

Form A**Plaintiff or Filing Attorney Information:**

Name Devon Tyler Barber, Plaintiff,
 NJ Attorney ID Number N/A – Pro Se Plaintiff
 Address c/o: 325 E. Jimmie Leeds Rd., Suite
7-333, Galloway New Jersey.
 Email Address DTB33@protonmail.com
 Telephone Number (609) 665-9350 ext.

Superior Court of New Jersey
 Law Division Atlantic County
Part

Docket No: _____
 (to be filled in by the court)

Civil Action

Complaint

Devon Tyler Barber,
 Plaintiff,
 v.

The Law Offices of John W. Tumelty,
 Defendant(s).

Plaintiff, Devon Tyler Barber, residing at: 325 E. Jimmie Leeds Rd., Ste., 7,
 City of GALLOWAY TOWNSHIP, County of Atlantic, State of New Jersey,
 complaining of defendant, states as follows:

1. On or around July 25, 2022, The Law Offices of John W. Tumelty Defendant:
 (Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)
Plaintiff retained Defendants John W. Tumelty and the Law Offices of John W. Tumelty, LLC for \$5,000 after an initial detention hearing. Plaintiff requested a second hearing with employment records, but Defendants failed to act and instead pressured a guilty plea. Plaintiff was confined 108 days, including 45 in solitary without sunlight or religious access. Defendants' malpractice and breach of duty caused a coerced conviction, loss of liberty, rescission of Stockton University admission, and reputational, emotional, and spiritual harm.

The defendant in this action resides at:

539 Route US 9 S., Marmora, NJ 08223-1258, in the county of
Cape May, State of New Jersey.

2. Plaintiff is entitled to relief from defendant under the above facts.
3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)
 1. Loss of Liberty and Dignity: Plaintiff was unlawfully confined for 108 days, including 45 days in solitary confinement under a 23/1 schedule. During confinement, Plaintiff was assaulted after requesting a phone call, exposed to scabies and bed bug infestations in a medical unit without adequate treatment, and deprived of sunlight, religious materials, and the basic dignity of humane living conditions.

Form A

2. Reputational and Emotional Damages: Plaintiff's coerced plea in a work-related dispute created lasting stigma. Defendant's failure to defend caused reputational harm, emotional distress, and spiritual injury, depriving Plaintiff of ordinary opportunities and full participation in life.

3. Financial and educational loss: Plaintiff paid a \$5,000 retainer for services never performed. As a result of the coerced conviction, Plaintiff lost work opportunities including Uber and Lyft, was denied multiple job applications, had admission to Stockton University rescinded, and has been blocked from further college opportunities at the prime of his life.

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

10/03/2025

Dated

By: X(+x, dTb, Devon Tyler, A.R.R.

Signature By: X(+x, dTb / Devon Tyler Barber

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

10/03/2025

Dated

By: X(+x, dTb, Devon Tyler, A.R.R.

Signature X(+x, dTb / Devon Tyler Barber

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated

Signature



New Jersey Judiciary
Civil Practice Division

Civil Case Information Statement (CIS)

Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1.
Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the
black bar is not completed, or attorney's signature is not affixed.

For Use by Clerk's Office Only

Payment type	<input type="checkbox"/> check <input type="checkbox"/> charge <input type="checkbox"/> cash		Charge/Check Number	Amount	Overpayment	Batch Number
Attorney/Pro Se Name		Telephone Number			County of Venue	
Devon Tyler Barber		(609) 665-9350 ext.			Atlantic	
Firm Name (if applicable)				Docket Number (when available)		
Pro Se						
Office Address - Street c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,		City Galloway Township		State NJ	Zip 08205	
Document Type Complaint – Breach of Contract / Professional Malpractice				Jury Demand <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Name of Party (e.g., John Doe, Plaintiff) Devon Tyler Barber (Plaintiff, Pro Se)		Caption Barber v. Tumelty & Law Offices of John W. Tumelty,				
Case Type Number (See page 3 for listing)		599				
Are sexual abuse claims alleged?		<input type="checkbox"/> Yes			<input checked="" type="checkbox"/> No	
Does this case involve claims related to COVID-19?		<input type="checkbox"/> Yes			<input checked="" type="checkbox"/> No	
Is this a professional malpractice case?		<input checked="" type="checkbox"/> Yes			<input type="checkbox"/> No	
If "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.						
Related Cases Pending?		<input type="checkbox"/> Yes			<input checked="" type="checkbox"/> No	
If "Yes," list docket numbers						
Do you anticipate adding any parties (arising out of same transaction or occurrence)?		<input checked="" type="checkbox"/> Yes			<input type="checkbox"/> No	
Name of defendant's primary insurance company (if known)		<input type="checkbox"/> None			<input checked="" type="checkbox"/> Unknown	
Law Offices of John W. Tumelty Limited Liability Company						

The Information Provided on This Form Cannot be Introduced into Evidence.

Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation

Do parties have a current, past or recurrent relationship? Yes No

If "Yes," is that relationship:

Employer/Employee Friend/Neighbor Familial Business
 Other (explain) _____

Does the statute governing this case provide for payment of fees by the losing party? Yes No

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition.

This case arises from a breach of contract by a criminal defense attorney and his firm. Plaintiff was coerced into a guilty plea and confined for 108 days, including 45 in solitary without sunlight or religious access. Plaintiff lost work and educational opportunities (including rescission of Stockton admission) and continues to suffer reputational, emotional, and spiritual harm. Individual management is warranted due to constitutional issues and the scope of damages.

 Do you or your client need any disability accommodations? Yes No
 If yes, please identify the requested accommodation:

Will an interpreter be needed? Yes No
 If yes, for what language?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Attorney/Self-Represented Litigant Signature:

BY: X(+)X, dTB, Devon Tyler, A.R.R.

1 Devon Tyler Barber, Pro Se, in proper person.
2 c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,
3 Galloway, New Jersey, Atlantic County.
4 (609) 665-9350 | DTB33@protonmail.com

5 **SUPERIOR COURT OF NEW JERSEY**

6 **LAW DIVISION – CIVIL PART**

7 **ATLANTIC COUNTY**

8 **DEVON TYLER BARBER,**

Plaintiff,

vs.

**JOHN W. TUMELTY, ESQ., INDIVIDUALLY,
AND
THE LAW OFFICES OF JOHN W. TUMELTY,
LLC,
DEFENDANTS.,**

Defendant

Case No.: _____ (TO BE ASISGNED)

COMPLAINT

9 **PARTIES**

10 a) Plaintiff **Devon Tyler Barber** (“Plaintiff”) is an adult individual residing in Atlantic
11 County, New Jersey.

12 b) Defendant **John W. Tumelty, Esq.** (“Tumelty”) is an attorney licensed to practice law in
13 the State of New Jersey and maintains an office for the practice of law in Palermo, Cape
14 May County, NJ.

15 c) Defendant **The Law Offices of John W. Tumelty, LLC** (“the Firm”) is a New Jersey
16 limited liability company engaged in the practice of law, with its principal office in
17 Palermo, Cape May County, NJ.

18 **JURISDICTION & VENUE**

19 d) This Court has jurisdiction over this matter pursuant to N.J. Const. Art. VI, § 3, and
20 N.J.S.A. 2A:2-1.

21 e) Venue is proper in this County because the acts and omissions giving rise to this action
22 occurred in Atlantic County, where Plaintiff was confined and represented.

FACTUAL ALLEGATIONS

f) On or about **July 25, 2022**, Plaintiff retained Defendants for a **\$5,000 retainer** to provide criminal defense services in pending criminal matters.

g) Plaintiff specifically requested that Tumelty file a **second detention hearing** supported by Plaintiff's employment records, which demonstrated Plaintiff was employed, posed no risk of flight, and did not present a danger.

h) Despite these requests, Defendants **failed to file the hearing**, failed to present exculpatory records or evidence, and otherwise failed to pursue a meaningful defense.

i) Instead, Tumelty pressured Plaintiff to accept a **guilty plea** rather than pursue the defense measures Plaintiff requested.

j) Plaintiff alleges that the plea was induced by counsel's abandonment of duties and by coercive pretrial conditions, including confinement in solitary confinement, and does **not** concede that the negotiated plea constituted competent representation. Plaintiff's conviction has not been vacated and remains in effect; this Complaint seeks damages for Defendants' malpractice, negligence, and breach of contract, regardless of the status of the criminal matter.

k) As a result of Defendants' conduct, Plaintiff was **confined for 108 days**, including **45 days in solitary confinement under a 23/1 schedule**, where Plaintiff was deprived of sunlight, denied access to religious materials, exposed to unsafe medical conditions (including scabies and bed-bug infestation), and physically assaulted after requesting a phone call.

l) Defendants' conduct caused Plaintiff to suffer the following harms:

- A **coerced conviction** entered under duress;
- **Loss of liberty and dignity** through unlawful confinement;
- **Rescission of admission to Stockton University** and denial of future educational opportunities;
- **Loss of employment opportunities**, including inability to drive for Uber/Lyft and rejection from job applications;
- **Reputational harm and stigma**, limiting Plaintiff's opportunities for advancement;
- **Severe emotional distress and psychological trauma**; and
- **Spiritual injury and loss of dignity** from denial of religious access and humane conditions.

57 m) Plaintiff reserves the right to pursue separate claims against correctional officers,
58 prosecutors, and former employers in other actions, including civil-rights and defamation
59 claims, and does not waive those claims by filing this action.

60 **COUNT I – BREACH OF CONTRACT**

61 n) Plaintiff repeats and realleges paragraphs 1–13.
62 o) Plaintiff and Defendants entered into a binding agreement whereby Plaintiff paid \$5,000
63 in exchange for competent criminal defense services.
64 p) Defendants breached this agreement by failing to file the requested detention hearing,
65 failing to present employment records, and abandoning Plaintiff's defense in favor of
66 coercing a guilty plea.
67 q) As a direct and proximate result, Plaintiff suffered damages including loss of the retainer,
68 loss of liberty, reputational harm, emotional distress, and consequential damages.

69 **COUNT II – BREACH OF FIDUCIARY DUTY**

70 r) Plaintiff repeats and realleges paragraphs 1–13.
71 s) Defendants owed Plaintiff fiduciary duties of loyalty, diligence, and competence as legal
72 counsel.
73 t) Defendants breached those duties by disregarding Plaintiff's explicit instructions, failing
74 to protect Plaintiff's rights, and coercing Plaintiff into a plea.
75 u) As a direct and proximate result, Plaintiff suffered damages as set forth above.

76 **COUNT III – NEGLIGENCE**

77 v) Plaintiff repeats and realleges paragraphs 1–13.
78 w) Defendants owed Plaintiff a duty to exercise the reasonable skill, care, and diligence
79 expected of attorneys practicing criminal defense in New Jersey.
80 x) Defendants negligently failed to file a detention motion, investigate exculpatory records,
81 or pursue a defense strategy, thereby falling below the standard of care.
82 y) As a direct and proximate result, Plaintiff suffered damages as set forth above.

83 **COUNT IV – LEGAL MALPRACTICE**

84 z) Plaintiff repeats and realleges paragraphs 1–13.

85 aa) Defendants' conduct constituted professional malpractice under New Jersey law,
86 including deviation from accepted standards of criminal defense practice.

87 bb) Plaintiff suffered damages including but not limited to the \$5,000 retainer, consequential
88 damages, loss of liberty, reputational harm, lost educational and employment
89 opportunities, emotional distress, and spiritual injury.

90 **PRAYER FOR RELIEF**

91 **WHEREFORE**, Plaintiff respectfully requests judgment against Defendants, jointly and
92 severally, for:

93 • Compensatory damages in an amount **not less than \$250,000**, subject to proof at trial;
94 • Return of the \$5,000 retainer;
95 • Pre-judgment and post-judgment interest;
96 • Costs of suit and statutory fees if applicable; and
97 • Such further relief as the Court deems just and proper.

98 **TRIAL REQUEST**

99 Plaintiff respectfully requests trial by judge (bench trial) pursuant to Rule 1:8-1(a), and does not
100 demand a jury.

101 **CERTIFICATION PURSUANT TO R. 4:5-1**

102 I certify that the matter in controversy is not the subject of any other action or arbitration
103 proceeding, now pending or contemplated, other than Plaintiff's pending PCR and federal
104 motions which do not involve these Defendants. I further certify that no other parties should be
105 joined in this action, and I recognize my continuing obligation to notify the Court if facts change.

106 **Dated:** October 3, 2025
107 Respectfully submitted,

108 **By: X(+x, dB / Devon Tyler Barber**
109 Plaintiff Pro Se



New Jersey Judiciary
Civil Practice Division

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