

1 **Verified Affidavit in Support of Post-Conviction Relief and Notice of Tort Claim**

2 Superior Court of New Jersey – Criminal Division

3 Docket No.: ATL-22-002313

4 Filed by: Devon Tyler of the Paccillo family

5 I, Devon Tyler, of the Paccillo family, declare under penalty of perjury:

6

7 **I. Verified Facts**

8 1. I entered into a labor agreement—both verbal and by text—with Joseph Hardemon Jr., a
9 registered New Jersey HIC contractor. I was asked to perform skilled labor and site
10 maintenance for a project that had fallen behind schedule.

11 2. At the time, Mr. Hardemon was fully aware that I was out of work, lacked a work truck,
12 and had lost my business insurance due to COVID-related economic hardship. I had
13 previously worked on record as a W-2 employee and believed the proper documentation
14 would be handled professionally.

15 3. I was invited to reside temporarily on-site and worked consistently cleaning up after their
16 crews, managing tools, and advancing the renovation. I relied on Mr. Hardemon's
17 representation and licensing status in good faith.

18 4. Despite completing the labor, I was never compensated. When I asked for payment, I was
19 ignored. In response, I posted a lawful “No Trespassing” sign on the property to protect
20 my interest and prevent further unauthorized use of my labor and time.

21 5. That sign was intentionally mischaracterized as a criminal threat by Joseph Hardemon
22 Sr., who at the time had a prior conviction for aggravated sexual assault on a child under
23 13—a material fact that was never disclosed by the prosecution.

24 6. Shortly before my arrest, I had acquired other work through Nick of NAC Custom
25 Carpentry and was driving his company vehicle both on and off duty, lawfully employed
26 to support myself after being defrauded by the Hardemon family.

27 **II. Violations of Law and Legal Duties**

28 7. The prosecution violated:

29 o Brady v. Maryland, 373 U.S. 83 (1963)
30 o Giglio v. United States, 405 U.S. 150 (1972)

31 8. No sworn complaint from an injured party was ever submitted. No threat was
32 communicated. The charge under N.J.S.A. 2C:12-3 was unsupported by evidence or due
33 process.

34 9. The matter was criminalized to suppress a wage grievance, not because a crime occurred.
35 The arrest and prosecution were carried out by Galloway Township Police, where my
36 stepfather was then serving as Chief of Police, creating a disqualifying conflict of
37 interest.

38 10. My defense counsel failed to raise any of the above facts, and I assert professional
39 negligence as a secondary cause of harm.

40 **III. Formal Notice of Tort Claim – N.J.S.A. 59:8-4**

41 This document shall serve as formal notice of tort claim to:

42 • The Township of Galloway and its Police Department;
43 • The municipal insurer and surety carriers;
44 • Joseph Hardemon Jr. and Sr., individually and as agents of STATE OF NEW JERSEY
45 under HIC contractor license, insurance, and bond;

46 • My former lawyer John W. Tumelty for legal malpractice.

47 Commercial Identifier – Dun & Bradstreet Township of Galloway D-U-NS® #-: 182141879

48 **Nature of Claim:**

49 • Malicious prosecution

50 • Suppression of material exculpatory evidence

51 • Labor fraud and breach of implied contract

52 • Conflict of interest

53 • Attorney negligence

54 • Emotional distress, financial hardship, loss of housing and employment

55 **Estimated Damages:**

56 A minimum of \$750,000 is sought as remedy for lost earnings, reputational injury, PTSD-related
57 harm, and legal deprivation suffered under duress — including trespass upon private property
58 and violations of unalienable rights secured by law, equity, and conscience.

59

60 **IV. Relief Demanded**

61 I respectfully demand:

62 • Immediate vacatur of the conviction and dismissal of all charges;

63 • Complete expungement of associated records;

64 • Referral for Trespass Upon Private Rights and Property and labor fraud investigation;

65 • Leave to pursue civil action under 42 U.S.C. § 1983 and the NJ Tort Claims Act.

66

67 Executed this 18th Day of May, 2025

68 Filed via NJ JEDS

69 Respectfully submitted,

70 /s/ Devon Tyler of the Paccillo family

71 In Care of: 325 East Jimmie Leeds Road, Suite 7, #333, Galloway Township, New Jersey,

72 united States of America. All rights reserved. Without prejudice.