and did not initiate a stop at multiple available and safer locations, including prior to the highway on-ramp. Instead, emergency lights were activated immediately before the on-ramp, directing Plaintiff to stop in a location that placed the vehicle in a **discretionary** tow area.

12. Plaintiff asked whether he should continue forward to a safer and more appropriate stopping location. Officer Ruiz expressly declined and directed Plaintiff to remain where he was, notwithstanding the **availability of less restrictive alternatives**.
13. The impoundment deprived Plaintiff of transportation, temporary shelter, access to essential work tools, and the ability to obtain employment or client work through his **New Jersey**-licensed and surety-bonded home-improvement business, *Tillerstead, LLC*. As a direct result of the seizure, Plaintiff has been unable to generate income necessary to reinstate insurance coverage and stabilize his business operations in good-faith compliance with licensing and applicable regulatory insurance requirements, causing ongoing and irreparable harm not compensable by later monetary relief.

This Supplemental Application is brought solely to address ongoing enforcement and irreparable harm arising in Atlantic County and does not seek appellate review of any municipal disposition. Plaintiff seeks no review, reversal, or modification of the municipal judgment itself, but only equitable restraint of collateral enforcement causing ongoing harm within this Court's jurisdiction.

## **LEGAL ARGUMENT**

### **I. THE MVC SUSPENSION WAS IMPOSED WITHOUT DUE PROCESS**

A driver's license is a protected interest under both the United States and New Jersey Constitutions. Due process requires notice reasonably calculated to reach the affected individual and a meaningful opportunity to be heard before deprivation.

Here, the suspension flowed from a guilty plea entered without counsel and without understanding its collateral consequences. Plaintiff's lack of comprehension, coupled with ineffective notice due to housing instability, renders the suspension procedurally defective.

### **II. A SUSPENSION BASED ON A CONSTITUTIONALLY INFIRM PLEA MAY NOT BE USED AS A BASIS FOR LAW ENFORCEMENT ACTION**

Once a guilty plea is challenged as involuntary and constitutionally defective, the resulting conviction lacks the finality necessary to support collateral enforcement. Continued reliance on such a suspension offends principles of fundamental fairness.

Law enforcement may not bootstrap downstream seizures and penalties onto an administrative action that itself rests on a defective foundation. Continued retention of Plaintiff's vehicle compounds the constitutional injury by preventing access to employment, housing stability, and compliance with court obligations.

Given the magnitude of the consequences flowing from the challenged plea and suspension — including arrest, seizure of property, and continued deprivation of transportation and liberty — fundamental fairness requires that no further proceedings relying on that plea or suspension occur without the assistance of counsel. Proceeding otherwise compounds the due-process injury already alleged.

### **III. DERIVATIVE ENFORCEMENT IN ATLANTIC COUNTY IS TAINTED AND SUBJECT TO EQUITABLE RELIEF**

The arrest, vehicle seizure, and continued impoundment were all causally dependent on the challenged suspension. Where the administrative predicate is constitutionally infirm, derivative enforcement actions are unlawful and subject to injunctive and declaratory relief. At no point prior to the seizure did officers articulate any independent traffic violation, unsafe operation, or public-safety concern; the stop and ensuing enforcement were premised on Plaintiff's purported license status.

Plaintiff did not engage in violence, threats, or conduct posing any danger to the public. Any physical resistance occurred only after officers directed Plaintiff to exit his vehicle **without stating that he was under arrest**, in freezing conditions, and while Plaintiff was attempting to communicate lawful, less restrictive alternatives to vehicle impoundment in light of his indigent status, emergency assistance program, and imminent housing placement scheduled to begin on December 1, 2025, and before any lawful arrest was announced or explained to Plaintiff.

**No community-caretaking necessity justified impoundment. Plaintiff's vehicle was operable, lawfully parked, and posed no hazard, and Plaintiff requested reasonable alternatives consistent with his indigent status and imminent housing placement.**

Plaintiff's resistance was situational and communicative in nature, not criminal or disorderly. The escalation of the encounter resulted from law enforcement's decision to employ physical

force and authority to resolve a civil licensing issue, rather than from any underlying criminal intent or public-safety threat posed by Plaintiff.

The alleged lack of insurance was not observable prior to the stop and was discovered, if at all, only after the seizure had already occurred. It therefore cannot serve as an independent justification for the stop or for derivative enforcement.

This Court possesses inherent equitable authority to prevent continued deprivation of liberty and property while unresolved due-process defects are addressed.

## RELIEF REQUESTED

Plaintiff respectfully requests that this Court:

1. Declare that the MVC license suspension arising from Plaintiff's September 2025 plea may not be relied upon for enforcement purposes pending resolution of Plaintiff's due-process challenge;
2. Enjoin Defendants from enforcing or relying upon the MVC suspension **or any derivative administrative violations discovered as a result of the stop**, to justify arrest, seizure, or continued retention of Plaintiff's vehicle;
3. Order the immediate release of Plaintiff's vehicle without fees as derivative of an unconstitutional enforcement action;
4. Grant such other and further relief as justice and fundamental fairness require.

## VERIFICATION

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

Date: 12/12/2025

/s/ **Devon Tyler Barber**  
Plaintiff, Pro Se

**DEVON TYLER BARBER**, *Plaintiff, Pro Se*  
3536 Pacific Ave., A5  
Atlantic City, NJ 08401  
(609) 862-8808 | [dTb33@PM.Me](mailto:dTb33@PM.Me)

**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION, CIVIL PART**  
**ATLANTIC COUNTY**

**DEVON TYLER BARBER**,

*Plaintiff,*

v.

**NEW JERSEY MOTOR VEHICLE  
COMMISSION,**

*Defendant.*

Docket No.: **ATL-L-003252-25**

**Civil Action**

**ORDER GRANTING INTERIM  
DECLARATORY AND EQUITABLE  
RELIEF**

**THIS MATTER** having come before the Court on Plaintiff's Verified Supplemental Application for Declaratory and Interim Relief; and the Court having reviewed the submissions; and for good cause shown;

**IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2025, ORDERED as follows:**

1. **Defendants, and all persons acting in concert with them, are ENJOINED** from enforcing or relying upon Plaintiff's MVC driver's license suspension arising from the September 2025 municipal plea as a basis for arrest, seizure, or continued retention of property, **pending resolution of the due-process challenge to that plea;**
2. **For purposes of interim relief**, the November 29, 2025 vehicle impoundment is declared derivative of a procedurally infirm suspension and **may not be enforced or relied upon** pending further order of the Court;
3. Plaintiff's vehicle shall be released immediately **without payment of towing or storage fees;**
4. This Order is entered **without prejudice**, without adjudication of the ultimate merits, and solely to prevent ongoing irreparable harm.

**SO ORDERED.**

HON. \_\_\_\_\_ J.S.C.

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**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION, CIVIL PART**  
**ATLANTIC COUNTY**

**DEVON TYLER BARBER,**

*Plaintiff,*

v.

**NEW JERSEY MOTOR VEHICLE  
COMMISSION,**

*Defendant.*

Docket No.: **ATL-L-003252-25**

**Civil Action**

**CERTIFICATION OF SERVICE**

I, **Devon Tyler Barber**, certify as follows:

1. I am the Plaintiff in the above-captioned matter and submit this Certification of Service based upon my personal knowledge.
2. On **December 12, 2025**, I caused the following documents to be served in connection with this action:
  - **Verified Supplemental Application for Declaratory and Interim Relief Regarding MVC License Suspension and Derivative Enforcement;**
  - **Proposed Order Granting Interim Declaratory and Equitable Relief;**
  - **Certification of Service;** and
  - **Selected filings from the South Bound Brook Municipal Court matter (E20-1586), including Plaintiff's Motion to Vacate Plea and Dismiss Complaint and Proof of Service,** submitted solely for contextual and evidentiary purposes to demonstrate the pendency and timing of Plaintiff's due-process challenge to the underlying plea.



3. Service was effected **electronically**, in good faith and in a manner reasonably calculated to provide prompt notice, as follows:

**a. Judiciary Electronic Document Submission (JEDS):**

The above materials were filed through the Judiciary Electronic Document Submission system in Docket No. **ATL-L-003252-25**, thereby providing electronic notice to the Court and to all parties registered to receive service through the Judiciary's electronic filing system.

**b. Electronic Mail:**

On the same date, copies of the above materials were transmitted by electronic mail to counsel for Defendants and/or the appropriate municipal or agency representatives at their last known official email addresses, where such addresses were reasonably available to Plaintiff.

4. Electronic service was utilized due to the **interim and time-sensitive nature of the relief requested**, the ongoing deprivation of Plaintiff's property and transportation, and Plaintiff's good-faith effort to ensure timely notice to all interested parties.
5. Plaintiff is not aware of any prejudice to any party arising from the method of service. This Certification is submitted in furtherance of fairness, transparency, and compliance with the New Jersey Court Rules.

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

Date: **December 12<sup>th</sup>, 2025**

/s/ **Devon Tyler Barber**  
**Devon Tyler Barber**  
Plaintiff, Pro Se  
3536 Pacific Ave., A5  
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(609) 862-8808 | [dTb33@PM.Me](mailto:dTb33@PM.Me)

**DEVON T. BARBER, Pro Se Defendant**  
c/o 325 E. Jimmie Leeds Road, Suite 7 #333  
Galloway, New Jersey 08205-8205  
(609) 665-9350 • [DTB33@ProtonMail.com](mailto:DTB33@ProtonMail.com)

## MUNICIPAL COURT OF NEW JERSEY

**BOROUGH OF SOUTH BOUND BROOK**  
**Somerset County, State of New Jersey**

**STATE OF NEW JERSEY,** Plaintiff

v.

**DEVON T. BARBER,** Defendant

**Docket / Prefix–Number:** E20 1586

**Alleged Offense:** N.J.S.A. 39:4-67 —  
Obstructing Passage of Other Vehicles

### **MOTION TO VACATE PLEA AND DISMISS COMPLAINT**

*R. 7:6-2(b) / State v. Slater, 198 N.J. 145 (2009)*

**TO:** The Honorable J.M.C.  
South Bound Brook Municipal Court  
2 Main Street, Suite 101  
South Bound Brook, NJ 08880

### **PLEASE TAKE NOTICE**

That the undersigned, **Devon T. Barber**, appearing *pro se*, respectfully moves this Court, pursuant to **Rule 7:6-2(b)** and controlling precedent, for an Order **vacating the guilty plea entered in 2025** and **dismissing the underlying complaint** on grounds of **involuntariness, excessive delay, and fundamental unfairness** arising from years of misunderstanding, hardship, and lack of counsel.

### **STATEMENT OF FACTS**

A. The summons for **N.J.S.A. 39:4-67** (“Obstructing Passage of Other Vehicles”) was issued on **November 25, 2020**.

18 B. After that citation, **no proceedings occurred for almost five years**. During that time I  
19 experienced housing instability and, at points, State custody on unrelated matters.  
20 Although the municipal court apparently sent notices, I did **not understand that I**  
21 **remained obligated to appear** and believed the matter had been resolved elsewhere.  
22 Any delay therefore stemmed from **misunderstanding and lack of effective notice**, not  
23 from willful evasion.

24 C. When the case was revived in **2025**, I was **indigent, homeless, and without counsel**.  
25 Seeking closure and relief from stress, I entered a guilty plea under economic and  
26 emotional duress.

27 D. During the remote hearing I stated that I **did not recall this ticket** and **did not recall**  
28 **ever driving a Jeep**. In hindsight, the vehicle likely belonged to my former girlfriend; if  
29 I operated it, it was **only at her request and for safety reasons**.

30 E. Any operation was **unintentional** and not undertaken with knowledge of any license  
31 restriction. Immediately after the plea, the MVC imposed a **180-day suspension**, creating  
32 severe hardship after years of procedural confusion.

## 33 **ARGUMENT**

### 34 **I. THE PLEA WAS NOT KNOWING, INTELLIGENT, OR VOLUNTARY.**

35 Under **R. 7:6-2(b)** and *State v. Slater*, 198 N.J. 145 (2009), a plea may be withdrawn when  
36 acceptance would result in injustice. I was unrepresented, homeless, and under emotional duress.  
37 No inquiry established my understanding of the charge, my right to counsel, or the collateral  
38 MVC consequences.

39 A plea entered by an indigent, unsheltered defendant after years of uncertainty cannot satisfy  
40 constitutional voluntariness. See *Rodriguez v. Rosenblatt*, 58 N.J. 281 (1971) (right to counsel in  
41 municipal proceedings involving consequences of magnitude).

42 **II. DELAY AND MUTUAL MISUNDERSTANDING MADE FAIR ADJUDICATION**  
43 **IMPOSSIBLE.**

44 Courts apply **Barker v. Wingo**, 407 U.S. 514 (1972), balancing (1) length, (2) reason, (3)  
45 assertion, and (4) prejudice. Even where a defendant shares partial responsibility, dismissal or  
46 vacatur may be required if the delay undermines justice. See *State v. Cahill*, 213 N.J. 253 (2013);  
47 *State v. Tsetsekas*, 411 N.J. Super. 1 (App. Div. 2009).

48 Here, nearly **five years** passed before resolution. While confusion and instability contributed, the  
49 cumulative delay destroyed evidentiary reliability: memories faded, witnesses dispersed, and  
50 records are gone. The MVC's late suspension compounds this prejudice. Under *Barker* and  
51 *Cahill*, further enforcement would offend due process and fundamental fairness.

52 **III. LACK OF COUNSEL AND INEFFECTIVE NOTICE VIOLATED DUE PROCESS.**

53 Because I was intermittently homeless and later incarcerated, ordinary mail notice was  
54 ineffective. The court did not determine whether I qualified for public defense, contrary to  
55 *Rodriguez v. Rosenblatt*, 58 N.J. 281 (1971). Without counsel or comprehension of collateral  
56 consequences, the plea cannot stand under **R. 7:6-2(b)**.

57 **IV. FUNDAMENTAL FAIRNESS REQUIRES VACATUR OR DISMISSAL.**

58 Article I, ¶ 1 of the New Jersey Constitution ensures fairness and equity in all governmental  
59 action. Punishing a defendant years later—after confusion, hardship, and uncounseled plea—  
60 “shocks the conscience.” *In re Suspension of Heller*, 73 N.J. 292 (1977).

61 Whether labeled vacatur or dismissal, corrective relief is necessary to restore integrity to the  
62 process.

## RELIEF REQUESTED

Defendant respectfully requests that this Court:

1. Vacate the guilty plea entered in 2025;
2. Dismiss the complaint in the interests of justice due to delay, miscommunication, and lack of due process; or, in the alternative, restore the matter to the calendar with assignment of counsel;
3. Direct the Clerk to notify the MVC that the conviction is vacated so no suspension issues; and
4. Grant such other relief as the Court deems just and equitable.

## CERTIFICATION OF TRUTH AND SERVICE

I, **Devon T. Barber**, 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.

A true copy of this motion has been submitted to the South Bound Brook Municipal Court via **JEDS** and **email** on **October 22, 2025**.

**Respectfully submitted,**

**/s/ Devon T. Barber**  
**Devon Tyler Barber, Pro Se Defendant**  
325 E. Jimmie Leeds Rd., Suite 7-333  
Galloway, NJ 08205  
(609) 665-9350 | [DTB33@ProtonMail.com](mailto:DTB33@ProtonMail.com)  
Date: October 22, 2025

# MUNICIPAL COURT OF NEW JERSEY

**BOROUGH OF SOUTH BOUND BROOK**  
**Somerset County, State of New Jersey**

**STATE OF NEW JERSEY,** Plaintiff

v.

**DEVON T. BARBER,** Defendant

**Docket / Prefix–Number: E20 1586**  
**[PROPOSED] ORDER VACATING**  
**PLEA AND DISMISSING**  
**COMPLAINT**

This matter having been opened to the Court on the motion of **Devon T. Barber**, appearing *pro se*, to vacate his guilty plea pursuant to **R. 7:6-2(b)** and *State v. Slater*, 198 N.J. 145 (2009), and the Court having considered the papers submitted and for good cause shown;

**IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2025, ORDERED that:**

1. Defendant’s motion is **GRANTED**.
2. The guilty plea entered in 2025 to N.J.S.A. 39:4-67 is **VACATED**.
3. The complaint is **DISMISSED** [ ] with prejudice [ ] without prejudice (Court to select).
4. The Court Administrator shall promptly notify the **New Jersey Motor Vehicle Commission** so that no suspension or collateral consequence continues based on the vacated plea.
5. Alternatively, if dismissal is not granted, the matter is **restored to the calendar**, Defendant is advised of his right to counsel, and if indigent, counsel shall be appointed. A new plea/trial date shall be set on or before \_\_\_\_\_.

Hon. \_\_\_\_\_, J.M.C.

**Consented as to Form:** (for the State) \_\_\_\_\_ | **Devon T. Barber, Pro Se**

## PROPOSED FINDINGS

### Slater Factor

### Application to Defendant Barber

1. Reason for withdrawal      Plea entered amid homelessness, confusion, and without counsel.
2. Existence of defense      No recollection of incident; possible driving was unintentional and for safety.
3. Prejudice to State      Minimal; delay was mutual and evidence now unreliable.
4. Defendant's status      Indigent and unrepresented — equitable basis for relief.

### Delay / Due-Process Findings (*Barker/Cahill*)

- Length: ≈5 years (heavy weight).
  - Reason: Mutual misunderstanding and State inaction.
  - Assertion: Defendant acted promptly once aware of MVC consequences.
  - Prejudice: Lost evidence and ongoing license suspension.
- **Result:** Vacatur and/or dismissal required to prevent manifest injustice.

### Verified Authorities:

- *State v. Slater*, 198 N.J. 145 (2009) — four-factor plea withdrawal test.
- *Rodriguez v. Rosenblatt*, 58 N.J. 281 (1971) — right to counsel in municipal court.
- *State v. Cahill*, 213 N.J. 253 (2013) — delay dismissal standard.
- *State v. Tsetsekas*, 411 N.J. Super. 1 (App. Div. 2009) — municipal delay.
- *Barker v. Wingo*, 407 U.S. 514 (1972) — speedy-trial balancing.
- *In re Suspension of Heller*, 73 N.J. 292 (1977) — fundamental fairness.

## Motion to Vacate Plea & Dismiss – E20-1586 (Devon T. Barber) – Filed 10/22/2025 EF-3714251

From dTb33@pm.me <dTb33@pm.me>  
To Genoveva.Castaneda@sbbnj.com  
CC gcastaneda@sbbnj.com, genoveva@sbbnj.com, g.castaneda@sbbnj.com, genoveva\_c@sbbnj.com, castaneda@sbbnj.com, castaneda.genoveva@sbbnj.com, genovevacastaneda@sbbnj.com, gcastaneda@njcourts.gov, southboundbrookcourt@njcourts.gov, court@sbbnj.com, dTb33 <DTB33@ProtonMail.com>  
BCC g.castaneda@sbbnj.com, genoveva\_c@sbbnj.com, castaneda.genoveva@sbbnj.com, genovevacastaneda@sbbnj.com  
Date Wednesday, October 22nd, 2025 at 6:18 PM

**Subject:** Motion to Vacate Plea & Dismiss – E20-1586 (Devon T. Barber) – Filed 10/22/2025 EF-3714251

**To:** Genoveva.Castaneda@sbbnj.com

**Cc:** [DTB33@ProtonMail.com](mailto:DTB33@ProtonMail.com)

Dear Ms. Castaneda,

I respectfully write to confirm receipt and docketing of my **Motion to Vacate Plea and Dismiss Complaint** filed today through JEDS under Transaction ID **EF-3714251**.

- **Court:** South Bound Brook Municipal Court (Code 1819)
- **Defendant:** Devon T. Barber
- **Docket No.:** E20-1586 | **Ticket No.:** 1819-E20-001586
- **Offense:** N.J.S.A. 39:4-67 – Obstructing Passage of Other Vehicles
- **Filing Date:** October 22, 2025

Attached is the complete PDF (*E20-1586 Motion to Vacate Plea and Dismiss Complaint (10-22-2025).pdf*), including the motion, certification, and proposed order pursuant to **R. 7:6-2(b)** and *State v. Slater*, 198 N.J. 145 (2009).

Kindly confirm that the motion has been logged and will be reviewed or scheduled for hearing.

If the municipal prosecutor requires direct service, please allow substitute service via JEDS or email to forward a courtesy copy or advise of the proper address.

Due to current indigence and housing instability, I respectfully request permission to appear by telephone or video if a hearing is set.

Thank you for your time and assistance.

Respectfully,

**/s/ Devon T. Barber**

Devon Tyler Barber, Pro Se Defendant



12/12/25, 8:18 AM

(172) All mail | dTb33@pm.me | Proton Mail

325 E. Jimmie Leeds Rd., Ste 7-333 • Galloway, NJ 08205

(609) 665-9350 • [DTB33@ProtonMail.com](mailto:DTB33@ProtonMail.com)

**Attachment:** E20-1586 Motion to Vacate Plea and Dismiss Complaint (10-22-2025).pdf

Sent with [Proton Mail](#) secure email.

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**302.74 KB** 1 file attached

E20 1586 Motion to Vacate Plea and Dismiss Complaint.pdf 302.74 KB

# Notice of Withdrawal of Plea and Motion to Dismiss

Municipal Court of South Bound Brook, New Jersey

Defendant: Devon Tyler Barber

Ticket Number: E20 001586

Court Code: 1819

Charge: N.J.S.A. 39:4-88 (Traffic on Marked Lanes)

Alleged Offense Date: November 25, 2020

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## NOTICE OF WITHDRAWAL OF PLEA AND MOTION TO DISMISS TO THE HONORABLE JUDGE OF THE SOUTH BOUND BROOK MUNICIPAL COURT:

I, **Devon Tyler Barber**, appear specially and without waiving any rights, and hereby give formal notice that I withdraw any plea previously entered online in this matter. Said plea was not voluntary but made under duress, solely to avoid immediate harm to my ability to work and maintain my license. Pursuant to **Rule 7:6-2**, withdrawal of a plea prior to sentencing is a matter of right, and I hereby exercise that right.

I further move this Court to dismiss the above-captioned matter **with prejudice** for lack of timely prosecution and violation of my constitutional rights. The record shows that:

- The alleged offense occurred on **November 25, 2020**;
- Nearly **five years have elapsed** without prosecution or timely resolution;
- This delay is **excessive, unreasonable, and prejudicial**, in direct violation of my rights under both the **New Jersey Constitution** and the **United States Constitution**;
- The delay has caused actual prejudice, as I can no longer reasonably recall facts, secure evidence, or obtain testimony necessary for a fair defense.

The **New Jersey Supreme Court** has confirmed that excessive prosecutorial delay violates due process. In *State v. Cahill*, 213 N.J. 253 (2013), the Court held that unreasonable delay undermines the integrity of judicial proceedings. Applying the factors set forth in *Barker v. Wingo*, 407 U.S. 514 (1972), dismissal is warranted here: **nearly five years have passed**,

the State has provided **no valid justification**, I have consistently asserted my rights, and prejudice is undeniable. Likewise, in *State v. Farrell*, 320 N.J. Super. 425 (App. Div. 1999), dismissal was ordered where delays impaired the defendant's ability to present a fair defense.

In addition, **no lawful service of process has ever been effected in this matter**. Rule 7:2-1 requires **verifiable service** by certified delivery or officer return. **First-class mail or postal scans, even if claimed, do not meet this standard and cannot confer jurisdiction**. Without lawful service, **there is no valid cause before this Court**.

The **Supreme Court of New Jersey** has recognized that unreasonable delays in prosecution undermine the integrity of judicial proceedings and may warrant dismissal. The State had ample opportunity to proceed within a reasonable timeframe and failed to do so.

**WHEREFORE**, for the reasons set forth above, supported by **Rule 7:6-2, Rule 7:8-5(b)**, and binding precedent including *State v. Cahill*, *State v. Farrell*, and *Barker v. Wingo*, as well as the constitutional guarantees of the **New Jersey Constitution, Art. I, ¶ 1** and the **Fourteenth Amendment to the U.S. Constitution**, the Defendant demands that this Court:

1. **Acknowledge and accept** the withdrawal of any prior plea as a matter of right;
2. **Dismiss the complaint and charge with prejudice** for lack of prosecution, prejudicial delay, and absence of lawful jurisdiction due to defective service; and
3. **Grant such further relief as is just and proper** to vindicate Defendant's rights and ensure the integrity of these proceedings.

DULY PUBLISHED AND LAWFULLY NOTICED,  
/s/ Devon Tyler Barber Date: August 18, 2025

X BY: DTR All Rights Reserved  
tyler

# Notice of Withdrawal of Plea and Motion to Dismiss

Municipal Court of South Bound Brook, New Jersey

Defendant: Devon Tyler Barber

Ticket Number: E20 001586

Court Code: 1819

Charge: N.J.S.A. 39:4-88 (Traffic on Marked Lanes)

Alleged Offense Date: November 25, 2020

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## NOTICE OF WITHDRAWAL OF PLEA AND MOTION TO DISMISS TO THE HONORABLE JUDGE OF THE SOUTH BOUND BROOK MUNICIPAL COURT:

I, **Devon Tyler Barber**, appear specially and without waiving any rights, and hereby give formal notice that I withdraw any plea previously entered online in this matter. Said plea was not voluntary but made under duress, solely to avoid immediate harm to my ability to work and maintain my license. Pursuant to **Rule 7:6-2**, withdrawal of a plea prior to sentencing is a matter of right, and I hereby exercise that right.

I further move this Court to dismiss the above-captioned matter **with prejudice** for lack of timely prosecution and violation of my constitutional rights. The record shows that:

- The alleged offense occurred on **November 25, 2020**;
- Nearly **five years have elapsed** without prosecution or timely resolution;
- This delay is **excessive, unreasonable, and prejudicial**, in direct violation of my rights under both the **New Jersey Constitution** and the **United States Constitution**;
- The delay has caused actual prejudice, as I can no longer reasonably recall facts, secure evidence, or obtain testimony necessary for a fair defense.

The **New Jersey Supreme Court** has confirmed that excessive prosecutorial delay violates due process. In *State v. Cahill*, 213 N.J. 253 (2013), the Court held that unreasonable delay undermines the integrity of judicial proceedings. Applying the factors set forth in *Barker v. Wingo*, 407 U.S. 514 (1972), dismissal is warranted here: **nearly five years have passed**,

the State has provided **no valid justification**, I have consistently asserted my rights, and prejudice is undeniable. Likewise, in *State v. Farrell*, 320 N.J. Super. 425 (App. Div. 1999), dismissal was ordered where delays impaired the defendant's ability to present a fair defense.

In addition, **no lawful service of process has ever been effected in this matter**. Rule 7:2-1 requires **verifiable service** by certified delivery or officer return. **First-class mail or postal scans, even if claimed, do not meet this standard and cannot confer jurisdiction**. Without lawful service, **there is no valid cause before this Court**.

The **Supreme Court of New Jersey** has recognized that unreasonable delays in prosecution undermine the integrity of judicial proceedings and may warrant dismissal. The State had ample opportunity to proceed within a reasonable timeframe and failed to do so.

**WHEREFORE**, for the reasons set forth above, supported by **Rule 7:6-2, Rule 7:8-5(b)**, and binding precedent including *State v. Cahill*, *State v. Farrell*, and *Barker v. Wingo*, as well as the constitutional guarantees of the **New Jersey Constitution, Art. I, ¶ 1** and the **Fourteenth Amendment to the U.S. Constitution**, the Defendant demands that this Court:

1. **Acknowledge and accept** the withdrawal of any prior plea as a matter of right;
2. **Dismiss the complaint and charge with prejudice** for lack of prosecution, prejudicial delay, and absence of lawful jurisdiction due to defective service; and
3. **Grant such further relief as is just and proper** to vindicate Defendant's rights and ensure the integrity of these proceedings.

DULY PUBLISHED AND LAWFULLY NOTICED,  
/s/ Devon Tyler Barber Date: August 18, 2025

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tyler

**DEVON TYLER BARBER**, *Plaintiff, Pro Se*  
 3536 Pacific Ave., A5  
 Atlantic City, NJ 08401  
 (609) 862-8808 | [dTb33@PM.Me](mailto:dTb33@PM.Me)

**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION – CIVIL PART**  
**ATLANTIC COUNTY**

**DEVON TYLER BARBER**,

*Plaintiff,*

v.

**HAMILTON TOWNSHIP POLICE  
 DEPARTMENT, DIRKES AUTO LLC,  
 D/B/A DIRKES USED AUTO PARTS, AND  
 ANY OTHER CUSTODIANS OF THE  
 VEHICLE,**

DEFENDANTS.

Docket No.: **ATL-L-003252-25**

**Civil Action**

**VERIFIED SUPPLEMENTAL  
 APPLICATION FOR**

**DECLARATORY AND INTERIM RELIEF  
 REGARDING**

**MVC LICENSE SUSPENSION AND  
 DERIVATIVE ENFORCEMENT**

**PRELIMINARY STATEMENT**

This **Verified Supplemental Application** is submitted to address a narrow but dispositive issue now central to this action: whether Defendants may lawfully continue to rely on a New Jersey Motor Vehicle Commission (“MVC”) driver’s license suspension that arose from an uncounseled municipal guilty plea entered without understanding its collateral consequences and without effective notice, and to prevent ongoing **irreparable harm** resulting from derivative enforcement actions in Atlantic County.

Plaintiff is not asking this Court to retry or review the merits of the underlying offense. Rather, Plaintiff seeks declaratory and interim equitable relief establishing that the suspension lacked procedural due process and therefore could not lawfully serve as the predicate for the November 29, 2025 stop, arrest, and impoundment of Plaintiff’s vehicle in Atlantic County.

Because the suspension is **constitutionally infirm**, the downstream enforcement actions that relied upon it are *tainted* and must be **enjoined** pending proper adjudication. Plaintiff expressly **does not waive** any suppression, dismissal, or jurisdictional arguments by submitting this **notice**.

## FACTUAL BACKGROUND (SUPPLEMENTAL)

1. In September 2025, Plaintiff entered a guilty plea in a remote municipal proceeding arising from a 2020 traffic summons.
2. At the time of the plea, Plaintiff was indigent, housing-unstable, and unrepresented by counsel.
3. Plaintiff did not understand, and was not advised in a meaningful way, that the plea would result in a **180-day driver's license suspension** by the MVC.
4. On or about October 13, 2025, the MVC issued a suspension notice to a mailing address Plaintiff could not reliably access due to housing and financial instability.
5. Plaintiff learned of the suspension only after retrieving delayed mail and **promptly filed a Motion to Vacate Plea**, asserting involuntariness and lack of understanding of plea consequences.
6. Despite the pendency of that constitutional challenge, the MVC continued to treat the suspension as final and enforceable.
7. On November 29, 2025, Hamilton Township officers relied upon the suspension as a basis for arrest and ordered Plaintiff's vehicle impounded in Atlantic County.
8. Prior to initiating the stop, Officer Ruiz observed Plaintiff's vehicle while it was parked at the Wawa convenience store. Several of the alleged non-moving motor-vehicle violations later cited were **readily** observable at that time, yet no stop or enforcement action was initiated while Plaintiff was parked.
9. Officer Ruiz then departed the Wawa location by making a left turn. After observing the officer leave and without anticipating further interaction, Plaintiff briefly entered the Wawa to purchase food.
10. Upon exiting the Wawa, Plaintiff proceeded by making a right turn toward the Budget Inn, where he had recently been placed following a prolonged period of homelessness during which he had lived out of his vehicle. Despite having previously departed in the opposite direction, Officer Ruiz later reappeared and positioned himself behind Plaintiff's vehicle.
11. Officer Ruiz followed Plaintiff for a period of time and did not initiate a stop at multiple available and safer locations, including prior to the highway on-ramp. Instead, emergency lights were activated immediately before the on-ramp, directing Plaintiff to stop in a location that placed the vehicle in a **discretionary** tow area.

12. Plaintiff asked whether he should continue forward to a safer and more appropriate stopping location. Officer Ruiz expressly declined and directed Plaintiff to remain where he was, notwithstanding the **availability of less restrictive alternatives**.
13. The impoundment deprived Plaintiff of transportation, temporary shelter, access to essential work tools, and the ability to obtain employment or client work through his **New Jersey**-licensed and surety-bonded home-improvement business, *Tillerstead, LLC*. As a direct result of the seizure, Plaintiff has been unable to generate income necessary to reinstate insurance coverage and stabilize his business operations in good-faith compliance with licensing and applicable regulatory insurance requirements, causing ongoing and irreparable harm not compensable by later monetary relief.

This Supplemental Application is brought solely to address ongoing enforcement and irreparable harm arising in Atlantic County and does not seek appellate review of any municipal disposition. Plaintiff seeks no review, reversal, or modification of the municipal judgment itself, but only equitable restraint of collateral enforcement causing ongoing harm within this Court's jurisdiction.

## **LEGAL ARGUMENT**

### **I. THE MVC SUSPENSION WAS IMPOSED WITHOUT DUE PROCESS**

A driver's license is a protected interest under both the United States and New Jersey Constitutions. Due process requires notice reasonably calculated to reach the affected individual and a meaningful opportunity to be heard before deprivation.

Here, the suspension flowed from a guilty plea entered without counsel and without understanding its collateral consequences. Plaintiff's lack of comprehension, coupled with ineffective notice due to housing instability, renders the suspension procedurally defective.

### **II. A SUSPENSION BASED ON A CONSTITUTIONALLY INFIRM PLEA MAY NOT BE USED AS A BASIS FOR LAW ENFORCEMENT ACTION**

Once a guilty plea is challenged as involuntary and constitutionally defective, the resulting conviction lacks the finality necessary to support collateral enforcement. Continued reliance on such a suspension offends principles of fundamental fairness.



Law enforcement may not bootstrap downstream seizures and penalties onto an administrative action that itself rests on a defective foundation. Continued retention of Plaintiff's vehicle compounds the constitutional injury by preventing access to employment, housing stability, and compliance with court obligations.

Given the magnitude of the consequences flowing from the challenged plea and suspension — including arrest, seizure of property, and continued deprivation of transportation and liberty — fundamental fairness requires that no further proceedings relying on that plea or suspension occur without the assistance of counsel. Proceeding otherwise compounds the due-process injury already alleged.

### **III. DERIVATIVE ENFORCEMENT IN ATLANTIC COUNTY IS TAINTED AND SUBJECT TO EQUITABLE RELIEF**

The arrest, vehicle seizure, and continued impoundment were all causally dependent on the challenged suspension. Where the administrative predicate is constitutionally infirm, derivative enforcement actions are unlawful and subject to injunctive and declaratory relief. At no point prior to the seizure did officers articulate any independent traffic violation, unsafe operation, or public-safety concern; the stop and ensuing enforcement were premised on Plaintiff's purported license status.

Plaintiff did not engage in violence, threats, or conduct posing any danger to the public. Any physical resistance occurred only after officers directed Plaintiff to exit his vehicle **without stating that he was under arrest**, in freezing conditions, and while Plaintiff was attempting to communicate lawful, less restrictive alternatives to vehicle impoundment in light of his indigent status, emergency assistance program, and imminent housing placement scheduled to begin on December 1, 2025, and before any lawful arrest was announced or explained to Plaintiff.

**No community-caretaking necessity justified impoundment. Plaintiff's vehicle was operable, lawfully parked, and posed no hazard, and Plaintiff requested reasonable alternatives consistent with his indigent status and imminent housing placement.**

Plaintiff's resistance was situational and communicative in nature, not criminal or disorderly. The escalation of the encounter resulted from law enforcement's decision to employ physical

force and authority to resolve a civil licensing issue, rather than from any underlying criminal intent or public-safety threat posed by Plaintiff.

The alleged lack of insurance was not observable prior to the stop and was discovered, if at all, only after the seizure had already occurred. It therefore cannot serve as an independent justification for the stop or for derivative enforcement.

This Court possesses inherent equitable authority to prevent continued deprivation of liberty and property while unresolved due-process defects are addressed.

## RELIEF REQUESTED

Plaintiff respectfully requests that this Court:

1. Declare that the MVC license suspension arising from Plaintiff's September 2025 plea may not be relied upon for enforcement purposes pending resolution of Plaintiff's due-process challenge;
2. Enjoin Defendants from enforcing or relying upon the MVC suspension **or any derivative administrative violations discovered as a result of the stop**, to justify arrest, seizure, or continued retention of Plaintiff's vehicle;
3. Order the immediate release of Plaintiff's vehicle without fees as derivative of an unconstitutional enforcement action;
4. Grant such other and further relief as justice and fundamental fairness require.

## VERIFICATION

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

Date: 12/12/2025

/s/ **Devon Tyler Barber**  
Plaintiff, Pro Se

## Service of Verified Supplemental Motion – Barber v. Hamilton Township Police Department, ATL-L-003252-2

From dTb33@pm.me <dTb33@pm.me>

To HTPD.Chief@hamiltonatlnj.gov, HTPD.Records<htpd.records@hamiltonatlnj.gov>, HTPD.ia@hamiltonatlnj.gov, sales@dirkesautoparts.com, discovery\_request@aclink.org, Matthew Mills<mills\_m@acpo.org>, publicInformation@acpo.org

CC centralmunicipalcourt@aclink.org, info@tillerstead.com

Date Friday, December 12th, 2025 at 11:33 AM

Good afternoon,

Please be advised that on **December 12, 2025**, via JEDS, I will file a **Verified Supplemental Motion for Declaratory and Interim Relief** in the matter of:

**Barber v. Hamilton Township Police Department, et al.**

Docket No. **ATL-L-003252-25**

Superior Court of New Jersey, Law Division – Atlantic County

Attached for service are the following two documents:

1. **Verified Application for Declaratory and Interim Relief (with Proposed Order and Certification of Service)**; and
2. **Exhibit A – South Bound Brook Municipal Filings (Context Only)**, submitted solely to demonstrate the pendency and timing of Plaintiff's due-process challenge to the underlying municipal plea.

The South Bound Brook materials are provided **for notice and contextual purposes only** and are **not submitted for adjudication or review** by the Law Division.

This filing seeks **interim equitable relief only**, narrowly tailored to address ongoing and irreparable harm arising from continued reliance on a challenged MVC license suspension and derivative enforcement actions.

Please confirm receipt at your convenience.

Respectfully,

Devon Tyler Barber

Plaintiff, Pro Se

3536 Pacific Avenue, Apt. A5

Atlantic City, NJ 08401

(609) 862-8808

dTb33@PM.Me

Sent with [Proton Mail](#) secure email.

On Thursday, December 11th, 2025 at 9:26 AM, dTb33@pm.me <dTb33@pm.me> wrote:

Dear Counsel and Records Custodians:

Please be advised that today, **December 11, 2025**, I served the following supplemental materials in the matter *Barber v. Hamilton Township Police Department, et al.*, **Docket No. ATL-L-003252-25**:

A unified, merged PDF, titled 'AMENDED Verified Complaint with Order to Show Cause.pdf', containing the full supplemental filing is attached, along with individual PDFs of each document for clarity and reference.

1. **Supplemental Verified Submission**
2. **Supplemental Certification of Devon Tyler Barber**
3. **Proposed Supplemental Order**
4. **Certificate of Service**
5. **Cover Letter Correspondence**

These documents were also filed with the Superior Court of New Jersey, Atlantic County, through the **New Jersey eCourts JEDS system**.

Service is made consistent with **R. 1:5-3** and my accompanying Certificate of Service.

Please confirm receipt for your records.

If any additional service method is required, kindly advise.

Respectfully,

**/s/ Devon Tyler Barber**

Plaintiff, Pro Se

3536 Pacific Avenue, A5

Atlantic City, NJ 08401

(609) 862-8808

[info@tillerstead.com](mailto:info@tillerstead.com)

## POST-SCRIPT NOTICE TO MUNICIPAL PROSECUTOR

**Re: State v. Devon Tyler Barber – Notice of Superior Court Proceedings Affecting Municipal Charges**

**Municipal Court: Hamilton Township / Central Municipal Court of Atlantic County**

Dear Municipal Prosecutor:

Please accept this letter as formal notice that the legality of the **November 29, 2025 stop, seizure, and impoundment** underlying the municipal charges in *State v. Barber* is presently before the Superior Court, Law Division, under **Docket No. ATL-L-003252-25**, via a pending **Order to Show Cause with Temporary Restraints**.

The Superior Court is now examining:

- the constitutional validity of the stop;
- the absence of any 911/CAD/dispatch basis confirmed by the Atlantic County Prosecutor's Office;
- the absence of statutory authority for the impoundment;

12/12/25, 11:34 AM

Sent | dTb33@pm.me | Proton Mail

- procedural irregularities, including lack of inventory, tow authorization, or chain-of-custody; and
- the extent to which the municipal charges may be fruit of the unlawful stop and impound.

Because the outcome of the Superior Court action may materially affect or completely resolve the municipal matter, I respectfully request:

1. **A voluntary stay** of the municipal proceedings pending the Superior Court's ruling; or
2. **A conference** to discuss resolution or dismissal in the interest of justice.

Please confirm whether the State intends to proceed at this time, given the pending Law Division litigation.

Thank you for your professional courtesy and attention.

Respectfully,

**/s/ Devon Tyler Barber**

Defendant, Pro Se

Sent with [Proton Mail](#) secure email.

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**1.55 MB** 2 files attached

Verified Application for Declaratory and Interim Relief W Proposed Order and Certificate of Service.pdf 606.57 KB

Exhibit A South Bound Brook Municipal Filings Context Only.pdf 984.75 KB

**DEVON TYLER BARBER**, *Plaintiff, Pro Se*  
3536 Pacific Ave., A5  
Atlantic City, NJ 08401  
(609) 862-8808 | [dTb33@PM.Me](mailto:dTb33@PM.Me)

**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION, CIVIL PART**  
**ATLANTIC COUNTY**

**DEVON TYLER BARBER**,

*Plaintiff,*

v.

**NEW JERSEY MOTOR VEHICLE  
COMMISSION,**

*Defendant.*

Docket No.: **ATL-L-003252-25**

**Civil Action**

**ORDER GRANTING INTERIM  
DECLARATORY AND EQUITABLE  
RELIEF**

**THIS MATTER** having come before the Court on Plaintiff's Verified Supplemental Application for Declaratory and Interim Relief; and the Court having reviewed the submissions; and for good cause shown;

**IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2025, ORDERED as follows:**

1. **Defendants, and all persons acting in concert with them, are ENJOINED** from enforcing or relying upon Plaintiff's MVC driver's license suspension arising from the September 2025 municipal plea as a basis for arrest, seizure, or continued retention of property, **pending resolution of the due-process challenge to that plea;**
2. **For purposes of interim relief**, the November 29, 2025 vehicle impoundment is declared derivative of a procedurally infirm suspension and **may not be enforced or relied upon** pending further order of the Court;
3. Plaintiff's vehicle shall be released immediately **without payment of towing or storage fees;**
4. This Order is entered **without prejudice**, without adjudication of the ultimate merits, and solely to prevent ongoing irreparable harm.

**SO ORDERED.**

HON. \_\_\_\_\_ J.S.C.