

Devon Tyler Barber

Plaintiff, Pro Se
3536 Pacific Avenue, Apt. A5
Atlantic City, New Jersey 08401
(609) 862-8808
info@Tillerstead.com

December 10th, 2025

Hon. Benjamin Podolnick, J.S.C.

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

Re: Barber v. Hamilton Township Police Department, et al.

Docket No. ATL-L-003252-25

Submission of Verified Supplemental Application for Emergent Relief

Dear Judge Podolnick:

Please accept the enclosed Verified Supplemental Application for Immediate Relief, together with my Supplemental Certification, Exhibits A–C, and a Proposed Order Granting Emergent Relief, for filing in the above-captioned matter.

Emergent relief is respectfully requested because my personal vehicle—including essential work tools, clothing, documents, and property—continues to be detained without any statutory notice, inventory, tow authorization, chain-of-custody record, or stated legal authority, in violation of N.J.S.A. 39:4-136, *State v. Morales*, and the procedural protections guaranteed by the New Jersey Constitution (Art. I, ¶¶1 and 7) and the Fourteenth Amendment.

Each day of continued detention of the vehicle causes compounding constitutional, economic, and personal harm. As detailed in my Supplemental Certification, I now maintain a permanent residence at 3536 Pacific Avenue, Apt. A5, Atlantic City, and require access to my vehicle and tools for employment, transportation, and daily needs. These circumstances warrant immediate judicial intervention under Rule 1:1-2 and the due-process balancing set forth in *Mathews v. Eldridge*.

Plaintiff respectfully seeks narrowly tailored relief:

1. Immediate release of the 2019 Volkswagen Passat (F35VLP) without fees;
2. Mandatory production of the impound notice, inventory, tow authorization, chain-of-custody, and all required impound documentation;
3. Immediate halt and nullification of all accruing tow and storage fees; and
4. Such further relief as may be necessary to prevent continuing constitutional injury.

A Proposed Order has been included to facilitate the Court's review. All parties—including the Township of Hamilton, Hamilton Township Police Department, and Dirkes Towing—have been served today by email, and a Proof of Service is enclosed.

Thank you for your attention to this urgent matter. Please advise if the Court requires additional documentation or wishes to schedule argument.

Respectfully submitted,

/s/ Devon Tyler Barber
Devon Tyler Barber, Plaintiff Pro Se
3536 Pacific Avenue, Apt. A5
Atlantic City, New Jersey 08401

Date: 12/10/2025

DEVON TYLER BARBER, Plaintiff, Pro Se
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Atlantic City, NJ 08401
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – ATLANTIC COUNTY

Devon Tyler Barber,
Plaintiff / Applicant,

v.

**Hamilton Township Police Department,
Township of Hamilton,
Dirkes Towing, Officer Ruiz (ID 0132),
Officer Merritt,
and John/Jane Doe Officers,
Defendants.**

DOCKET NO. ATL-L-003252-25

**VERIFIED SUPPLEMENTAL
APPLICATION FOR IMMEDIATE
RELIEF**

PRELIMINARY STATEMENT AND BASIS FOR SUPPLEMENTAL APPLICATION

1. Plaintiff, Devon Tyler Barber, respectfully submits this Supplemental Application pursuant to Rule 1:6-3(b) (supplemental certifications), Rule 1:1-2 (relaxation to prevent injustice), the New Jersey Constitution (Art. I, ¶¶1, 7, 10, and 20), and the United States Constitution (Fourth and Fourteenth Amendments). New Jersey's Fundamental Fairness Doctrine and the due-process framework of *Mathews v. Eldridge* further require immediate judicial intervention when, as here, property essential to livelihood is seized and retained without lawful basis or mandatory procedural safeguards.
2. This action (ATL-L-003252-25) arises from the November 29, 2025 incident in which Plaintiff's vehicle and work tools were unlawfully seized, towed, and withheld without: (1) reasonable suspicion for the initial stop; (2) announcement of arrest; (3) opportunity to arrange a lawful alternative to towing; (4) any impound notice, tow authorization, inventory,

or chain-of-custody; or (5) any documentation identifying legal authority for the seizure.

Plaintiff showed Officer Ruiz printed Superior Court filings from Barber v. MVC (MER-L-002371-25), demonstrating an ongoing due-process challenge to the alleged suspension; however, this information was ignored and force was escalated immediately. These facts, established in the Supplemental Certification of Devon Tyler Barber, trigger heightened constitutional scrutiny under both State and Federal law.

3. Under State v. Morales, the absence of an impound notice, inventory, and chain-of-custody renders continued detention of property unlawful. Under State v. Mangold, State v. Hill, and State v. Slockbower, police must employ the least-restrictive means before authorizing a tow, including allowing the owner to arrange lawful removal. Under State v. Wenof and State v. Dancy, a charge under N.J.S.A. 39:3-40 requires actual knowledge of suspension, which Plaintiff expressly lacked and disproved by showing Court filings at the scene. Under Rodriguez v. United States and Art. I, ¶7 of the New Jersey Constitution, the stop itself lacked reasonable suspicion, as confirmed by the Atlantic County Prosecutor's Office, which reported no CAD log, dispatch, 911 call, complaint, or BOLO associated with Plaintiff or the vehicle.
4. Plaintiff now faces ongoing constitutional injury because his vehicle—containing essential work tools and personal property—remains unlawfully held. Because Plaintiff is indigent, has secured a permanent residence at 3536 Pacific Avenue, Apt. A5, Atlantic City, and requires the vehicle for employment and essential transportation, equitable relief is both necessary and urgent. Plaintiff therefore respectfully seeks:
 - (a) **Immediate release** of the 2019 Volkswagen Passat (F35VLP) without any fees;
 - (b) Mandatory production of **all impound-related records** required under New Jersey law;

- (c) Immediate halt and nullification of all accruing storage fees; and
- (d) Such further relief as may be necessary to prevent continuing constitutional, economic, and personal harm.**

This Application is supported by the **Supplemental Certification of Devon Tyler Barber**, submitted herewith.

Respectfully submitted,

/s/ Devon Tyler Barber
Devon Tyler Barber, Plaintiff Pro Se
3536 Pacific Avenue, Apt. A5
Atlantic City, New Jersey 08401
Telephone: (609) 862-8808
Email: info@Tillerstead.com
Date: 12/10/2025

DEVON TYLER BARBER, Plaintiff, Pro Se
3536 Pacific Avenue, Apt. A5
Atlantic City, NJ 08401
(609) 862-8808 | info@Tillerstead.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – ATLANTIC COUNTY

Devon Tyler Barber,
Plaintiff / Applicant,

v.

**Hamilton Township Police Department,
Township of Hamilton,
Dirkes Towing, Officer Ruiz (ID 0132),
Officer Merritt,
and John/Jane Doe Officers,
Defendants.**

DOCKET NO. ATL-L-003252-25

**VERIFIED SUPPLEMENTAL
CERTIFICATION OF DEVON TYLER
BARBER**

*(In Support of Emergency Application for
Immediate Release of Vehicle and Production
of Required Records)*

(A) PURPOSE:

This Supplemental Certification further supports the Emergency Application in **ATL-L-003252-25** and documents ongoing constitutional, statutory, and procedural violations relating to the continued impoundment of my vehicle by the Hamilton Township Police Department (“HTPD”) and Dirkes Towing.

**(B) No Required Notice or Inventory Has Ever Been
Provided**

As of today, I have never received:

- an impound notice,
- a vehicle inventory,
- a tow authorization form,
- a chain-of-custody record,
- a fee schedule, or
- any written explanation of the legal basis for continued detention.

The absence of notice and inventory violates:

- **N.J.S.A. 39:4-136,**

- **State v. Morales**, 390 N.J. Super. 470 (App. Div. 2007), and
- **minimum due process under Mathews v. Eldridge**, 424 U.S. 319 (1976).

Continued deprivation is therefore unlawful.

(C) No Lawful Basis Existed for the Original Stop

The Atlantic County Prosecutor's Office has confirmed in writing that it holds:

- **no 911 call,**
- **no CAD log,**
- **no dispatch,**
- **no complaint,**
- **no BOLO, and**
- **no call-for-service**

relating to me or my vehicle.

Further, Officer Ruiz walked directly past the front of my parked vehicle at Wawa only minutes before the stop, saw it clearly, and did not act on any alleged defect.

Thus, reasonable suspicion **did not exist at the inception of the seizure**, rendering the stop and subsequent tow unconstitutional under:

- **NJ Const. Art. I ¶7,**
- **Rodriguez v. United States**, 575 U.S. 348 (2015), and
- New Jersey stop jurisprudence (*Scriven, Amelio, Nishina*).

(D) My License Status Was Under Active Judicial Review, and I Showed Ruiz the Court Papers

On November 29, 2025, my license status was the subject of ongoing litigation in **Barber v. MVC (MER-L-002371-25)**, involving:

- lack of notice,
- revived penalties from five years earlier,
- housing instability affecting mail delivery, and
- constitutional due-process defects.

I had printed copies of the pleadings and **showed them directly to Officer Ruiz**, explaining the suspension was under Superior Court review.

Under:

- **State v. Wenof**, 102 N.J. Super. 370 (App. Div. 1968), and
- **State v. Dancy**, 190 N.J. Super. 67 (App. Div. 1983),

a 39:3-40 offense requires **actual knowledge** of suspension.

Where a suspension is under judicial challenge, and where the defendant expressly explains this to the officer, the knowledge element is **not met**.

(E) The Municipal Charges Cannot Be Premised on a Suspension Under Superior Court Review

The alleged suspension relied upon by HTPD is:

- constitutionally contested,
- procedurally defective,
- under review by the Superior Court, and
- based on revived, stale penalties without proper notice.

Municipal prosecution cannot depend on an MVC action that is **not final** and is the subject of an active Superior Court due-process case.

This renders the car seizure and related summonses **jurisdictionally defective**.

(F) I Now Have a Permanent Residence Where the Vehicle Can Be Parked Safely

As of **December 1, 2025**, I reside at:

**3536 Pacific Avenue, Apt A5
Atlantic City, NJ 08401**

There is safe, legal parking.

Under **State v. Stockbower**, 79 N.J. 1 (1979), the State must always use the **least-restrictive means** before impoundment.

No such consideration occurred.

(G) I Must Access My Tools Immediately to Work

The vehicle contains:

- tile saws,
- drills,

- measurement tools,
- PPE,
- contractor supplies, and
- job-site equipment.

As a licensed New Jersey Home Improvement Contractor, I cannot work without these tools. The impoundment is causing significant and irreparable economic harm.

(H) I Had Scheduled Brake Service; the Careless-Driving Charge Has No Basis

Before the stop, I planned to bring the vehicle to **Midas** for brake inspection and service. Upon release, I will take it directly there to obtain a written inspection.

This undermines any allegation of careless driving under **N.J.S.A. 39:4-97**, which requires demonstrable risk — not speculation.

(I) EXHIBITS SUPPLIED

Attached hereto as **Exhibit A** is the full Midas Inspection Report dated May 20, 2025, showing that my brakes, steering, and essential safety systems were inspected and found to be in acceptable operating condition, with no dangerous defects noted.

Attached hereto as **Exhibit B** is proof of payment for that inspection and related vehicle maintenance, demonstrating my continuing commitment to safe and lawful vehicle operation.

Attached hereto as **Exhibit C** is confirmation that the payment method used for that maintenance belonged to me personally.

(J) Booking-Room Conditions Prove No Danger, Resistance, or Escalation

While handcuffed and forced to sit with my hands cuffed behind my back in a floor-mounted chair in booking, I observed:

- officers standing casually,
- a new officer being trained on computer entry,
- supervisors observing calmly,
- no urgency, danger, or tension.

These conditions contradict any claim that I posed a threat or resisted.

(K) I Have Been Formally Found Indigent by the Superior Court

In **MER-L-002371-25**, I was granted a fee waiver.

Continuing to accrue storage fees against an indigent litigant violates:

- **fundamental fairness**,
- **NJ Const. Art. I ¶1**,
- **due-process balancing under Mathews**, and
- **public-policy principles** articulated in NJ case law.

(L) Continued Impoundment Causes Ongoing Constitutional, Economic, and Personal Harm

I remain unable to:

- work,
- retrieve my tools,
- access personal property,
- repair my brakes,
- attend obligations,
- or maintain stability.

No lawful authority supports continued deprivation.

(M) Relief Requested

WHEREFORE, Plaintiff respectfully requests that this Court issue an Order:

(1) DIRECTING immediate release of Plaintiff's 2019 Volkswagen Passat (F35VLP)

without payment of:

- tow fees,
- storage fees,
- administrative or "gate" fees,
- or any surcharge imposed by Dirkes or HTPD.

(2) OR, IN THE ALTERNATIVE

Requiring HTPD and Dirkes, within **24 hours**, to produce a complete and certified:

- impound notice,
- tow authorization,
- inventory checklist,
- itemized property list,
- interior/exterior condition report,
- chain-of-custody record,
- tow-request and dispatch logs,
- photographs taken prior to tow, and
- any written basis for seizure.

(3) STAYING and NULLIFYING all storage fees from November 29, 2025 to release.

(4) ORDERING production of all recordings and communications, including:

- all body-worn and dash-camera footage,
- booking-room recordings,
- radio transmissions,
- CAD/MDT queries,
- tow-request communications,
- internal messages.

(5) DECLARING the continued detention unconstitutional under:

- Mathews v. Eldridge,
- State v. Morales,
- State v. Slockbower,
- State v. Mangold,
- State v. Hill,
- Rodriguez v. United States, and
- NJ Const. Art. I ¶1 & ¶7.

(6) AUTHORIZING Plaintiff to retrieve his personal vehicle.

(7) ORDERING immediate return of all property, including but not limited to tools, documents, PPE, clothing, electronics, and equipment.

(8) DIRECTING release of the vehicle to Plaintiff at his new lawful residence, or another safe location he designates.

(9) ORDERING that no adverse inference be drawn from Plaintiff's inability to access the vehicle while wrongfully withheld.

(10) COMPELLING Defendants to preserve all evidence, including IA files, bodycam, radio, and logs.

(11) GRANTING any further relief necessary to prevent ongoing injustice, including contempt sanctions or referral to the emergent duty judge under R. 1:5-6(c).

I certify under penalty of perjury that the foregoing is true.

/s/ **Devon Tyler Barber**

Devon Tyler Barber

3536 Pacific Avenue, Apt. A5

Atlantic City, New Jersey 08401

Dated: **December 10, 2025**



Filter



2



7

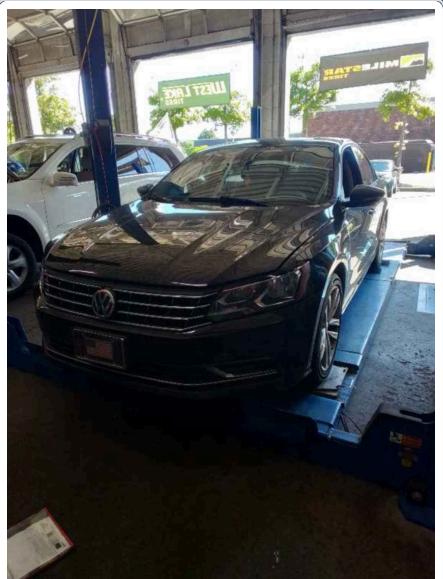


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1

Midas Egg Harbor
3109 Hingston Ave
Egg Harbor, NJ 08234
Trust The Midas Touch
609.900.6475 ☎
midaswestberlin@gmail.com ✉



RO# 0002663 5/20/2025
DEVON BARBAR
2019 VOLKSWAGEN
PASSAT
VIN:
1VWLA7A36KC002247
License: F35VLP
Mileage: 95789

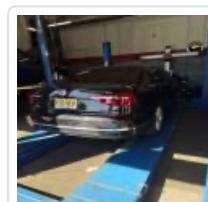
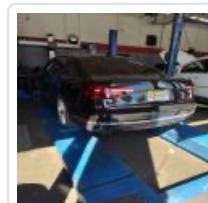
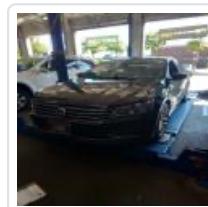
Service Advisor
PERRY HERMAN

Midas Closer Look Vehicle Check

Exterior

✓ Body & Glass: Visual Inspection OK

Images:



✓ Exterior Lights: Visual Inspection OK

Technician
KURTIS WASYLKOWSKI

█ EXTERIOR LIGHTS, VISUAL INSPECTION OK

█ Wipers: Visual Inspection OK

Interior

⚠ Dash Indicator Lights: TPMS Light On "Solid"

- Evaluation Required

Images:



Under Hood

█ Horn: Operating

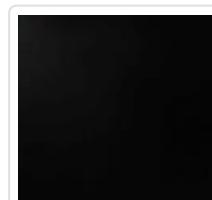
█ Engine Air Filter: Visual Inspection OK

Images:



◆ Cabin Air Filter: Beyond Service Interval -
Replacement Suggested

Images:



-
- Battery / Cables: Visual Inspection OK**

Images:



-
- Hoses: Visual Inspection OK**

- Belts (except timing belt): Visual Inspection OK**

Images:



-
- Windshield Washer Fluid: Reservoir Full**

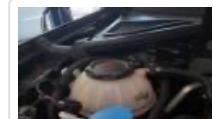
- Engine Oil: Dipstick Within Specifications**

- Power Steering Fluid: Dipstick Within Specifications**

- Transmission / Transaxle Fluid: Dipstick Within Specifications**

- Coolant: Beyond Service Interval - Fluid Exchange Suggested**

Images:

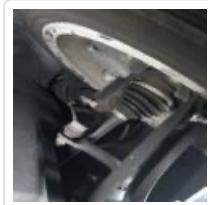




Under Vehicle

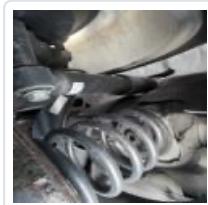
- Exhaust System: Visual Inspection OK**
- Differential / Transfer Case: Visual Inspection OK**
- Steering System: Visual Inspection OK**
- Shocks / Struts Front: Visual Inspection OK**

Images:



-
- Shocks / Struts Rear: Degraded Ride/Control - Replacement Suggested**

Images:



-
- Driveline (CV / Drive Shaft): Visual Inspection OK**

Brakes

- Brake Fluid: Beyond Service Interval - Fluid Exchange Suggested**

Images:

Images:



Brake Symptom Observed: None at this time

Brake Visual Inspection Front: Visual Inspection OK

Images:



Brake Visual Inspection Rear: Visual Inspection OK

Images:



Tire Condition

Tire Size Actual - See Picture: Matches Placard Specifications

Images:





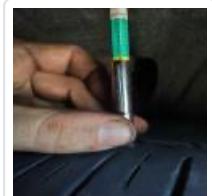
-
- ◆ LF - Tread Depth: 4/32" - Close To The End Of Useful Life

Images:



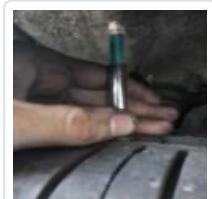
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- ◆ RF - Tread Depth: 3/32" - Close To The End Of Useful Life

Images:



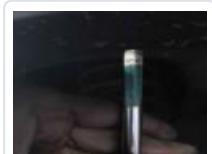
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- ✓ RR - Tread Depth: 6/32" - Tread Depth Within Guidelines

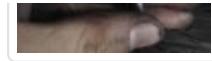
Images:



-
- ◆ LR - Tread Depth: 4/32" - Close To The End Of Useful Life

Images:





⚠ Tire Inspection Suggestions: Irregular Tread Wear - Evaluation Required

Tire Pressure

LF - Tire Pressure: Matches Placard Specifications

RF - Tire Pressure: Matches Placard Specifications

RR - Tire Pressure: Matches Placard Specifications

LR - Tire Pressure: Matches Placard Specifications

Technician Note

Technician Notes: See Notes Below

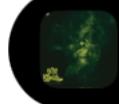
Comments: *rec 4 tires and alignment by edgewear and tread depth
rec cabin filter by mileage
rec coolant and brake flush by mileage
rec rear shocks by mileage
rec tune up by mileage
rec fuel service by mileage
front and rear end tight, caster out 1 degree not adjustable*

Images:

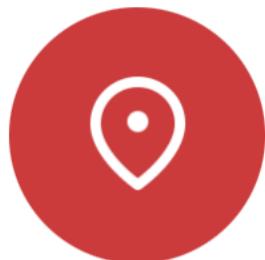




2:06 ↗



X



Midas 20 Egg Har Hin

May 20 at 12:34 PM

\$1,101.36

Transaction details

✓ **Complete**

Purchase from Midas 20 Egg Har Hin

\$ **Payment method**

Black Metal Card 9774

⌚ **On statement as**

MIDAS 20 EGG HAR 3109 HIN

What you can do

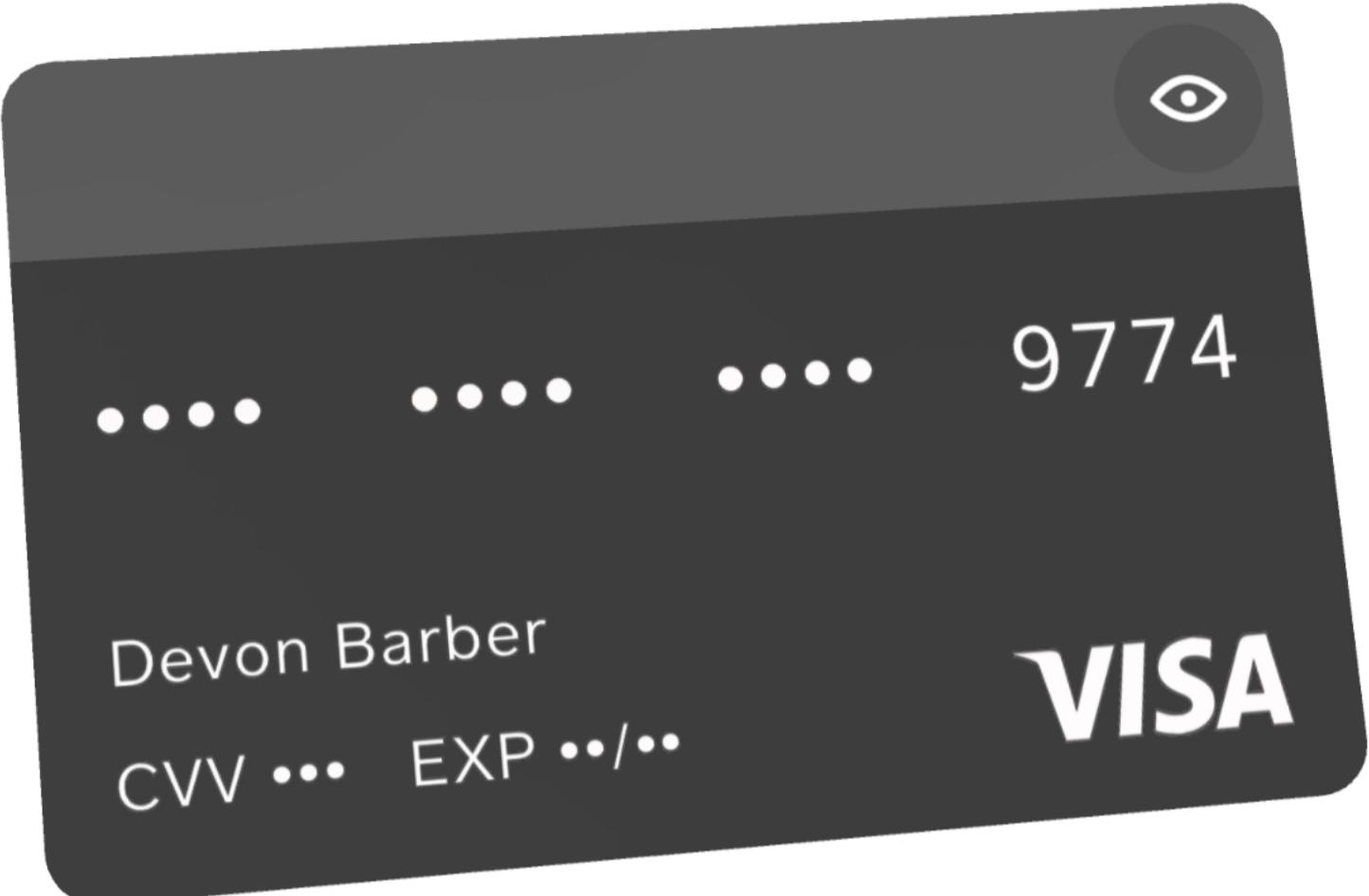
⟳ **View Round Up receipt**



2:06



Card



Lock



Copy •• 9774



Explore offers
Instant discounts >

Spending



Insights & activity

\$13 in Nov >

