

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

Superior Court of New Jersey – Criminal Division

Docket No.: ATL-22-002313

Filed by: Devon Tyler of the Paccillo family

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

I. Verified Facts

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

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

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

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

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

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

II. Violations of Law and Legal Duties

7. The prosecution violated:
- Brady v. Maryland, 373 U.S. 83 (1963)
 - Giglio v. United States, 405 U.S. 150 (1972)
8. No sworn complaint from an injured party was ever submitted. No threat was communicated. The charge under N.J.S.A. 2C:12-3 was unsupported by evidence or due process.
9. The matter was criminalized to suppress a wage grievance, not because a crime occurred. The arrest and prosecution were carried out by Galloway Township Police, where my stepfather was then serving as Chief of Police, creating a disqualifying conflict of interest.
10. My defense counsel failed to raise any of the above facts, and I assert professional negligence as a secondary cause of harm.

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

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

- The Township of Galloway and its Police Department;
- The municipal insurer and surety carriers;
- Joseph Hardemon Jr. and Sr., individually and as agents of STATE OF NEW JERSEY 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.

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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.