

EXHIBIT A

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY,

Defendants.

Docket No.: ATL-L-002794-25 **Team:** 102 **Judge:** Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand:** Six Jurors **Case Status:** Active

COVER LETTER – VIA ELECTRONIC FILING (JEDS)

Date: October 30, 2025

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

Re: *Barber v. Tumelty et al.* – Docket No. ATL-L-002794-25 (Team 102 – Hon. Sarah B. Johnson, J.S.C.)

Subject: Filing of First Amended Complaint with Exhibits and Verified Post-Conviction Relief Petition in Support of Pending Motion to Change Track Assignment (LCV20252946376 – Returnable Nov. 7, 2025)

Dear Case Management Staff and Team 102:

Please accept, through the **Judiciary Electronic Document Submission System (JEDS)**, the enclosed **First Amended Complaint** with **Exhibits A through B-5** and the certified **Verified Post-Conviction Relief (PCR) Petition** (*EF-3720750, Law Div. Crim. Part – Oct. 26 2025*).

Because no Answer has yet been filed, this **Amended Complaint** is submitted *as of right* under **N.J. Ct. R. 4:9-1**, to clarify and expand Plaintiff's claims based on newly obtained, certified evidence contained in the PCR record.

The PCR materials demonstrate in sworn form how Defendant — while serving as a **Supreme Court-certified criminal-trial attorney** — failed to provide constitutionally effective representation after receiving a \$5,000 retainer, including failing to seek detention review or bail relief. These materials are judicially noticeable public records admissible under **N.J.R.E. 803(c)(8)** and are incorporated by reference in the Amended Complaint as *Exhibit A*.

This filing is not intended to re-litigate any criminal matter but to document counsel's professional negligence and misrepresentation forming the basis of this civil action. Given the constitutional and factual complexity of these intertwined issues, Plaintiff renews the request for **Track 3 classification** under **R. 4:5A-2** to allow expert discovery and coordinated record review under Team 102 supervision.

Please associate this submission with pending Motion Entry **LCV20252946376** so that the Amended Complaint and supporting PCR record are before the Court on the November 7 motion calendar.

Thank you for your time and professionalism in processing these materials.

Respectfully submitted,

/s/ **Devon Tyler Barber**

Devon Tyler Barber – Plaintiff *Pro Se*
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 • Tylertestad@ProtonMail.com

Cc (via email, R. 1:5-2):

John W. Tumelty, Esq. | The Law Office of John W. Tumelty
539 U.S. Route 9 South, Marmora, NJ 08223
jt@johntumeltylaw.com

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**FIRST AMENDED COMPLAINT,
TABLE OF EXHIBITS, CERTIFICATION
OF AUTHENTICITY AND CHAIN OF
CUSTODY (EXHIBITS A – B-5), AND
CERTIFICATE OF FILING AND SERVICE**

TABLE OF EXHIBITS

<i>Exhibit</i>	<i>Description</i>	<i>Purpose and Relevance</i>
A	<i>Verified Post-Conviction Relief Petition (EF-3720750, Law Div. Crim. Part – Oct 26 2025)</i>	Certified record establishing Plaintiff’s 108-day confinement and sworn factual basis now incorporated by reference in this civil action. Serves as authenticated public document under N.J.R.E. 803(c)(8).
B-1	2019 Pay Records – Landry’s Inc. (DBA The Palm Atlantic City) and P.F. Chang’s Manager Recommendation	Demonstrates continuous lawful employment; includes Landry’s pay stubs (noting SSN error later corrected by W-2C) and P.F. Chang’s recommendation letter confirming work history and reliability.
B-2	IRS Wage & Income Transcripts and W-2 Records (2019 – 2022)	Confirms verified earnings from Landry’s Inc. and P.F. Chang’s, and shows removal from payroll by Joe’s Painting & Renovations to evade taxes. Supports damages, causation, and good-faith employment record.
B-3	NJ Home Improvement Contractor License #13VH10808800 and Business Status Records	Establishes Plaintiff’s professional licensure, business continuity (Devon’s Home Improvement → Tillerstead LLC 2025), and correspondence evidencing inducement to incorporate.
B-4	Wage-Dispute Correspondence and Screenshot from Joe’s Painting & Renovations	Confirms existence of wage-payment dispute showing the underlying conflict was civil, not criminal, in nature. Supports exculpatory context and mitigation of emotional-distress damages.
B-5	Archived Screenshot of “Law Office of John W. Tumelty” Public Website (as viewed Oct. 2025)	The attached <i>Exhibit B-5</i> is a true and correct screenshot of the publicly accessible website of the Law Office of John W. Tumelty, captured and printed by me on October 28 th , 2025. The page displays Defendant’s own descriptions of his services as a <i>Certified Criminal Trial Attorney</i> and <i>former prosecutor</i> .

All exhibits are true and correct copies of records in Plaintiff’s possession or certified public documents, submitted under N.J.R.E. 803(c)(8) and R. 1:4-4(b).

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Docket No.: ATL-L-002794-25 Team: 102 Judge: Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action Jury Demand: Six Jurors Case Status: Active

CERTIFICATION OF AUTHENTICITY AND CHAIN OF CUSTODY

(Exhibits A – B-5)

I, **Devon Tyler Barber**, certify under penalty of perjury pursuant to **N.J. Ct. R. 1:4-4(b)** and **28 U.S.C. § 1746** that the attached **Exhibits A through B-5** are true and correct copies of documents maintained by me in the ordinary course of business or obtained directly from their original custodians.

These materials are submitted solely to provide factual background and to demonstrate the omissions and failures of representation relevant to **Counts I through V** of the **First Amended Complaint**.

The mobile device containing additional wage-dispute communications was seized and lost at the time of my arrest, before defense counsel initiated discovery; only the authenticated screenshot attached as **Exhibit B-4** remains in my possession.

The attached **Exhibit B-5** is a true and correct screenshot of the publicly accessible website of the Law Office of John W. Tumelty, captured and printed by me on or about **October __, 2025**.

The page displays Defendant's own public descriptions of his services as a *Certified Criminal Trial Attorney* and *former Prosecutor*.

I certify that the foregoing statements are true. If any are willfully false, I am subject to punishment.

Executed on **October 28, 2025**, at **Hamilton Township, Atlantic County, New Jersey**.

Respectfully submitted,

/s/ **Devon T. Barber**

Devon Tyler Barber – Plaintiff Pro Se

325 E. Jimmie Leeds Road, Suite 7-333

Galloway, New Jersey 08205

(609) 665-9350 • Tylerstead@ProtonMail.com

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CERTIFICATE OF FILING AND SERVICE

I, **Devon Tyler Barber**, certify under penalty of perjury that on **October 28, 2025**, I caused to be filed, through the Judiciary Electronic Document Submission (JEDS) system, the **First Amended Complaint, Table of Exhibits, Certification of Authenticity and Chain of Custody (Exhibits A – B), and this Certificate of Filing and Service** in the above-captioned matter.

Service of the same was made upon Defendant by **electronic mail** as follows:

John W. Tumelty, Esq.
The Law Office of John W. Tumelty
539 U.S. Route 9 South
Marmora, NJ 08223
Email: jt@johntumeltylaw.com

Executed on **October 28, 2025,**

at **Hamilton Township, Atlantic County, New Jersey.**

Respectfully submitted,

/s/ Devon T. Barber
DEVON TYLER BARBER

Barber, Devon (Tyler)
Plaintiff, *pro se*
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SUPERIOR COURT OF NEW JERSEY

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FIRST AMENDED COMPLAINT

PRELIMINARY STATEMENT

1. Plaintiff Devon Tyler Barber (“Plaintiff”), appearing *pro se*, brings this First Amended Complaint against Defendant John W. Tumelty and his law office (collectively “Defendant”) for **legal malpractice, breach of fiduciary duty, fraud, negligent infliction of emotional distress, and violations of the New Jersey Consumer Fraud Act (“CFA”), N.J.S.A. 56:8-1 to -227** (West 2024).

This action seeks redress for Defendant’s dereliction of duty, deception, and breach of trust during Plaintiff’s 2022 criminal representation in *State v. Barber*, Indictment Nos. ATL-22-

002292 & 002313, causing 108 days of unnecessary confinement (July 11 – Oct 26 2022), economic loss, and lasting psychological and reputational harm.

JURISDICTION AND VENUE

2. Jurisdiction lies under N.J. Const. art. VI, § 3, ¶ 4 and N.J.S.A. 2A:2-3.
3. Venue is proper in Atlantic County under R. 4:3-2(a)(2).

PARTIES

4. Plaintiff is a resident of Atlantic County, New Jersey.
5. Defendant John W. Tumelty is a New Jersey-licensed attorney and principal of *The Law Office of John W. Tumelty*, 539 U.S. Route 9 South, Marmora, NJ 08223.
6. At all relevant times, Defendant held himself out as a “Certified Criminal Trial Attorney” pursuant to R. 1:39-2(d).

FACTUAL ALLEGATIONS

7. Following Plaintiff’s arrest in July 2022, he was detained in the Atlantic County Justice Facility under punitive and degrading conditions. Upon admission, Plaintiff was physically assaulted by correctional officers after respectfully requesting to make a phone call. He was then held in the admissions and intake area for a fourteen-day “COVID-protocol” quarantine, isolated without religious materials or human contact, and confined in a segregation cell that did not count toward his forty-five-day in-house sanction period.

During this time, Plaintiff was deprived of access to clergy, sunlight, fresh air, and normal recreation, with meals served through a slot under constant fluorescent light and no opportunity for worship, exercise, or basic human contact. After the quarantine period, Plaintiff was transferred to “I-Block,” a solitary-confinement tier commonly referred to by detainees as “the hole.” There, Plaintiff remained on a 23-hour-per-day lockdown schedule, permitted only one

hour of out-of-cell time daily. That hour required him to be handcuffed through the steel door before being escorted to a small, fenced “recreation cage” containing only a payphone—his sole means of contacting family or counsel. Each call required personal expense and occurred under conditions of extreme psychological stress and sensory deprivation.

8. While confined in these conditions, Plaintiff’s initial detention hearing was conducted remotely by video. Plaintiff does not know the identity of the presiding judge because he was muted for most of the proceeding, unable to hear or meaningfully participate. The State appeared through the Prosecutor’s Office, and a public defender—whom Plaintiff had never met and whose representation had not been authorized by any financial-eligibility determination—was unilaterally appointed.

That public defender failed to present employment records, tax transcripts, or letters of community support demonstrating that Plaintiff was a lifelong Atlantic County resident, licensed New Jersey home-improvement contractor (HIC #13VH10808800), and small-business owner with established ties to the area. The absence of this information created a false impression that Plaintiff was transient or a flight risk. As a result, the Court ordered continued pretrial detention, subjecting Plaintiff to further confinement without the benefit of an adversarial liberty review.

9. Only after that unlawful detention order did Plaintiff’s family retain Defendant **John W. Tumelty**, who publicly represented himself as a “Certified Criminal Trial Attorney.” Defendant visited Plaintiff once at the jail before making his first and only court appearance. During that visit, Plaintiff explicitly requested that Defendant file a detention-review motion under R. 3:4A(b)(3), explaining that the prior public-defender proceeding had misrepresented his background and omitted exculpatory employment documentation.

Defendant refused, stating that he would instead “speak to the prosecutor about a plea deal.” Plaintiff reiterated that he sought a renewed detention hearing, not a plea negotiation, and that he wished to contest the criminalization of what was in fact a civil wage dispute. Defendant nonetheless made no effort to investigate or act upon that request.

10. Defendant thereafter appeared once in Superior Court but made no motion for release, detention review, suppression, or dismissal, and undertook no subsequent action to secure Plaintiff’s liberty or investigate the underlying facts. After that single appearance, Defendant ceased all substantive communication and performed no further services, effectively abandoning representation despite having accepted a \$5,000 retainer paid by Plaintiff’s family.

No discovery, investigation, or mitigation was ever performed. Defendant failed to meet or communicate with Plaintiff after that appearance and took no steps to seek release, to challenge the detention order, or to address Plaintiff’s ongoing confinement in solitary and unsafe conditions.

11. Defendant failed to investigate exculpatory materials, including employment records, text messages, and wage-dispute correspondence that would have demonstrated the matter was civil rather than criminal in nature. He ignored witness statements and failed to preserve digital evidence in Plaintiff’s possession.

These omissions directly contravened the duties imposed upon counsel under R. 3:4A(b)(3), as well as the constitutional benchmarks of *Strickland v. Washington*, 466 U.S. 668 (1984), and *State v. Fritz*, 105 N.J. 42 (1987), which require reasonable diligence and advocacy during pretrial liberty proceedings.

12. As a direct result of Defendant's neglect, Plaintiff remained confined for 108 days—from July 11 through October 26, 2022—suffering loss of income from contracting work, forfeiture of business contracts, loss of housing stability, credit harm, reputational injury, and emotional distress resulting from prolonged solitary confinement and public stigma. Certified evidence of these losses appears in Plaintiff's verified Post-Conviction Relief Petition (EF-3720750, Law Div. Crim. Part, filed Oct. 26, 2025), incorporated herein as Exhibit A.
13. Defendant publicly advertised himself as a "Certified Criminal Trial Attorney" who could secure swift release and vigorous defense. Those representations were material and induced Plaintiff's family to retain him and pay a \$5,000 retainer in reliance upon his claimed expertise and promises of immediate advocacy.
14. The retainer was a consumer purchase of legal services for personal use and therefore qualifies as "merchandise" under the New Jersey Consumer Fraud Act ("CFA"). *See* N.J.S.A. 56:8-1(c); *Gupta v. Asha Enters.*, 422 N.J. Super. 136 (App. Div. 2011). Defendant's acceptance of payment followed by inaction and misrepresentation constitutes an "unconscionable commercial practice" and false promise in violation of N.J.S.A. 56:8-2. *See Cox v. Sears Roebuck & Co.*, 138 N.J. 2 (1994); *Bosland v. Warnock Dodge, Inc.*, 396 N.J. Super. 267 (App. Div. 2007).*
15. Although Defendant may claim that the CFA does not apply to attorneys, he acted in a commercial capacity by marketing his services to the general public, using consumer-facing advertising, and entering into a fee-for-service arrangement with a lay client seeking release from detention. The professional-services exemption does not bar relief where misrepresentation, deception, or false advertising occurs. *See Blatterfein v. Larken Assocs.*, 323 N.J. Super. 167 (App. Div. 1999).*

- 16.** Defendant's actions also constituted willful breach of fiduciary duty, professional abandonment, and constructive fraud under *Sommer v. Kridel*, 74 N.J. 446 (1977), and *Gilbert v. Stewart*, 247 N.J. 421 (2021). His conduct violated the ethical and fiduciary obligations owed to a detained client whose liberty interests depended entirely on counsel's diligence.
- 17.** Plaintiff has filed an Application to Proceed *In Forma Pauperis* and awaits judicial review. Formal issuance and service of a Summons are deferred pending IFP approval. Defendant, however, has been placed on notice of this action and all related filings via JEDS notification and certified mail service of Plaintiff's PCR record. Plaintiff reserves all rights regarding service, timeliness, and procedural compliance under R. 4:4-1 and R. 1:5-6.

COUNT I – LEGAL MALPRACTICE

- 18.** Plaintiff re-alleges and incorporates by reference paragraphs 1 through 17 as though fully set forth herein.
- 19.** Defendant owed Plaintiff a duty to exercise the reasonable care, skill, and diligence ordinarily exercised by attorneys engaged in criminal defense practice in New Jersey. This duty included: timely filing motions required by R. 3:4A(b)(3); communicating with the client; investigating exculpatory evidence; and taking all reasonable steps to secure the client's liberty and protect his constitutional rights. *See Sommer v. Kridel*, 74 N.J. 446 (1977); *Conklin v. Hannotch Weisman*, 145 N.J. 395 (1996); *Gilbert v. Stewart*, 247 N.J. 421 (2021).
- 20.** Defendant breached that duty by:
- a. Failing to file a detention-review motion or any other pleading to secure Plaintiff's release despite explicit request;

- b. Neglecting to investigate exculpatory evidence and witness statements demonstrating the matter was civil rather than criminal;
- c. Refusing to communicate substantively after accepting payment, thereby abandoning the representation; and
- d. Engaging in conduct inconsistent with the professional-responsibility standards set forth in R.P.C. 1.1, 1.3, and 1.4.

21. Defendant's breaches were the direct and proximate cause of Plaintiff's prolonged and unlawful confinement, loss of income, destruction of business relationships, emotional trauma, and reputational harm. The injuries were foreseeable and flowed naturally from Defendant's failure to act with the competence and diligence required of counsel representing an incarcerated client. *See Baxt v. Liloia*, 155 N.J. 190 (1998); *Fritz*, 105 N.J. at 52.

COUNT II – BREACH OF FIDUCIARY DUTY

22. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 21 as though fully set forth herein.

23. Defendant owed Plaintiff a **fiduciary duty of loyalty, honesty, and zealous representation**, arising from their attorney–client relationship. This duty required Defendant to act solely in Plaintiff's best interests, to provide candid advice, to communicate promptly and truthfully, and to avoid any action placing Defendant's convenience or financial interest above Plaintiff's liberty. *See Baxt v. Liloia*, 155 N.J. 190 (1998); *In re Siegel*, 133 N.J. 162 (1993); *Gilbert v. Stewart*, 247 N.J. 421 (2021).*

24. Defendant breached this fiduciary duty by:

- a.** Ignoring Plaintiff's explicit instruction to file a detention-review motion and instead pursuing a plea negotiation contrary to Plaintiff's stated objectives;

- b.** Withholding material information about case progress and failing to maintain reasonable communication, in violation of R.P.C. 1.4;
- c.** Abandoning Plaintiff's defense immediately after receiving payment, thereby exploiting Plaintiff's vulnerable custodial position for Defendant's financial benefit; and
- d.** Failing to act with undivided loyalty during a period when Plaintiff's liberty and livelihood depended entirely upon counsel's diligence.

25. By disregarding Plaintiff's explicit instruction to challenge the detention order and by instead seeking to dispose of the matter through a plea, Defendant placed his own professional convenience and anticipated fee collection above Plaintiff's constitutional right to liberty and due process.

26. Such conduct constitutes **constructive fraud and self-dealing**, violating the attorney's fiduciary obligation of utmost good faith. A fiduciary breach does not require intent to deceive; it is sufficient that Defendant's actions betrayed Plaintiff's trust and subverted the purpose for which he was retained. *See Snyder v. Baumecker*, 708 F. Supp. 1451 (D.N.J. 1989); *In re Noonan*, 102 N.J. 157 (1986).*

27. As a direct and foreseeable result, Plaintiff suffered 108 days of continued confinement, the collapse of his contracting business, and substantial emotional and reputational harm. Defendant's failure to act with loyalty and candor caused irreparable injury to Plaintiff's personal and professional standing.

COUNT III – FRAUD AND DECEIT

28. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 27 as though fully set forth herein.

29. Before and during representation, Defendant affirmatively represented—both through his website, marketing materials, and direct statements—that he would “*secure release and defend the case aggressively*” as a **Certified Criminal Trial Attorney** capable of obtaining swift detention relief.

Defendant made these representations knowing them to be false, or with reckless disregard for their truth, intending that Plaintiff and his family rely upon them in deciding to pay a \$5,000 retainer.

30. Defendant's representations were material because Plaintiff's family retained Defendant specifically to obtain immediate release from confinement. In reliance upon those promises of action and professional competence, Plaintiff and his family entered into the attorney-client agreement, foregoing alternative counsel and legal remedies.

31. After accepting payment, Defendant concealed material facts—including his refusal to file a detention-review motion and his decision to pursue a plea contrary to Plaintiff's instructions. He failed to disclose that he had taken no steps to investigate or act on Plaintiff's case. Such intentional silence and omissions constitute **fraudulent concealment** and deception under New Jersey law. *See Jewish Ctr. of Sussex Cty. v. Whale*, 86 N.J. 619 (1981); *Gennari v. Weichert Co. Realtors*, 148 N.J. 582 (1997).*

32. Defendant's conduct thus satisfies each element of **common-law fraud**:

- a.** A material misrepresentation or omission of fact;
- b.** Knowledge of falsity or reckless disregard for truth;
- c.** Intent that Plaintiff rely;
- d.** Reasonable reliance by Plaintiff and his family; and
- e.** Resulting pecuniary and personal injury. *See Banco Popular N. Am. v. Gandi*, 184 N.J. 161 (2005).*

33. Alternatively, and at minimum, Defendant's conduct constitutes **negligent misrepresentation**, as he held himself out as a qualified criminal-defense expert yet failed to exercise the ordinary skill and care of a reasonable attorney in providing the services promised.

34. Plaintiff reasonably relied upon Defendant's representations and omissions and, as a direct and proximate result, suffered economic loss, continued incarceration, damage to credit and reputation, and severe emotional distress.

COUNT IV – VIOLATION OF THE NEW JERSEY CONSUMER FRAUD ACT

35. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 34 as though fully set forth herein.

36. Defendant’s **false advertising, deceptive representations, failure to perform promised services, and concealment of material facts** constitute “unlawful practices” within the meaning of N.J.S.A. 56:8-2.

Specifically, Defendant:

- a. Marketed himself to the public as a “Certified Criminal Trial Attorney” offering aggressive representation and immediate release results;
- b. Accepted a \$5,000 retainer on those assurances while knowing he would not file a detention-review motion or undertake any meaningful defense; and
- c. Concealed his inaction and abandonment from Plaintiff, depriving Plaintiff of the very service purchased.

Such conduct constitutes both an *affirmative misrepresentation* and an *unconscionable commercial practice* under the Act. *See Cox v. Sears Roebuck & Co.*, 138 N.J. 2 (1994); *Gennari v. Weichert Co. Realtors*, 148 N.J. 582 (1997).

37. Plaintiff is a **consumer** within the meaning of the Act because the retainer was a personal purchase of professional services for non-business use. *See Gupta v. Asha Enters.*, 422 N.J. Super. 136 (App. Div. 2011).^{*} The \$5,000 payment, and the resulting losses of wages, housing, credit standing, and business income, constitute an **ascertainable loss** directly caused by Defendant’s unlawful acts and omissions. *See Thiedemann v. Mercedes-Benz USA, LLC*, 183 N.J. 234 (2005).

38. A true and correct copy of Defendant’s publicly accessible website, captured on October 28th, 2025 and filed herewith as *Exhibit B-5*, depicts Defendant’s advertising as a *Certified Criminal Trial Attorney* and *former prosecutor*, offering aggressive representation to prospective clients. This consumer-facing marketing forms part of the representations alleged under this Count.

39. Because Defendant's conduct was **intentional, egregious, and designed to induce reliance from a vulnerable, detained consumer**, Plaintiff is entitled to statutory remedies including **treble damages, reasonable attorney's fees, and costs of suit** pursuant to N.J.S.A. 56:8-19.
40. Any defense invoking a so-called "**professional-services exemption**" under the CFA is inapplicable here. That exemption does not shield an attorney who, as here, engages in **commercial marketing, solicitation, and false promises to the public** regarding the quality and results of services offered. *See Blatterfein v. Larken Assocs.*, 323 N.J. Super. 167 (App. Div. 1999); *Daaleman v. Elizabethtown Gas Co.*, 77 N.J. 267 (1978).^{*} Defendant's conduct occurred in a **business-consumer transaction**, not within the protected realm of discretionary professional judgment.
41. Plaintiff therefore seeks all statutory relief available under the Consumer Fraud Act, including treble compensatory damages, prejudgment interest, costs, and attorney's fees, as justice and equity require.

COUNT V – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

42. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 40 as though fully set forth herein.
43. Defendant owed Plaintiff a duty to act with reasonable care, diligence, and sensitivity to the foreseeable emotional consequences of his representation, particularly given Plaintiff's custodial status and complete dependency on counsel for liberty, safety, and communication with the outside world. *See Strachan v. JFK Mem'l Hosp.*, 109 N.J. 523 (1988); *Decker v. Prudential Ins. Co. of Am.*, 125 N.J. 349 (1991).^{*}
44. Defendant breached that duty by abandoning Plaintiff during confinement, disregarding repeated pleas for assistance, and refusing to file the detention-review motion specifically requested. Defendant knew or should have known that such neglect would cause Plaintiff acute distress, humiliation, and despair while isolated in solitary conditions.

45. As a direct and foreseeable result, Plaintiff experienced **severe emotional distress**, including anxiety, insomnia, humiliation from wrongful detention, fear for personal safety, feelings of betrayal by trusted counsel, and loss of confidence in the justice system. These injuries were the natural and proximate consequence of Defendant's negligent disregard for Plaintiff's rights and welfare. *See Buckley v. Trenton Sav. Fund Soc'y*, 111 N.J. 355 (1988).*
46. Plaintiff's emotional suffering was genuine, substantial, and supported by contemporaneous confinement records and sworn certification in the incorporated Post-Conviction Relief Petition (EF-3720750). Defendant's conduct would foreseeably cause a reasonable person in Plaintiff's position to suffer profound emotional trauma.
47. Accordingly, Plaintiff seeks compensatory damages for emotional anguish, humiliation, and mental suffering proximately caused by Defendant's negligent acts and omissions.

DAMAGES AND RELIEF REQUESTED

48. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.
49. As a direct and proximate result of Defendant's negligence, fiduciary breach, fraud, and statutory violations, Plaintiff suffered substantial injuries including wrongful loss of liberty, emotional anguish, loss of income and business opportunities, housing instability, credit impairment, reputational harm, and continuing psychological distress.
50. Defendant's conduct was willful, wanton, and in reckless disregard of Plaintiff's constitutional and contractual rights, warranting punitive and exemplary damages to deter similar misconduct toward vulnerable, detained clients. *See Nappe v. Anschelewitz, Barr, Ansell & Bonello*, 97 N.J. 37 (1984).*
51. Under the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-19, Plaintiff is further entitled to **treble compensatory damages, reasonable attorney's fees, and costs of suit**, because Defendant's false representations and abandonment constituted intentional and unconscionable commercial practices.

52. Plaintiff's verified Post-Conviction Relief Petition (EF-3720750, Law Div. Crim. Part, Oct. 26 2025) provides certified proof of incarceration duration, economic losses, and related emotional harm, all incorporated herein by reference as Exhibit A.

53. Accordingly, Plaintiff respectfully demands judgment against Defendant, jointly and severally, as follows:

- a. **Compensatory damages** for 108 days of wrongful incarceration, lost wages, business contracts, housing, and credit opportunities;
- b. **Treble damages** under the Consumer Fraud Act;
- c. **Punitive damages** for willful and wanton misconduct;
- d. **Costs of suit, prejudgment interest, and reasonable fees** as authorized by law; and
- e. **Such further relief as law, equity, and justice may require** to restore Plaintiff's position and deter similar future harm.

RESERVATION OF RIGHTS

54. Plaintiff expressly reserves the right, pursuant to R. 4:9-1 and R. 4:17-7, to amend this pleading as justice requires, including to assert additional causes of action such as **unjust enrichment, constructive fraud, negligent supervision, or violations of related professional-conduct duties**, should further facts or evidence be disclosed through discovery or court proceedings.

This reservation is made to preserve all equitable and legal remedies available under New Jersey law and to ensure full adjudication of the rights and liabilities of the parties.

JURY DEMAND

55. Plaintiff demands a trial by jury of **six jurors** on all issues so triable as of right under N.J. Const. art. I, ¶ 9, and R. 1:8-2(a).

CERTIFICATION OF NO OTHER ACTIONS

56. Pursuant to R. 4:5-1(b)(2), Plaintiff certifies that this matter is not the subject of any other pending action or arbitration proceeding, except:

a. Plaintiff's verified Post-Conviction Relief proceeding, *State v. Barber*, Docket Nos.

ATL-22-002292 / ATL-22-002313 (PCR No. EF-3720750, Law Div. Crim. Part, filed Oct. 26, 2025); and

b. The related appeals presently pending in the Superior Court of New Jersey, Appellate Division, under Docket Nos. A-000308-25 and A-000313-25, which arise from the same underlying criminal matters forming part of the factual background of this complaint.

Plaintiff is not aware of any other party who should be joined in this action at this time.

CERTIFICATION PURSUANT TO R. 1:4-4(b) AND 28 U.S.C. § 1746

I, **Devon Tyler Barber**, certify under penalty of perjury that the foregoing statements made by me are true to the best of my knowledge, information, and belief. If any of the foregoing statements are willfully false, I am subject to punishment.

Executed on October 28th, 2025 at Hamilton Township, Atlantic County, New Jersey.

Respectfully submitted,

/s/ Devon T. Barber

DEVON TYLER BARBER

Barber, Devon (Tyler)

Plaintiff, *pro se*

325 E. Jimmie Leeds Road, Suite 7-333

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(609) 665-9350

[Tylerstead@ProtonMail.com](mailto:Tylertestad@ProtonMail.com)

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY,

Defendants.

Docket No.: ATL-L-002794-25 **Team:** 102 **Judge:** Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand:** Six Jurors **Case Status:** Active

EXHIBIT A

Verified Post-Conviction Relief Petition

(EF-3720750, Superior Court of New Jersey, Law Division – Criminal Part, filed Oct. 26 2025)

Authenticated public record incorporated by reference in the First Amended Complaint (Counts I–V).

Devon T. Barber
Pro Se Petitioner / Defendant
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

NOTICE OF FILING AND PROCEDURAL STATUS

Filed Pursuant to R. 3:22-1 et seq.

Please accept the attached **Post-Conviction Relief packet** pursuant to Rule 3:22.

This petition was originally initiated prior to the docketing of my direct appeals (A-000308-25 and A-000313-25) and is filed to preserve and develop the factual record underlying claims of ineffective assistance of counsel, suppression of exculpatory evidence, and the involuntary nature of the plea.

The attached submission includes:

1. Petition for Post-Conviction Relief (R. 3:22-1);

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2. Certifications of Devon Tyler Barber (Affidavit X and Rebuttal of July 11, 2022 GTPD Narrative);
3. Memorandum of Law in Support of Petition for Post-Conviction Relief;
4. Table of Exhibits and Exhibits A-M (including verified government and business records);
5. Proposed Order for Evidentiary Hearing and Preservation of Evidence; and
6. Certificate of Service.

Relief Sought:

- An evidentiary hearing pursuant to R. 3:22-10(b);
- An order compelling preservation and production of all exculpatory and digital evidence from July 11, 2022 and related proceedings;
- A finding that the plea was not knowing, voluntary, or intelligent; and
- Vacatur of the resulting judgment of conviction or such other relief as justice requires.

This filing is made in good faith to ensure the record before the Law Division and Appellate Division is complete and accurate. It is not duplicative of the pending appeals but complements them by supplying sworn factual material not available on the trial record, consistent with *State v. Preciose*, 129 N.J. 451 (1992).

Respectfully submitted,

/s/ Devon T. Barber
DEVON TYLER BARBER
 Defendant / Petitioner Pro Se
 Dated: October 26, 2025

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

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

PETITION FOR POST-CONVICTION RELIEF

(R. 3:22-1; R. 3:22-2; R. 3:22-10)

Defendant, Devon Tyler Barber, appearing *pro se*, respectfully petitions this Court for Post Conviction Relief and states:

I. PROCEDURAL HISTORY

1. I was charged in connection with events alleged to have occurred on or about July 11, 2022, at 1525 W. Aloe Street, Galloway Township, Atlantic County, New Jersey.
2. I ultimately entered guilty pleas and was convicted under Docket Nos. ATL-22-002292 and ATL-22-002313, corresponding to Indictment Nos. 22-09-01413-I and 22-10-01440-I.
3. On January 4, 2023, the Hon. Pamela D'Arcy, J.S.C., imposed concurrent three-year probationary terms with conditions of mental-health and TASC evaluation, anger-management counseling, and no contact with the complainants.

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II. GROUNDS FOR RELIEF

(Constitutional and Jurisprudential Basis)

4. Constitutional Basis for Relief.

My pleas and resulting convictions were obtained in violation of the **Fifth, Sixth, and Fourteenth Amendments** to the *United States Constitution* and **Article I, Paragraphs 1, 7, and 10** of the *New Jersey Constitution*.

5. These provisions guarantee *due process of law, the right to effective assistance of counsel, the right to confront adverse witnesses, and the right to enter a plea knowingly and voluntarily.*

6. When a conviction results from *government misconduct, suppression of material evidence, or counsel's failure to investigate and protect these rights*, the judgment is constitutionally infirm and must be vacated.

7. See *Strickland v. Washington*, 466 U.S. 668 (1984) (ineffective assistance as structural due-process violation); *Brady v. Maryland*, 373 U.S. 83 (1963) (suppression of exculpatory evidence violates due process); *Napue v. Illinois*, 360 U.S. 264 (1959) (use of false or misleading evidence violates fundamental fairness); *State v. Fritz*, 105 N.J. 42 (1987) (applying *Strickland* standard under N.J. Const. art. I); and *State v. Precioso*, 129 N.J. 451 (1992) (requiring evidentiary hearing upon prima facie showing of constitutional deprivation).

8. Accordingly, I assert the following specific grounds for relief:

(a) Wrongful Characterization of Lawful Conduct — Deprivation of Due Process and Fair Trial

The State's case rested on a false factual premise: that I was a trespasser or intruder, rather than an authorized worker and occupant acting under a lawful contractual arrangement. This mischaracterization denied me a fair trial and rendered the plea involuntary because it stripped

the incident of its true civil nature and replaced it with a fabricated criminal narrative. Such misrepresentation constitutes a denial of due process under the *Fourteenth Amendment* and *Article I, Paragraph 1* of the *New Jersey Constitution*.

See *Napue v. Illinois*, 360 U.S. 264 (1959) (conviction obtained through false or misleading evidence violates due process); *State v. Carter*, 91 N.J. 86, 111–12 (1982) (due process violated where the State's theory is predicated on a fundamentally misleading factual narrative). The failure of trial counsel to expose this error further compounded the constitutional violation.

(b) Suppression of Exculpatory and Impeachment Evidence — Violation of *Brady* and *Giglio*

Law-enforcement officers and the prosecution failed to preserve or disclose material evidence showing my lawful employment and self-defensive posture, while retaining only statements favorable to the accusers. This suppression violated *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); and *State v. Marshall*, 148 N.J. 89, 269–70 (1997). Evidence impeaching the complainants' credibility or demonstrating that the alleged "threats" arose from a labor dispute was material and would have altered the decision to indict or accept a plea. The State's nondisclosure therefore mandates either vacatur of the plea or an evidentiary hearing under *State v. Precioso*, 129 N.J. 451, 462–63 (1992).

(c) Fabricated "Terroristic Threats" Narrative — Violation of the First, Fifth, and Fourteenth Amendments

The record shows that the "terroristic threats" charge was built entirely on uncorroborated hearsay from financially motivated complainants, absent any verified recording, witness, or physical evidence. This weaponized my constitutionally protected speech and emotional reaction to unlawful treatment. Convictions premised on speech absent proof of *specific intent to terrorize*

violate the *First Amendment* and *N.J.S.A. 2C:12-3(a)* itself, which requires intent beyond mere anger or frustration.

See *Watts v. United States*, 394 U.S. 705 (1969) (political hyperbole and emotional statements not “true threats”); *State v. Smith*, 262 N.J. Super. 487, 503–04 (App. Div. 1993) (threat must be evaluated in context and intent proven beyond a reasonable doubt). By failing to challenge the insufficiency of evidence or move for dismissal, counsel permitted conviction on constitutionally protected expression.

(d) Undisclosed Bias and Financial Motive — Violation of Confrontation and Fair-Trial Rights

The complainants’ pecuniary motive—to eliminate me from the property and retain the benefit of my unpaid renovation labor—was never disclosed to the defense or the court. Such evidence constitutes classic impeachment material under *Davis v. Alaska*, 415 U.S. 308 (1974) and *Delaware v. Van Arsdall*, 475 U.S. 673 (1986), both recognizing the right to expose a witness’s bias as a core component of the *Sixth Amendment’s Confrontation Clause*.

New Jersey courts likewise hold that suppression of motive evidence warrants relief. See *State v. Carter*, 69 N.J. 420, 433–34 (1976) (cross-examination to show bias and motive is essential to due process); *State v. Spano*, 69 N.J. 231, 235–36 (1976). Had this evidence been disclosed, it would have fundamentally altered the credibility calculus and undermined any factual basis for the plea.

(e) Ineffective Assistance of Counsel

Trial counsel **John W. Tumelty, Esq.** failed to provide competent representation in multiple, outcome-determinative respects. He failed to (1) investigate my employment status and lawful presence on the property; (2) obtain the New Jersey Department of Labor wage-claim records

and related IRS verification showing that the underlying conflict was a civil wage dispute; (3) move to suppress or dismiss for lack of probable cause; (4) demand preservation of exculpatory digital and physical evidence, including my cellphone data and work-site photos; and (5) object when police themselves acknowledged on record that the matter was civil in nature, not criminal. In addition, counsel **failed to file or request a new detention hearing or motion for reconsideration** under *R. 3:4A(b)(3)* once new exculpatory information became available. He could have sought my release from his office by submitting employment proof and evidence of lawful residence, yet he did nothing. This omission left me confined for months, intensifying duress and effectively coercing me to accept a plea as the only path to regain my freedom. These combined failures fell below the objective standard of reasonable professional assistance and prejudiced the outcome of the proceedings, constituting ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984); *State v. Fritz*, 105 N.J. 42 (1987); and *State v. Precioso*, 129 N.J. 451 (1992).

III. FACTUAL BACKGROUND

9. The underlying incident was not random violence but a civil wage-and-housing dispute. I performed renovation labor at 1525 W. Aloe Street for private investors who later used police intervention to evict me and avoid paying wages owed. My *NJ Department of Labor Wage Complaint No. 369572* (filed October 12, 2025) confirms misclassification and unpaid wages, substantiating that the confrontation arose from a labor controversy rather than criminal intent.

10. The police narrative omits crucial facts: I was invited to live there “as a steward,” my personal property and pets were destroyed to provoke a reaction, and I briefly held a hand tool only in self-defense while retreating. The record shows I immediately complied with police orders and posed no threat.

11. The “terroristic threats” warrant relied solely on uncorroborated statements from those same complainants. There is no independent evidence of any genuine threat; the allegation of racial animus was manufactured to inflame authorities and justify removal.

12. Counsel’s cumulative failures—both investigative and strategic—rendered my plea *unknowing, involuntary, and unintelligent*. I accepted it under duress, faced with a record distorted to depict me as a violent aggressor rather than an unpaid worker unlawfully displaced from his jobsite.

IV. SUPPORTING RECORD ALREADY ON FILE

13. All documentary proof supporting these claims has been previously filed and accepted into the record through my *Unified Record and Proof of Manifest Injustice* (Trans. IDs

CRM20251259547 and **CRM20251263284**, filed Oct 14–15 2025) and my *Motion to Supplement/Expand the Record* in Appellate Docket A-000308-25.

Those filings—comprising **Exhibits A through M**, including verified wage-claim documents, OffenderWatch registry data, licensing records, and my sworn *Declaration of Constitutional and Moral Foundation*—are incorporated herein by reference pursuant to *R. 1:6-6* and *R. 3:22-10(b)*.

V. LEGAL STANDARD

14. Under *R. 3:22-1* and -2, a defendant may obtain relief for denial of effective assistance, due process, or a coerced plea constituting manifest injustice. A *prima facie* showing under *Strickland* and *Precise* requires an evidentiary hearing when material facts outside the trial record demonstrate a reasonable probability of a different outcome.

VI. RELIEF REQUESTED

Defendant respectfully requests that this Court:

- (a) Accept this Petition and supplemental Certification for filing and docketing under the above-referenced matters;
- (b) Order an evidentiary hearing under *R. 3:22-10(b)* to develop the full factual record;
- (c) Vacate the plea and convictions, or grant such other relief as justice requires to correct the constitutional violations; and
- (d) Direct production and preservation of all outstanding discovery, including original photographs, body-worn-camera recordings, communications, and any digital evidence from July 11, 2022.

VII. CONCLUSION

For the foregoing reasons, and to prevent continuation of a manifest injustice, Defendant respectfully petitions this Court to grant Post-Conviction Relief as set forth above.

Dated: October 26, 2025

Respectfully submitted,

/s/ Devon T. Barber

DEVON TYLER BARBER

Defendant / Prisoner Pro Se

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

**CERTIFICATION IN REBUTTAL OF JULY 11, 2022 GTPD NARRATIVE
AND IN SUPPORT OF POST-CONVICTION RELIEF / DIRECT APPEAL ISSUES**

Filed Pursuant to R. 1:4-4(b), R. 3:22-10(b).

Strickland v. Washington, 466 U.S. 668 (1984);

State v. Fritz, 105 N.J. 42 (1987);

State v. Preciose, 129 N.J. 451 (1992)

I, **DEVON TYLER BARBER**, of full age, hereby certify, affirm, and state for the record under penalty for willful perjury:

I submit this Certification in direct rebuttal to the July 11, 2022 Galloway Township Police Department narrative concerning the incident at 1525 W. Aloe Street and the allegation of an "attack with a weapon." The report mischaracterizes the encounter and omits critical facts showing that I neither struck, swung, nor raised any tool toward anyone. When I arrived and saw

my belongings being thrown into a truck, my aquarium shattered, and my pets dead while I was being mocked, I reacted in shock and anger and made brief physical contact with Joseph Hardemon. There was no intent to cause serious harm, and the contact was momentary. I immediately attempted to withdraw, but was surrounded and tackled by Joseph, Joshua, Khamir Harvey, and other unidentified men. The object described as a "crowbar" was never used or misused as a weapon; I only held it momentarily to create space and prevent being further assaulted. The police narrative's omissions and distortions were later relied upon to justify my arrest, detention, and plea. That report is materially false, incomplete, and constitutionally defective, and my former counsel failed to challenge it.

FIRST POLICE NARRATIVE BLOCK

1. POLICE CLAIM:

"On 07/11/2022 at 0912 hours, Joseph Hardemon Jr. and his father, Joseph Hardemon Sr. came to the station to make a terroristic threats, harassment and criminal trespassing report against the suspect, Devon Barber."

2. TRUTH:

The complainants went to police first in order to control the story and cast themselves as victims. They misrepresented me as a trespasser and a violent "racist," when in reality I was an unpaid laborer who had been living and working on-site with their permission. My goal at that time was simply to recover the property, tools, and wages that I had earned.

3. FACTUAL CONTEXT:

From the beginning, I had been invited and allowed to stay on-site "as a steward" to perform renovation and security work at 1525 W. Aloe Street. My duties included tile

installation, painting, lawn care, cleanup, and protecting the premises and property on site between job phases. That arrangement was mutually understood and accepted by all parties. I was not an intruder or "squatter"; I was fulfilling a work-for-lodging and wage agreement. Trespass requires that I was somewhere without license or permission. I had permission. The only thing that changed was that I tried to get paid and not be starved. Calling me a trespasser after that is not law — it is eviction-by-police.

4. LEGAL SIGNIFICANCE:

Criminal trespass under *N.J.S.A. 2C:18-3* requires a person to enter or remain on property *without license or privilege*. I possessed both. Once permission and compensation were part of the arrangement, any dispute over my continued occupancy became a **civil landlord-tenant or wage matter**, not a criminal offense. Recasting a wage-payment dispute as "trespass" turned a civil disagreement into a police-enforced eviction. My counsel failed to challenge that mischaracterization, allowing a purely economic conflict to be treated as a violent-crime complaint.

"THEY ARE PARTNERS... THEY HIRED DEVON..."

5. POLICE CLAIM:

"Mr. Hardemon (Junior) reported that his dad and he are partners with Gerald Cohen and work under the LLC of Oak Tree Investments... They are currently renovating a property... They hired Devon Barber... Mr. Hardemon (Junior) has known Devon since they were children, and everything was fine until recently."

6. TRUTH:

This portion of the police narrative is, in fact, an admission that I was engaged as hired labor. The complainants acknowledged that I was working on a home-renovation project

through their New Jersey home-improvement company, **Joe's Painting and Renovations II, LLC**, and their affiliated investment entity, **Oak Tree Investments LLC**, in partnership with Gerald Cohen. They further confirmed that I had known the Hardemon family for years, establishing both a professional and personal relationship. These facts contradict any claim that I was an unknown or hostile "trespasser." Rather, they show that my presence at 1525 W. Aloe Street was **authorized, work-related, and conducted under a continuing business arrangement.**

7. FACTUAL CONTEXT:

The Hardemon family and their partner, Gerald Cohen, were renovating 1525 W. Aloe Street for resale. The project had fallen behind schedule, and I was asked to assist with renovation, maintenance, and property security. I was told that I could reside on-site while working, and that my labor and stewardship would be compensated through both wages and housing. This understanding governed my entire presence at the property.

8. INTERPRETATION OF "EVERYTHING WAS FINE UNTIL RECENTLY":

The phrase "everything was fine until recently" simply means that the relationship deteriorated once I began insisting on payment for weeks of labor, food, and basic living needs. I had contributed significant work to the property and was depending on promised compensation. When I pressed for what I was owed, they turned against me. As stated in my sworn testimony, "Despite my hard work and commitment, the family began withholding payment... leaving me financially struggling and often hungry."

9. LEGAL SIGNIFICANCE:

This section of the police narrative inadvertently provides **Brady/Giglio impeachment evidence**—proof of bias, financial motive, and personal interest by the complainants.

Their clear economic incentive to remove me from the property and avoid paying earned wages is directly relevant to credibility and motive to fabricate. The State failed to disclose or develop this context, and my former counsel failed to raise it in any motion, negotiation, or argument. This omission deprived the court of the full factual background and prejudiced my defense.

“DEVON STARTED HARASSING AND THREATENING...”

10. POLICE CLAIM:

“Devon started harassing and threatening him indirectly through the LLC Facebook page.”

11. TRUTH:

The messages at issue were written during a period of exhaustion and frustration after I had gone weeks without pay, food, or basic support. The content of those communications consisted of demands for payment, references to legal rights, and emotional appeals for fairness. At no point did I state or imply an intention to inflict physical harm on anyone. I never wrote or said, “I am going to kill you,” “I am going to hurt you,” or any concrete or conditional threat of illegal violence. My words were expressions of anger, disillusionment, and desperation—protected forms of speech under the First Amendment—not true threats.

12. FACTUAL CONTEXT:

The posts that police and complainants labeled as “terroristic threats” referenced constitutional and legal concepts, patriotic and religious language, and frustration with being exploited and ignored. I used metaphors about standing my ground and securing what was mine; these were figurative, not literal. The messages were directed to the

business's public Facebook page, in the context of an ongoing **wage dispute**, not to any individual with an intent to terrorize.

13. LEGAL SIGNIFICANCE:

Under *N.J.S.A. 2C:12-3(a)*, a "terroristic threat" requires a **specific, credible expression of intent to commit a crime of violence, made with the purpose to terrorize or cause evacuation**. Neither my Facebook communications nor the "No Trespassing" sign I had posted from the beginning of the project met that definition. The sign—which read "*No Trespassing: Violators Will Be Shot (Recorded)*"—was a common security notice used to deter theft and vandalism at construction sites. It had been in place since I began work and was meant solely to warn trespassers that the area was under video surveillance. I have never owned, possessed, or even handled a firearm; there was no realistic way for anyone to believe I was threatening to shoot anyone.

By taking a standard site-security notice and my online wage-payment complaints and redefining them as "terroristic threats," the complainants and police erased the distinction between **protected expression** and **true threats** established in *Watts v. United States*, 394 U.S. 705 (1969), and *State v. Smith*, 262 N.J. Super. 487 (App. Div. 1993). Their interpretation ignored the context—that I had been asked to secure the property and its tools and was acting under that instruction. This misuse of criminal process converted lawful safety precautions and constitutionally protected speech into felony charges, providing a pretext to remove me from the property without paying the wages I was owed. Trial counsel's failure to challenge this distortion or to present the obvious non-violent purpose of the sign constituted ineffective assistance and directly prejudiced the outcome of my case.

“HE TOOK UP RESIDENCE... POSTED A NO TRESPASSING SIGN...”**14. POLICE CLAIM:**

“It has now gotten to the point where Devon has taken up residence, boarded up and destroyed walls inside of the residence. He posted a ‘No Trespassing’ sign... that threatens to shoot and/or prosecute trespassers.”

15. TRUTH:

This description distorts ordinary renovation activity and omits crucial context. I had been living at 1525 W. Aloe Street continuously for more than thirty days—openly, with the knowledge and permission of the property owners. In text messages, **Joseph Hardemon Jr. explicitly told me the house was mine “until it’s sold,”** reflecting the agreement that I could remain on-site to complete renovation work and safeguard the property. I kept clothing, food, work tools, and personal belongings there, and I performed daily maintenance and security duties as part of my role. My residence was understood to be part of my compensation for labor. The owners benefitted directly from my presence, which protected their investment from theft, vandalism, and weather damage while the project remained unfinished.

16. FACTUAL CLARIFICATION:

The report’s claim that I “destroyed walls” refers to authorized renovation work. I had been hired to remove the old plaster-and-lath wall between the two main children’s bedrooms so new framing and drywall could be installed. The plaster was brittle and possibly contaminated with asbestos or lead dust, and the electrical outlet had to be disconnected and grounded for safety. I removed the material carefully and stored wiring

and hardware for reinstall. This was part of my assigned duties as a licensed home-improvement contractor (NJ HIC #13VH10808800), not vandalism.

17. FACTUAL CONTEXT:

The "No Trespassing" sign referenced in the police narrative was installed on day one of my stewardship, long before any disagreement over wages. It read "*No Trespassing – Violators Will Be Shot (Recorded)*" and was meant to deter potential intruders stating that cameras were operating on-site. I had been specifically asked to protect the tools and materials stored inside. The phrase was a common construction-site deterrent, not a threat. I have never owned or possessed any firearm, and no weapon of any kind was found or alleged to have been brandished. "Boarded up and destroyed walls" is dishonest framing. Boarding, demo, tear-out, and sealing a rehab to prevent theft and vandalism are normal renovation procedures. They labeled standard rehab work as "destruction."

The "No Trespassing" language is standard for protecting flips from theft of copper, tools, etc. I was doing site security because that's what they told me to do.

18. LEGAL SIGNIFICANCE:

Having lived there openly for more than thirty days with the owners' consent, I had established **lawful residence and possessory rights** under New Jersey's landlord-tenant framework, *N.J.S.A. 2A:18-61.1 et seq.* Any dispute over my continued occupancy therefore required a **civil eviction process**, not a criminal complaint. Recasting an authorized resident and worker as a "trespasser with a weapon" allowed the complainants to sidestep landlord-tenant procedure and wage obligations by invoking police power. The "No Trespassing" sign cannot be treated as a threat when it pre-dated the dispute, involved no weapon, and served the precise purpose they asked me to perform—property

protection. My counsel failed to raise these obvious facts or to challenge the misapplication of *N.J.S.A. 2C:18-3* (criminal trespass), thereby allowing a civil possession issue to be criminalized and used to pressure a plea.

“FICTITIOUS DEED / TAKEOVER”

19. POLICE CLAIM:

“Devon sent a fictitious transfer deed... purporting to transfer ownership of the residence to him.”

20. TRUTH:

I never recorded or attempted to record any deed with the Atlantic County Clerk or any other public office to claim legal title. Any notice or document I prepared or sent was intended only to preserve my right to remain on the premises while an unresolved wage and occupancy dispute was pending. Those communications were an assertion of **possessory control**, not ownership, made after my work had gone unpaid and my living conditions had deteriorated.

21. FACTUAL CONTEXT:

At the time of the disputed Facebook messages and paperwork, I had just completed an outside customer job for **Joe's Painting and Renovations II, LLC**, where I worked long hours without receiving the agreed-upon payment—approximately \$300 for that weekend's labor. Shortly afterward, **Joseph Hardemon Jr.** left for a personal trip to Las Vegas. Around the time he returned, he informed me that his father had “changed the agreement,” claiming that my staying at the property—with no electricity, no running water, and minimal living conditions—would now count as full payment for *all* of my labor, including the customer job. I objected because this was not our original

understanding and left me completely unpaid. My subsequent written assertions of possessory rights were made in that context of non-payment and sudden change of terms, not as an effort to seize title or ownership of the property.

22. SUBSEQUENT EVENTS:

After the complainants had already gone to police and obtained the warrant and summons, they returned to 1525 W. Aloe Street and began removing and destroying my belongings. When I came back, I found my personal property scattered across the yard, my aquarium shattered, and my two tarantulas—pets I had cared for—killed and mocked on video. These deliberate acts occurred after law enforcement had been contacted and were meant to provoke me, erase evidence of my residence, and make it appear that I was an intruder. My reaction was an effort to protect what remained of my work, property, and dignity—not to claim title or threaten anyone.

23. CLARIFICATION OF INTENT:

Any language in my filings or correspondence that could be read as referring to “ownership” was **symbolic** and reflected my attempt to document unpaid labor and preserve my lawful interest in continued possession until the wage dispute was resolved. It was not, and never was, a scheme to defraud or to obtain legal title by deception. It was a good-faith attempt to stop the destruction of my belongings and to prevent the complainants from erasing my role and presence at the property.

24. LEGAL SIGNIFICANCE:

At most, this was a **civil possession and compensation dispute**, not an armed or fraudulent takeover. Under New Jersey law, a person who has resided on a property with permission for more than thirty days may be removed only through **Landlord-Tenant**

Court proceedings, not criminal prosecution. By treating my lawful occupancy and unpaid-labor claim as “terroristic threats” and “fraudulent deed” offenses, police and complainants turned a civil wage dispute into a criminal case. My trial counsel failed to raise this clear misapplication of law, contributing directly to an unjust plea and conviction.

“THREATS / NOOSE / SOVEREIGN CITIZEN / HE’S RACIST”

25. POLICE CLAIM:

“Devon also sent threatening messages ... a picture of a noose with the Capitol building ... ‘Read Title 18 sir. Are you for the US or against US?’ Mr. Hardemon believes Devon sent this photo because they are black and that Devon is a Sovereign Citizen ... His father and he are now in fear for their safety ... wanted to sign criminal complaints ... have him removed from the property and arrested.”

26. TRUTH:

This entire section is **unverified and misleading**. The police report itself makes clear that the officer relied solely on what “*Mr. Hardemon (Junior) believes*” without any independent authentication or documentation. No screenshot, message thread, or image was ever preserved, attached, or verified. In reality, the “image” referenced was not something I selected or sent directly—it was a **URL preview automatically generated by iMessage** when I shared a public article discussing *Title 18 of the United States Code*. The system created a thumbnail image of the article’s web data (which apparently included a noose graphic). I did not create, choose, or even see that image before sending the link. My purpose in sending the article was to point to federal law concerning **civil rights and justice provisions**—not to threaten anyone.

27. FACTUAL CONTEXT:

My message said “Read Title 18, sir. Are you for the U.S. or against U.S.?” because I believed federal law was being violated — specifically, that depriving me of earned wages and destroying my property implicated basic rights protected under U.S. law. The message was political, not violent, and referred to law, not to harm. *Title 18* encompasses hundreds of criminal statutes, including civil-rights enforcement provisions, and its mention of the death penalty in some sections is a function of the statute itself, not a threat by the sender. The idea that I was invoking violence because the U.S. Code contains capital offenses is both illogical and legally baseless. Ignorance or misinterpretation of federal law by others does not make my citation of it a criminal act.

28. SELECTIVE EVIDENCE PRESERVATION:

Police never collected or preserved the full iMessage thread, which included earlier messages from the Hardemons that were antagonistic and mocking toward me. They took only the complainants’ chosen fragments and presented them as if they were complete. This omission removed vital exculpatory context that would have shown that my communications were reactive, non-violent, and rooted in frustration over nonpayment and personal mistreatment. The State therefore suppressed or ignored **exculpatory and impeachment material** in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972).

29. MISCHARACTERIZATION AND PREJUDICE:

Calling me a “racist” or “sovereign-citizen extremist” was a deliberate attempt to inflame police perception and justify a preemptive arrest. These labels had no factual or evidentiary basis and were used to reframe a civil wage dispute as a public-safety

emergency. The narrative itself admits the true purpose: *"They wanted to sign criminal complaints and have him removed from the property and arrested."* That is **eviction by criminal charge**, not a legitimate threat investigation.

30. LEGAL SIGNIFICANCE:

Under *N.J.S.A. 2C:12-3(a)*, a "terroristic threat" must be a **true threat**—a clear, credible expression of intent to commit unlawful violence. A URL preview generated automatically by a messaging app, accompanied by legal citations and political language, does not meet that definition. The complainants' subjective "belief" that the message was racially motivated cannot create probable cause. The police and prosecution's failure to authenticate the message, preserve the full thread, or examine digital metadata deprived me of due process and a fair trial. My counsel's failure to demand disclosure, challenge probable cause, or move to suppress the warrant constituted ineffective assistance under *Strickland v. Washington*, 466 U.S. 668 (1984), and *State v. Fritz*, 105 N.J. 42 (1987).

POLICE ADMIT THIS IS LANDLORD/TENANT

31. POLICE CLAIM:

"I explained ... we can only do what the law allows us to do ... complicated by the fact permission had been granted for Devon to temporarily stay there ... both parties were advised of their civil options in Landlord/Tenant Court to determine whether Devon had established residency and was subject to eviction proceedings."

32. TRUTH:

This statement is the clearest admission within the police narrative that the matter was a **civil landlord-tenant and wage-possession dispute**, not a criminal trespass or violent-threat situation. The officer explicitly acknowledged that I had been granted permission

to stay at the property and that any removal required a **civil eviction process** through the Landlord-Tenant Court. This confirms that even law enforcement recognized I had an established, lawful right of occupancy at the time.

33. FACTUAL CONTEXT:

Having lived there openly for over thirty days, with my belongings, work materials, and personal effects present, I had established **constructive tenancy** under New Jersey law. The officer's own acknowledgment that "permission had been granted" and that "eviction proceedings" might be necessary shows that police knew the legal boundaries. Yet, rather than require the property owners to follow civil procedure, officers later participated in my arrest based on unverified accusations and pre-issued warrants obtained by the same complainants. This transformed a private contractual dispute into a criminal enforcement action.

34. LEGAL SIGNIFICANCE:

Under *N.J.S.A. 2A:39-1 et seq.* (unlawful entry and detainer) and *N.J.S.A. 2A:18-61.1 et seq.* (Anti-Eviction Act), a tenant or lawful occupant cannot be forcibly removed without a court order. By assisting the property owners in having me arrested and removed after conceding the dispute was civil, police effectively participated in an **illegal lockout** and **constructive wage theft**, violating both **state landlord-tenant law** and the **Fourteenth Amendment's Due Process Clause**. This misuse of criminal process deprived me of property and liberty without lawful procedure. My counsel never litigated or even raised this contradiction between the police report and the actions taken, allowing an acknowledged civil matter to be characterized as a criminal case and leading directly to a coerced plea.

THE WARRANT / PROBABLE CAUSE LOOP

35. POLICE CLAIM:

"AP Ostrow authorized a warrant application for Terroristic Threats ... JMC Fauntleroy found probable cause ... warrant ... summons ... Mr. Hardemon (Junior) signed ... Mr. Hardemon (Senior) signed ..."

36. TRUTH:

The finding of "probable cause" was based entirely on the Hardemon family's unverified statements and subjective beliefs. No neutral or disinterested witness was interviewed. No unaffiliated neighbor statement was taken. No authenticated screenshot, message, or recording showing any direct or conditional threat was ever presented to the court. The warrant was issued solely on the complainants' narrative—one that had obvious financial and personal motives to remove me from the property quickly.

37. FACTUAL CONTEXT:

The Hardemons told police that I was dangerous, racist, and extremist, language deliberately chosen to inflame fear and ensure immediate police action. By portraying me as a public-safety threat rather than a worker in a wage dispute, they accomplished what landlord-tenant law would not permit: an immediate, forcible removal without eviction proceedings or payment of wages owed. Police relied exclusively on their portrayal, never reviewed the underlying digital evidence, and never sought to corroborate the allegations before applying for a warrant. This reliance on a one-sided, economically motivated narrative violated fundamental standards of neutrality and due process.

38. LEGAL SIGNIFICANCE:

Probable cause must rest on **specific, articulable facts** establishing a fair probability that

a crime was committed, not on unverified accusations or reputation-based fear. See *Illinois v. Gates*, 462 U.S. 213 (1983); *State v. Keyes*, 184 N.J. 541 (2005). The complainants' statements, unsupported by physical evidence or independent corroboration, could not meet that standard. The resulting warrant was tainted by bias and material omissions—classic **impeachment and exculpatory evidence** under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). Trial counsel failed to challenge the sufficiency of the warrant, request a *Franky v. Delaware* hearing, or demand disclosure of the omitted digital context, allowing a civil dispute to be transformed into a felony arrest. This failure constituted ineffective assistance of counsel and caused direct prejudice to my plea and conviction.

THE ARREST SCENE AT 1709 HOURS

39. POLICE CLAIM:

"Devon Barber reportedly attacking ... with an unknown weapon ... Devon was holding a crowbar ... ordered to drop it and he complied ... attempted to handcuff ... Devon tensed ... leg sweep ... fled ... recaptured ..."

40. TRUTH:

The statement "attacking with a weapon" came solely from the complainants' call to dispatch, not from the officers' own observations. When police actually arrived, I was standing in the driveway holding a metal tool—a standard work implement I had been using earlier. I was alone, surrounded by several hostile individuals, and had just discovered that my belongings were thrown into the yard and my pets had been killed. I held the tool only to maintain distance and protect myself from being physically surrounded and attacked again, as had already occurred once in the backyard.

41. FACTUAL CONTEXT:

The moment officers ordered me to drop the tool, I complied immediately. The police report itself confirms that I dropped it on command. I made no threatening movement toward any officer. I repeatedly told them I was the victim of destruction and assault, but instead of investigating, officers proceeded directly to handcuff me based on the pre-signed warrant obtained earlier that day. In that moment, I was frightened, confused, and traumatized. Any movement the officers described as “tensing,” “pulling away,” or “resisting” was the involuntary reaction of someone being forcefully restrained after experiencing physical and emotional shock—not an attempt to evade or fight law enforcement.

42. LACK OF USE OR INTENT:

The report contains no allegation that I swung, brandished, or raised the tool at any person. It acknowledges only that I held it and then dropped it when instructed. No officer was struck, no property was damaged, and no threats were issued. The object—a metal crowbar—was my personal work tool, not a weapon, and was seized without context or inquiry into its legitimate purpose.

43. LEGAL SIGNIFICANCE:

All charges stemming from this encounter—including “resisting arrest” and “possession of a weapon for an unlawful purpose”—are **fruit of the same poisoned tree**: a pretextual warrant obtained through false, racially charged, and economically motivated statements. The arrest was not the result of new probable cause formed by officers at the scene but of an existing bias created by the complainants’ narrative. Under *Wong Sun v. United States*, 371 U.S. 471 (1963), and *State v. Badessa*, 185 N.J. 303 (2005), evidence and charges

derived from an unlawful or pretextual arrest must be suppressed. Trial counsel failed to challenge the legality of that arrest or the derivative charges, allowing a fabricated sequence of events to stand untested and directly influencing my plea.

THE “ASSAULT” VERSION / “CRAZY WITH A CROWBAR”

28. POLICE CLAIM: “The victim, Joseph Hardemon, said Devon punched him ... fell ... injured his foot ... Devon ... waving the crowbar like a maniac ... Joshua Hardemon advised Devon was acting ‘crazy’ ... Several other subjects witnessed ... but did not wish to provide their information.”

29. TRUTH: No neutral or independent witness ever stated that I initiated physical contact or attacked anyone with a tool. The only individuals who made those claims were **Joseph Hardemon** and his brother **Joshua**, both of whom shared a direct financial and personal interest in the same property and business venture. Their accounts are therefore not independent corroboration but **mutually self-serving statements**. Every alleged “witness” referenced by police either refused to identify themselves or was never formally interviewed. That is not a complete or impartial investigation—it is a one-sided narrative constructed by interested parties.

30. FACTUAL CONTEXT:

When I arrived, I discovered my personal belongings scattered across the property, my aquarium shattered, and my two tarantulas killed and mocked on video. Several men, including the Hardemons, surrounded me and recorded me while shouting insults. I picked up a metal tool to maintain distance and protect myself from being rushed again. I did not swing, charge, or strike anyone with it. The claim that I was “waving it like a maniac” is unsupported by any independent evidence, photograph, or video. The only

physical complaint cited—"injury to Joseph's foot"—was never medically documented in the record.

31. INVESTIGATIVE FAILURE:

Despite knowing that "several other subjects witnessed the incident," officers made no effort to obtain names, statements, or contact information from those bystanders. They also failed to preserve any contemporaneous video footage from the accusers' phones that would have shown what actually happened. This selective evidence gathering violated basic investigative standards and deprived the defense of material exculpatory evidence that could have disproven the "assault" narrative.

32. LEGAL SIGNIFICANCE:

The police accepted a single, interested version of events and ignored or failed to preserve exculpatory information—violating *Brady v. Maryland*, 373 U.S. 83 (1963), and depriving me of due process under the Fourteenth Amendment. Counsel compounded that failure by not demanding discovery of the missing digital evidence or requesting an evidentiary hearing under *State v. Precioso*, 129 N.J. 451 (1992). The resulting record portrayed me as violent and irrational, rather than as a victim reacting to property destruction and provocation. All subsequent charges were therefore the product of an incomplete, biased investigation and ineffective representation.

THE TARANTULAS / "LET THEM INTO THE WILD"

33. POLICE CLAIM:

"Joseph also advised he observed two exotic spiders which he let out into the wild because he was scared if they were venomous."

34. TRUTH:

That statement is false and was used to conceal deliberate property destruction. The spiders referenced were my two pet tarantulas, kept in a sealed glass enclosure that had been part of my living space at 1525 W. Aloe Street. When I returned, the enclosure had been shattered and the animals were dead. Members of the Hardemon family laughed and filmed the destruction on their phones. Their actions were not motivated by fear of the animals but by malice and an intent to humiliate me, to destroy evidence of my residency, and to create a false narrative that I was irrational and dangerous. Eliminating my pets was an effort to erase my presence and identity in the home so they could later claim that I did not lawfully reside there.

35. FACTUAL CONTEXT:

The killing of these animals occurred during the same period that my possessions were being thrown outside and filmed. These actions were calculated to provoke an emotional breakdown and to bait me into reacting so that police intervention could then be justified. They succeeded: I was devastated, frightened, and overwhelmed when officers arrived. The report's dismissal of this event as "letting the spiders into the wild" trivialized the deliberate cruelty that triggered the emotional distress underlying the entire encounter.

36. LEGAL SIGNIFICANCE:

This event goes directly to **provocation, state of mind, and credibility**. The destruction of my property and pets was the immediate catalyst for the confrontation, showing that I was reacting to extreme emotional provocation—not initiating aggression. By omitting this from the charging narrative, police obscured the true cause and context of my distress, denying the court an accurate picture of what occurred. The failure of law

enforcement to document or preserve evidence of this destruction constitutes suppression of material, exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1963), and its omission prejudiced both the probable-cause determination and my plea. Trial counsel's failure to develop or present this evidence further violated my right to effective assistance under *Strickland v. Washington*, 466 U.S. 668 (1984).

SELECTIVE EVIDENCE PRESERVATION

37. POLICE CLAIM:

"Photographs of the victim's injuries and weapon were burned onto a CD ... Stanley Handyman Crowhar was dropped into evidence locker ..."

38. TRUTH:

Police preserved only evidence that supported the complainants' version of events—alleged redness to Joseph Hardemon's face and the work tool they chose to label as a "weapon." Nothing exculpatory or contextually relevant was preserved. Officers failed to photograph or document the smashed aquarium, the remains of my tarantulas, my personal belongings scattered throughout the yard, or the general condition of the residence showing I lived there. They did not record my physical or emotional condition, nor did they preserve the statements I made identifying myself as the victim.

39. FACTUAL CONTEXT:

Most importantly, police failed to secure or voucher my cell phone, which contained messages and digital proof that I was residing at 1525 W. Aloe Street with permission, that I was performing renovation and security work under agreement, that I had repeatedly asked to be paid and provided food, and that I had been provoked by ongoing harassment. Those messages also included antagonizing communications from the

Hardemon family that directly contradicted their later claims of fear and victimhood. That phone was never inventoried or entered into evidence. The loss or non-preservation of that digital record erased the most direct, contemporaneous evidence of my innocence and mental state.

40. LEGAL SIGNIFICANCE:

The police's one-sided evidence collection constitutes **selective preservation**—an investigative practice that violates the State's constitutional duty to collect and disclose material, exculpatory evidence. See *Brady v. Maryland*, 373 U.S. 83 (1963); *State v. Mustaro*, 411 N.J. Super. 91 (App. Div. 2009). By retaining only materials favorable to the complainants and ignoring or losing those favorable to the defense, law enforcement created a fundamentally unbalanced record. This suppression of exculpatory and impeachment evidence denied me due process under the **Fourteenth Amendment** and **Article 1, Paragraph 1 of the New Jersey Constitution**. Trial counsel compounded the error by failing to move for disclosure, sanctions, or dismissal under *State v. W.B.*, 205 N.J. 588 (2011), or to request a *Brady* review hearing. This omission caused direct prejudice and contributed to a coerced, uninformed plea.

41. FACTUAL ADDENDUM – ARREST CONTEXT AND LOST IPHONE

When I was taken into custody, I was not hiding or fleeing. I was working for another contractor—**Nick of NAC Custom Carpentry**—and was arrested in his work truck. This proves I was continuing to earn a living and had moved on to legitimate employment, not evading police.

At the time of arrest, I possessed an **iPhone X** that contained my work-related messages, texts with the Hardemon family showing my role and permissions, and photographs of

the Aloe Street renovation. That phone was never returned or vouchered in discovery. I placed it in Lost Mode through iCloud immediately afterward, but no further data or location history exists. To this day, the device remains missing. The loss of that phone erased the strongest contemporaneous proof of my lawful presence and my efforts to be paid for my labor.

FINAL SUMMARY

42. The July 11, 2022 Galloway Township Police narrative is not a reliable or objective account of what occurred. It reflects the Hardemon family's version of events—a business-driven eviction strategy—written as if it were established fact. The record was constructed entirely from the complainants' statements, without independent corroboration, preservation of exculpatory evidence, or consideration of my position as an authorized worker and lawful resident.

43. The narrative omits material facts essential to the truth:

- (a) that I was living at 1525 W. Aloe Street with permission as part of compensation for renovation and security work;
- (b) that I was owed unpaid wages and denied food and basic living support;
- (c) that my belongings were thrown outside, my property destroyed, and my animals killed to terrorize and displace me;
- (d) that I picked up a work tool only to maintain distance from multiple men surrounding me;
- (e) that I fully complied with police commands and immediately dropped the tool;
- (f) that the only "corroborating" witness against me was the accuser's own brother, financially tied to the same business and property;

- (g) that no independent witnesses were ever identified or interviewed;
- (h) that even police acknowledged the matter was a **landlord-tenant and wage dispute**, not a violent-crime scene; and
- (i) that my political and legal references—statements of frustration and constitutional advocacy—were misconstrued as “terroristic threats” despite the complete absence of any authenticated, imminent, or credible threat of violence.

44. Based on that one-sided and defective record, I was arrested, detained, and charged under a false narrative. While in custody, I faced escalating charges stacked on the same foundation of misinformation and bias. Ultimately, I entered a plea under coercive circumstances—exhausted, misinformed, and desperate to end prolonged confinement. My plea was not **knowing, voluntary, or intelligent** within the meaning of the Sixth and Fourteenth Amendments.

45. The record demonstrates a **manifest injustice**:

- ✗ the suppression of exculpatory evidence in violation of *Brady v. Maryland* and *Giglio v. United States*;
- ✗ the failure of trial counsel to investigate, litigate, or challenge false and incomplete evidence under *Strickland v. Washington* and *State v. Fritz*; and
- ✗ the resulting loss of due process and fair adjudication that warrants relief under *State v. Prevorse* and *R. 3:22-10(b)*.

46. For these reasons, I respectfully request that this Court:

- A. Grant an **evidentiary hearing** pursuant to *R. 3:22-10(b)*;
- B. Order full **disclosure and preservation** of all exculpatory and digital materials from the July 11, 2022 incident and related proceedings; and

C. Vacate my plea and judgment of conviction, or grant such other and further relief as justice and due process require.

CERTIFICATION

I 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, information, and belief. I am aware that if any of the foregoing are willfully false, I am subject to punishment.

Executed on this 26th day of October, 2025, in Atlantic County, New Jersey.

Dated: October 26, 2025

Respectfully submitted,

/s/ Devon T. Barber

DEVON TYLER BARBER

Defendant / Petitioner Pro Se

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

**MEMORANDUM OF LAW IN SUPPORT OF PETITION
FOR POST-CONVICTION RELIEF**

PRELIMINARY STATEMENT

Defendant **Devon Tyler Barber**, appearing *pro se*, respectfully submits this Memorandum of Law in support of his Petition for Post-Conviction Relief ("PCR") pursuant to *R. 3:22-1 et seq.* Mr. Barber's conviction rests upon a police narrative that was **materially false, economically motivated, racially sensationalized, and constitutionally defective**. Trial counsel failed to investigate or challenge that narrative, permitting a civil wage-and-tenancy dispute to be recast as a violent-crime prosecution. As a direct result, Mr. Barber's plea was not **knowing, voluntary, or intelligent** within the meaning of the Sixth and Fourteenth Amendments, and the ongoing restraints and collateral consequences constitute a **manifest injustice** warranting relief under *R. 3:22-10(b)*.

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Post-Conviction Relief is “New Jersey’s analogue to the federal writ of habeas corpus,” intended to safeguard constitutional rights after direct appeal. *State v. Precioso*, 120 N.J. 451, 459 (1992). A defendant who establishes a **prima facie** case of ineffective assistance of counsel is entitled to an **evidentiary hearing**. R. 3:22-10(b); *Precioso*, 120 N.J. at 462-63.

The factual foundation for this application is set forth in the **Certification of Devon Tyler Barber (Rebuttal of July 11, 2022 GTPD Narrative)**, **Affidavit X**, and supporting **Exhibits A–M**, all incorporated herein by reference as though fully set forth. Those sworn materials demonstrate:

- (a) the labor-for-housing arrangement at 1525 W. Aloe Street;
- (b) the unpaid wage dispute underlying the alleged offenses;
- (c) retaliatory escalation by the investors/complainants;
- (d) premeditated coordination between the complainants and police to lure and detain Mr. Barber using his social-media location; and
- (e) the coercive, factually distorted circumstances under which his plea was entered.
- (f) This Memorandum applies controlling law to those facts, showing that the record fails to meet constitutional standards of effective representation, due process, and fair procedure, and that an evidentiary hearing is required to prevent further miscarriage of justice.

Here’s your **Point 1** rewritten and formatted in **true PCR memorandum style** — clean headings, precise citations, and persuasive narrative control while keeping *every factual and legal point you included intact*.

This version reads like a polished submission filed by experienced post-conviction counsel in the Law Division.

POINT I

MR. BARBER WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL UNDER *STRICKLAND AND FRITZ*

To establish ineffective assistance of counsel, a petitioner must demonstrate:

- (1) that counsel's performance was deficient; and
- (2) that prejudice resulted—a reasonable probability that, but for counsel's errors, the outcome would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984); *State v. Fritz*, 105 N.J. 42, 58 (1987).

Mr. Barber's former attorney, **John W. Tumelty, Esq.**, failed both prongs.

A. Counsel Failed to Challenge the State's Core Narrative

The prosecution portrayed Mr. Barber as an armed, racist trespasser who made "terroristic threats" and attacked investors at 1525 W. Aloe Street. Counsel never built a record rebutting that story, although easily available evidence showed:

1. Mr. Barber was invited to reside on-site "as a steward" to renovate, secure, and maintain the property during an ongoing rehabilitation project.
2. Housing and basic utilities were part of his labor compensation—a civil wage-for-lodging arrangement, not unlawful squatting.
3. When wages and support were withheld, the conflict became a **civil** wage-and-possession dispute, not a criminal matter.
4. Even police acknowledged "permission had been granted" and advised that the issue "would have to go through eviction."
5. The police report and complainants further alleged that Mr. Barber had "boarded up and destroyed walls" inside the property. In reality, that description referred to **authorized**

renovation work he performed as part of the rehabilitation project. Mr. Barber had been instructed to remove damaged plaster-and-lath walls between the two main bedrooms to prepare for drywall installation and safe electrical rewiring. He performed that work using proper trade methods and even disconnected and grounded outlets for later reinstall. Far from vandalism, the wall removal was required to abate old contaminated material—possibly containing asbestos or lead dust—and to advance the scheduled interior rebuild. Counsel never obtained photographs, invoices, or text messages corroborating that this was planned work, nor did he present evidence of Mr. Barber’s professional home-improvement credentials (*NJ HIC #13VH10808800*) to show lawful scope of work. This omission left an ordinary construction task mischaracterized as “property destruction,” a portrayal that unfairly influenced probable cause and plea negotiations.

These facts—corroborated by Mr. Barber’s sworn Certification and by Wage Complaint No. 369572, filed with the New Jersey Department of Labor—establish lawful presence and a compensable work relationship. Counsel’s failure to move to suppress or attack probable cause was **objectively deficient performance** under *Strickland*.

B. Counsel Failed to Present Bias, Motive, and Character of the Complainants

The complainants—the Hardemon family and associated investors—were not neutral victims. They were financially motivated house-flippers attempting to avoid paying for labor. After Mr. Barber demanded wages and food, his belongings were discarded, his animals destroyed, and he was humiliated and surrounded. Only then did the complainants seek “terroristic threat” charges to secure his removal, using police power as a private eviction mechanism.

Evidence of retaliatory motive, financial pressure, and coordinated removal was **impeachment material** within *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). Counsel never sought disclosure or presented this motive to the court.

Factual Addendum – Property Listing Pressure: Public real estate records show that 1525 W. Aloe Street was acquired in 2019 for \$50,000 and listed on July 15, 2025, at \$365,000—a **630% markup**. Since then, the price has dropped three times—first to \$349,500 (August 10), then to \$325,500 (September 6), and most recently to \$295,500 (October 19)—indicating mounting pressure to sell. This aggressive resale strategy supports the defense theory that the complainants had a strong motive to remove Mr. Barber and suppress his tenancy and labor claims to avoid title complications and delay. This real estate context should have been presented to the Court as part of financial motive and impeachment evidence. See Exhibit G.

Counsel also failed to confront known credibility issues of one principal accuser: public OffenderWatch records list **Joseph Hardemon** as a Tier II registrant (convicted 2005, Atlantic County). That information was readily obtainable and directly relevant to credibility and control dynamics within the residence. Omitting it denied the court the ability to assess bias and reliability. Suppressing or ignoring such impeachment of the sole eyewitnesses constitutes constitutionally deficient representation.

C. Counsel Failed to Challenge “Terroristic Threat” Probable Cause

The warrant for “terroristic threats,” *N.J.S.A. 2C:12-3(a)*, rested almost entirely on what “Mr. Hardemon believed” Mr. Barber said or sent—political speech such as “Read Title 18 sir. Are you for the U.S. or against U.S.?” and an unverified allegation about extremist imagery. No evidence showed a specific, imminent, or unconditional threat to kill or seriously injure—

required to prove a *true threat* under *Watts v. United States*, 394 U.S. 705 (1969), and *State v. Smith*, 262 N.J. Super. 487 (App. Div. 1993).

Counsel never:

- moved to quash or challenge probable cause;
- sought to suppress statements taken out of context; or
- argued that the alleged “threat” was constitutionally protected political speech.

Allowing the “terroristic” label to stand untested infected the entire plea process and dramatically increased coercive pressure to resolve the case.

D. Counsel Failed to Confront Premeditation and Provocation Evidence

Mr. Barber’s Certification and Affidavit X show that, after the wage dispute erupted, the complainants tracked him via Snapchat, mocked him about his dead pets, and coordinated with Galloway Township Police to seize him once his location was visible. This was not a spontaneous altercation but an orchestrated removal of a laborer asserting unpaid-wage claims. Properly presented, these facts would have demonstrated retaliatory animus, pretextual use of police power, and absence of genuine fear—facts any competent attorney would have used to attack credibility, assert outrageous-government-conduct defenses, or negotiate dismissal.

Counsel did none of these things.

E. Counsel Failed to Demand Preservation and Production of Exculpatory Evidence

Police retained only what aided the complainants—photos of alleged redness to an ankle and the seized work tool labeled “weapon.” They failed to preserve:

- photographs of property destruction and dead animals;
- body-camera or scene video capturing provocation; and

- Mr. Barber's phone, which contained texts proving permission to reside, work performed, and pleas for payment and food.

This **selective retention** violated *Brady* and *State v. Mustaro*, 411 N.J. Super. 91 (App. Div. 2009). Counsel's failure to seek sanctions, adverse inferences, or disclosure was deficient performance that prejudiced the defense.

Additional Evidence Lost and Misinterpreted

Mr. Barber was arrested while riding in his second employer's work vehicle, a truck owned by **Nick [last name unknown]**, of **NAC Custom Carpentry**, during active employment on another contracting project. That fact alone refutes any suggestion that he was hiding, fleeing, or unemployed. It further corroborates that the incident at 1525 W. Aloe Street arose from a wage dispute, not from transience or criminal intent.

Equally critical, Mr. Barber's **iPhone X**—seized or lost at the time of arrest—was never vouchered, preserved, or returned. Despite repeated efforts, it remains unrecovered, and no iCloud data or geolocation record survives. That device contained contemporaneous messages, call logs, photographs, and work documentation directly supporting his lawful presence and labor arrangement. Its unexplained disappearance deprived the defense of material, exculpatory digital evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and *State v. W.B.*, 205 N.J. 588 (2011). Counsel's failure to demand immediate preservation or forensic retrieval of that phone constituted ineffective assistance under *Strickland* and compounded the due-process violation.

F. Counsel Failed to Provide Accurate Legal Advice Before the Plea

Because counsel never explained that:

- the dispute was civil in nature;

- the “terroristic threat” count was constitutionally weak;
- the complainants were financially conflicted; and
- police conduct was arguably premeditated and coercive,

Mr. Barber’s decision to plead was made under false premises. A plea entered through misinformation about essential facts and defenses is not knowing, voluntary, or intelligent. *State v. Nuñez-Valdéz*, 200 N.J. 129, 139–40 (2009); *Precioso*, 129 N.J. at 462–63.

G. Cumulative Impact

Under *Strickland* and *Fritz*, each of these failures is objectively deficient, and their cumulative effect undermines confidence in the outcome. The record establishes a prima facie case of ineffective assistance and therefore mandates an evidentiary hearing under R. 3:22-10(b) and *Precioso*, 129 N.J. at 462-63.

POINT II

THE STATE WITHHELD OR FAILED TO SECURE MATERIAL IMPEACHMENT, MOTIVE, AND CONTEXT EVIDENCE IN VIOLATION OF BRADY AND GIGLIO

Brady and Giglio require disclosure of evidence favorable to the accused, including impeachment of State witnesses and evidence that supports a defense narrative.

Here, the following was never meaningfully disclosed or developed on the record:

1. Lawful presence / tenancy.

Officers acknowledged on scene that Mr. Barber “had permission to temporarily stay there,” and even advised that eviction, not immediate arrest, was the proper path. That destroys “criminal trespass.” That is exculpatory.

2. Wage dispute and retaliatory motive.

Your NJ Department of Labor wage complaint and Wage Collection referral (Complaint

No. 369572), IRS Wage and Income Transcripts, and work/compensation communications all establish an ongoing labor-for-housing arrangement. That is critical motive evidence: they wanted you out because you were owed. That is impeachment under Brady.

3. Premeditated removal using social media tracking.

After cutting off wages/food, the complainants coordinated with police, tracked Mr. Barber's Snapchat location, and taunted him with cruelty about the death of his pets — baiting him to return so police could “grab him.” That demonstrates orchestration, not fear. It undercuts any claim that they were in immediate danger of bodily harm. It also supports outrageous-government-conduct and coercion arguments.

4. The real nature of the alleged “terroristic threat.”

The so-called “threat” was not a direct, immediate, unconditional vow to kill or seriously injure anyone. It was political/constitutional speech plus what “Hardemon believes” he saw. Watts and Smith make clear that speech has to cross the line into a true threat; this did not. That is exculpatory.

5. False appearance of corroboration.

Police claim unnamed “witnesses,” but the only identified “independent” was the accuser's own brother — a financially aligned participant. No neutral witness statement was secured. The State never disclosed that the “other witnesses” refused to identify themselves. That is classic Giglio impeachment.

6. Character/credibility of the accuser.

The OffenderWatch Tier II registry entry for Joseph Hardemon (Tier 2 – Moderate Risk; prior conviction for endangering the welfare of a child, Atlantic County, 2005) goes

directly to credibility, motive to control the narrative, and willingness to manipulate law enforcement. You are entitled to confront the credibility of the accusing witness. Counsel never demanded this be produced or addressed.

7. Selective evidence preservation.

Exculpatory physical evidence and digital evidence were not preserved (phone, texts, photos of destroyed property and animals, etc.). That omission deprives the court of context showing that Mr. Barber was the one being harmed and begging for basic safety and payment.

Each of these categories is Brady/Giglio material. The State's failure to secure or disclose it deprived Mr. Barber of due process. Counsel's failure to demand it magnifies the constitutional harm.

POINT III

AN EVIDENTIARY HEARING IS REQUIRED UNDER R. 3:22-10(b)

Rule 3:22-10(b) requires an evidentiary hearing where a defendant presents a prima facie case that, if true, would entitle him to relief. *Preciose*, 129 N.J. at 462-63.

Mr. Barber's sworn Certification, Affidavit X, and Exhibits (including his Motion to Supplement / Expand the Record in A-000308-25, with Exhibits A-I) establish that:

- a) He was a lawful resident / caretaker of 1525 W. Aloe, not a trespasser.
- b) He was working, owed wages, and deprived of basic necessities when he asserted his rights.
- c) He was baited, humiliated, and physically cornered by financially interested parties, who destroyed his belongings and animals to provoke him.
- d) Police and those parties coordinated to locate and seize him using Snapchat tracking.
- e) He complied with police commands at the moment of arrest and stated on scene that he was

the victim.

f) The “terroristic threat” allegation was built on speculation and rhetoric, not an imminent true threat.

g) Exculpatory physical and digital evidence was not preserved or disclosed.

h) Trial counsel did not litigate any of this and instead advised a plea on a false factual picture. If credited, those facts (1) gut probable cause, (2) prove coercion, and (3) show the plea was not knowing, voluntary, and intelligent. That is exactly what R. 3:22-10(b) was designed for. A hearing is mandatory.

POINT IV

THE INTERESTS OF JUSTICE REQUIRE VACATUR OR OTHER RELIEF

The purpose of PCR is to prevent a fundamental miscarriage of justice. Precise, 129 N.J. at 462. Mr. Barber’s conviction is the product of (1) an economic dispute over unpaid labor and tenancy, (2) retaliatory removal tactics, and (3) counsel’s failure to defend him.

This was not a random act of street violence. It was a civil wage/possession dispute that was laundered into felony labels — “terroristic threats,” “aggravated assault” — to force him out of a property and silence his wage claim.

The court should also consider rehabilitation and proportionality. After the Aloe Street incident, Mr. Barber continued lawful employment, including documented W-2 income and operation of a licensed New Jersey home-improvement business (Tillerstead LLC, HIC #13VH10808800, verified in April 2025). Those records, already submitted as Exhibits B and I in the Appellate Division motion to supplement the record, confirm that Mr. Barber is not a public danger. They instead confirm that his dispute with the complainants was economic and contractual, not predatory or violent.

Where the State's power is used to enforce a private eviction, where police coordinate with financially motivated complainants to engineer an arrest, and where defense counsel stands silent, continued enforcement of the plea is a manifest injustice. R. 1:1-2; *State v. Rue*, 175 N.J. 1 (2002).

Vacatur (or at minimum a full evidentiary hearing with compelled disclosure and preservation orders) is required to restore integrity.

CONCLUSION

For all of the above reasons, and for the reasons set forth in the attached Certification of Devon Tyler Barber, Affidavit X, and the Exhibits incorporated herein by reference, Mr. Barber respectfully requests that this Court:

1. Grant an evidentiary hearing under R. 3:22-10(b);
2. Compel production and preservation of all physical, digital, and social-media evidence from July 11, 2022, including Snapchat-based location data, communications between the complainants and law enforcement, and any photographs/video of the scene and destroyed property;
3. Find that his plea was not knowing, voluntary, and intelligent; and
4. Vacate the plea and grant such other and further relief as justice requires.

Dated: October 26, 2025

Respectfully submitted,

/s/ Devon T. Barber

DEVON TYLER BARBER, Defendant / Petitioner Pro Se

325 E. Jimmie Leeds Rd., Suite 7-333, Galloway, New Jersey 08205

(609) 665-9350 | DTB33@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

CERTIFICATION OF DEVON TYLER BARBER

IN SUPPORT OF PETITION FOR POST-CONVICTION RELIEF

Filed Pursuant to R. 1:4-4(b) and R. 3:22-1 et seq.

I, **Devon Tyler Barber**, of full age, hereby certify, state, and affirm under penalty of perjury that the statements contained in my sworn submissions titled **Certification in Rebuttal of July 11, 2022 Galloway Township Police Department Narrative, Affidavit X (Exhibit B)**, and **Personal Testimony (Exhibit B)** are true and correct to the best of my knowledge, information, and belief.

These sworn materials are incorporated herein by reference in their entirety and constitute the evidentiary foundation for my **Petition for Post-Conviction Relief** filed pursuant to **R. 3:22-1 et seq.** They set forth the factual circumstances demonstrating that my conviction and resulting plea were obtained through ineffective assistance of counsel, suppression of exculpatory evidence, and coercive conditions that deprived me of a knowing, voluntary, and intelligent plea.

I submit this Certification to confirm and authenticate my prior sworn statements and to request that the Court consider them collectively as the factual record supporting my pending Petition and Memorandum of Law.

I make this Certification in good faith and in accordance with the New Jersey Rules of Court, fully understanding that if any of the foregoing statements are willfully false, I am subject to punishment.

Executed on this **26th day of October 2025**, in **Atlantic County, New Jersey**.

/s/ Devon T. Barber
DEVON TYLER BARBER
Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 | DTR33@ProtonMail.com

Galloway Township Police Department		Continuation
Incident Report Number 22-023428	Incident Location 1525 Alice St., Galloway, NJ, 08215	Incident Date 07/11/2022
<p>NARRATIVE</p> <p>On 07/11/2022 at 0912 hours, Joseph Hardemon Jr. and his father, Joseph Hardemon Sr. came to the station to make a terroristic threats, harassment and criminal trespassing report against the suspect, Devon Barber.</p> <p>Mr. Hardemon (Junior) reported that his dad and he are partners with Gerald Cohen and work under the LLC of Oak Tree Investments out of Manalapan, NJ. They are currently renovating a property located at 1525 Alice Street in South Egg Harbor. They hired Devon Barber of Galloway to assist with the renovating of the property. Mr. Hardemon (Junior) has known Devon since they were children, and everything was fine until recently.</p> <p>Devon started harassing and threatening him indirectly through the LLC Facebook page (see attached.) It has now gotten the point where Devon has taken up residence, boarded up and destroyed walls inside of the residence. He posted a 'No Trespassing' sign in the window of the residence that threatens to shoot and / or prosecute trespassers who come on the property (see attached photo). Devon sent a fictitious transfer deed that was titled "Tribunal Service by Sacrosanct State of Divine -Tiler (Best) Vacate and Execute Deed Transfer" purporting to transfer ownership of the residence to him (see attached.)</p> <p>Devon also sent threatening messages to Mr. Hardemon (senior) that included a picture of a noose with the capitol building in the background and a message that stated: "Read Title 18 sir. Are you for the US or against US?" (See attached pictures of messages).</p> <p>Mr. Hardemon (Junior) believes that Devon sent this photo because they are black and that Devon is a Sovereign Citizen who doesn't believe they belong in this country. His father and he are now in fear for their safety based on Devon's recent behavior and wanted to sign criminal complaints against Devon and have him removed from the property and arrested. I explained to both victims that we can only do what the law allows us to do and that I couldn't promise anything. The issue was also complicated by the fact permission had been granted for Devon to temporarily stay there but had remained for an extended period of time. Both parties were advised of their civil options in Landlord / Tenant Court to determine whether Devon had established residency and was subject to eviction proceedings.</p> <p>I contacted ACPO A/P Jasmine Ostrow and advised her of the incident. A/P Ostrow doesn't believe</p>		
Reporting Officer Butler, Justin	Page # 55	Page 2 of 4

ACFO/22002515000001002

Galloway Township Police Department		Continuation
Officer Report Number 22-023628	Incident Location 1525 Aloe St., Galloway, NJ, 08213	Report Date 07/11/2022
<p>the incident was a bias incident and authorized a warrant application for the Terroristic Threats for Mr. Hardemon (Senior) and a summons for the harassment charge for Mr. Hardemon (Junior.) I contacted JUC Paunietty who found probable cause for the warrant (#0180 W2022-002993) for charge 2C:12-3a (Terroristic Threats), and a summons (#0180 S2022-002991) was generated for 2C:33-4a (Harassment) against Devon.</p> <p>Mr. Hardemon (Junior) signed the simple assault summons and Mr. Hardemon (Senior) signed the warrant and was given his copy of the VNF. Mr. Hardemon advised me that he could see on the SnapChat app that Devon was currently in Brigantine. He said they were going to go back to 1525 Aloe Street and call the PD if Devon returned to the residence. I completed a Supplementary Bias Incident Offense Report and marked the disposition as Adult Unfounded.</p> <p>Gerald Cohen, who is the owner of the LLC, sent a copy of the State of New Jersey LLC approval and the Deed to the property of 1525 Aloe Street (See attached). Gerald may be in at a later date to sign a criminal complaint for trespassing against Devon.</p> <p>*All referenced attachments were attached in the ProPhoenix Case Attachments tab. The following paperwork was sent to records: Warrant W2022-002993, Summons S2022-002991, Supplementary Bias Incident Offense Report, voluntary statement, VNF and complaint advisement form for Hardemon (Senior), voluntary statement form and complaint advisement form for Mr. Hardemon (Junior.) Fingerprint cards, cover pages of the Criminal History and III printouts.</p> <p>NFA.</p>		
Reporting Officer Butler, Justin	Section # 66	Page 3 of 4

ACPD202231300000003

Galloway Township Police Department		Continuation								
Case#	1523 R304 St, Galloway, NJ, 08215	07/11/2022								
<p>NAME</p> <p>Victim-2 Cohen, Gerald M. W/H-58 of 715 Summer Drive, Henslerpark, NJ, 07714 DOB: [REDACTED] HT: 503 WT: 141 Eyes: Brown</p> <p>Victim-3 Oak Tree Investments LLC of 715 Summer Drive, Henslerpark, NJ, 07714</p> <p>Suspect Barber, David T. W/H-24 of 328 New Leaf Dr., Galloway, NJ, 08225 DOB: [REDACTED] HT: 608 WT: 141 Hair: Brown Eyes: Brown Complexion: Medium Phone Is (302) 888-1338 Booking#: 22-509517</p> <table border="1"> <thead> <tr> <th>Case#</th> <th>Charge</th> <th>Description</th> <th>Ct</th> </tr> </thead> <tbody> <tr> <td>22-023620</td> <td>2C-12-1a</td> <td>THREATEN TO COMMIT CRIME</td> <td>1</td> </tr> </tbody> </table>			Case#	Charge	Description	Ct	22-023620	2C-12-1a	THREATEN TO COMMIT CRIME	1
Case#	Charge	Description	Ct							
22-023620	2C-12-1a	THREATEN TO COMMIT CRIME	1							
Reporting Officer:	Spiller, Justin	Page: 4 OF 4								

ACP072202231301000004

[illegible]

Galloway Township Police Department		Continuation
Report Number 22-023694	Incident Location 1525 Alice St., Galloway, NJ, 08215	Printed Date 07/11/2022
<p>NARRATIVE</p> <p>On 07/11/2022, at approximately 1759 hours, I responded to 1525 Alice Avenue for a disturbance involving Devon Barber reportedly attacking Joseph Hardemon with an unknown weapon. Upon my arrival, I observed several males and Devon in the driveway. Devon was holding a crow bar in his left hand. It was also brought to my attention that Devon had an active warrant (#0180 W 2022 002993) for his arrest stemming from earlier in the day with Devon and Joseph. Please refer to C/O. Butler's 956 Incident Report (Case # 22-023630) in reference to that incident.</p> <p>When I exited my vehicle, I ordered Devon to drop the crowbar and he complied by dropping it to the ground. I approached Devon to pat him down for additional weapons which came up negative. At this point, I grabbed both of Devon's hands and attempted to place him in handcuffs by asking him to interlock his fingers. Devon tensed up his arms and began pulling his hands away from me while stating, "I'm not going no where brother." Devon asked why he was the one being arrested because he was the "victim." I utilized a compliance hold by grabbing both of his hands in order to place him in custody. Devon began actively resisting by pulling his arms away from me and trying to walk away. I attempted to stop Devon's momentum by sweeping Devon's legs out utilizing a right leg strike. However, Devon dropped his hands down, breaking my grip and began running away from me. I was able to grab ahold of Devon a short while later and was able to place him into custody (DLC) without further incident. Devon was escorted to my patrol vehicle and seat-belted in the rear.</p> <p>The victim, Joseph Hardemon, was at the residence doing home renovations. Joseph advised that when Devon arrived at the residence, he exited the vehicle and approached the group of males holding the crowbar. Joseph advised Devon dropped the crowbar, walked up to him and punched him in the face causing redness and swelling on the right side of his face. Joseph then fell back losing his balance from the punch and fell to the ground injuring his right foot possibly breaking it. Joseph advised Devon picked up the crowbar again and began running around the house waving the crowbar around in the air in a threatening manner around the witnesses. At this point, Joseph advised I arrived as he came back around the house. Joseph also advised he observed two exotic spiders which he let out into the wild because he was scared if they were venomous and didn't want them in the residence. He at first denied EMS to check out his foot advising he would go on his own. After looking at it, I observed his foot to be very red and swollen, and he was unable to walk around anymore or put any pressure on his ankle. Devon believed he may have broke his foot or ankle in the altercation. EMS arrived on scene and transported Devon to AtlanticCare Mainland Division.</p> <p>Joshua Hardemon advised that Devon was acting "crazy" and was waving around the crowbar like a maniac. Joshua's statement corroborated Joseph's account about the incident. There were several other subjects on scene that witnessed the incident but did not wish to provide their information.</p> <p>Devon was transported to police headquarters for processing. Photographs and fingerprints were taken (also for Case #22-023620). Devon's charges were prepared on a warrant (#0180 W 2022 002994) which were approved by ACPO Santoliquido and JMC H. Freed. Devon was transported to</p>		
Reporting Officer Booner, Paul J.	Page # 136	Page 2 of 3

ACPO/20202250/00000002

Galloway Township Police Department		Continuation
Incident Report Number 22-033464	Incident Location 1536 Alice St., Galloway, NJ, 08215	Incident Date 07/11/2022
<p>ACUF by Ofc. Estrella #142 and lodged on warrants #0180 W 2022 00293M and #0180 W 2022 003006 out of our jurisdiction. Use of Force was completed on Benchmark (UCF #22-7-36). An Audio / Video request was completed. Photographs of the victim's injuries and weapon were turned onto a CD and dropped into evidence. Stanley Handyman Crowbar was dropped into evidence locker 4. VNF was completed. NFA.</p>		
Reported By (Officer) Doover, Paul J.	Page # 126	Page 3 of 3

ACP0122002932/00000003

Galloway Township Police Department		Continuation
Report Number 22-023664	Officer Number 1625 Alow St., Galloway, NJ, 08215	Printed Name 07/11/2022
NAMES		
Arrested		
Berber, Deane D. M/V-24 of 109 New Leaf St., Galloway, NJ, 08228 DOB: [REDACTED] HT: 600 WT: 161 Hair: Brown Eyes: Brown Complexion: Medium Phone 1: (312) 880-1318 Booking#: 22-06609		
Case#	Charge	Description
22-023664	2C:12-1A	SIMPLE ASSAULT
22-023664	2C:13-1B	AGGRAVATED ASSAULT
22-023664	2C:12-1A(1)	RESISTING ARREST - NO FORCE
22-023664	2C:12-1B	POSS WEAPON IMMINENT PURPOSE
22-023664	2C:12-1B	POSS WEAPON
22-023664	2C:12-1B	POSS WEAPON
22-023664	2C:12-1B	POSS WEAPON
Witness		
Hardaway, Jonathan A. M/V-14 of 227 North Vermont Apt. 1308, Atlantic City, NJ, 08401 DOB: [REDACTED] HT: 600 WT: 225 Hair: Black Eyes: Brown Phone 1: (856) 569-8888		
Reporting Officer Dooner, Paul J.		
Page #	126	Page 4 of 5

ACP/C/2202252100000004

Galloway Township Police Department		Continuation
Police Report Number: 22-002668	Police Address: 1525 Albee St., Galloway, NJ, 08215	Incident Date: 07/11/2022
PROPERTY LIST		
Item#	Type	Reason
22-002195 - 1	Article	Evidence
Description: Stanley Hand/Man Metallic Crowbar		
Brand: Stanley Hand/Man		
Quan/Value: 1.000 / \$1.00		
Disposition: Sent To Property Room		
Recovered Location: 309 E Jimmie Leeds Rd,1		
Recovered Date: 07/12/22 07:57		
Item#	Type	Reason
22-002208 - 1	Article	Evidence
Description: CD containing victim injuries		
Quan/Value: 1.000 / \$0.00		
Disposition: Sent To Property Room		
Recovered Location: 309 E Jimmie Leeds Rd,1		
Recovered Date: 07/12/22 07:59		
Item#	Type	Reason
22-002249 - 1	Article	Evidence
Description: CD containing photographs of weapon (crowbar)		
Quan/Value: 1.000 / \$0.00		
Disposition: Sent To Property Room		
Reporting Officer: Dorsey, Paul J.		Page #: 126
		Page: 5 of 5

AC/PO/22/00252/0000005

Galloway Township Police Department		Supplemental Report	
Case Number: 25-033666	Address: 1523 ALON ST., Galloway, NJ, 08215	Report Date: 07/11/2025	
Officer: [Redacted]	Officer ID: 20122-1B(1)	Officer Name: [Redacted]	
NARRATIVE Due to a clerical error in my previous report, to update the third paragraph, I previously stated that Devon believed he may have broken his foot. The initial report should have stated that Joseph was believed to have broken his foot and Joseph was transported to AdultCare-Mainland Division. NPA.			
Reporting Officer: Becker, Paul J.	Incident: 124	Report Date: 07/20/2025	
Reviewed By: Mitchell, 4th, James J.	Page #: 101	Page: 1 of 1	

ACP-CR200/230200000034

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

STATE OF NEW JERSEY,
Plaintiff,

v.

DEVON TYLER BARBER,
Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313
PCR: To Be Assigned
Judge: To Be Assigned

**Personal Testimony / Affidavit X of Devon Tyler Barber (detailing work arrangement,
living on-site, wage withholding, starvation, destruction of property and animals).**

Exhibit B

Tilbersted LLC
325 E. Terrace Level Road, Suite 7, 535
Oakton, VA 22624

July 25, 2025

Division of Consumer Affairs
Registered Domestic Services – Special Review Unit
Attn: Mr. Kenny On
138 Halsey Street, P.O. Box 40660
Newark, NJ 07101

Re: Application 02009190 – Evidence of Rehabilitation for Devon Tyler Barber

Dear Mr. On and Members of the Special Review Committee:

I write in response to your letter of July 14, 2025, regarding my business's application for a Home Improvement Contractor license renewal and the request for evidence of rehabilitation. I appreciate the opportunity to address the factors outlined by the Division. I take full responsibility for providing a clear and convincing account of my rehabilitation. Below, I will address each factor in turn, to demonstrate my character, the nature of my past legal trouble, and the steps I have taken to rehabilitate myself and uphold the law.

1. Nature and Responsibilities of Current Position: I am the sole owner and lead operating contractor of Tilbersted LLC, the largest and best force-improvement unit of Todd Pinner's Restoration of Time. In this role, I specialize in building systems – site installation, painting, drywall, carpentry, and full-range interior renovation that bring spaces to life. I enforce strict safety, insurance, and warranty standards while managing client relations. From the first written estimate through final punch-list completion. As owner of the company, I safeguard credibility, customer trust, and legal and ethical integrity in every project. I approach each workday with honesty, reliability, and meticulous care. Knowing that a registered contractor's first step is to protect the confidence of homeowners and the broader community.

2. Nature and Seriousness of the Offense(s): Unfortunately, I have two prior convictions on my record, from 2012 and 2018. I recognize that both offenses are serious matters, and I want to address the nature of each one openly.

- **2012 – Attempted Aggravated Assault (3rd Degree):** This conviction is for a third-degree felony offense. I understand that an attempt at aggravated assault is a grave charge, as it derives the intent to cause serious harm. I do not take this lightly. At the time, I pleaded guilty to this charge. A third-degree offense in New Jersey is a serious crime that carries significant penalties, and I know that having a violent felony conviction is a major concern in evaluating my fitness as a licensed contractor. I want to assure you that I have

Page 1 of 6

reflected deeply on how this situation arose (as detailed in the next section) and I fully appreciate the severity of the charge.

- **2024 – Disorderly Persons Offense:** The second conviction is for a disorderly persons offense (misdemeanor) in 2024. While legally less severe than a felony, it is still a criminal offense and a serious matter. This arose from a minor incident that escalated unexpectedly. I acknowledge that any criminal conviction, even for a disorderly persons offense, is relevant to my character and trustworthiness. I do not discount its importance. I will explain the circumstances below, but I want to state at the outset that I regret that this incident occurred at all. Both of these convictions, different in nature, have been humbling experiences for me. I understand the Division's concern, and I am prepared to demonstrate how I have rehabilitated since.

3. Circumstances Under Which the Offenses Occurred: I would like to provide context for the circumstances of each offense, to explain how these situations came about. These explanations are not to excuse my actions, but to give a fuller picture of what happened and why these events were isolated, extraordinary incidents in my life.

- **Circumstances of the 2022 Incident:** In 2022, I was 24 years old and found myself in an extremely stressful and unfair situation involving my former employer and mentor, Joseph Hardemon Jr. and Joseph Hardemon Sr. both of Joe's Painting & Renovations (JJ). I had been working with Joe (a high school friend who became a mentor in the trades) on a property rehabilitation project under an informal agreement. I lived on-site as a caretaker while performing extensive labor (tiling, painting, cleanup, etc.) for Joe and his family's business. Over time, it became clear that I was being exploited: they began withholding my pay and even basic living necessities, effectively using my vulnerable position for free labor. A serious dispute arose when I discovered that my personal belongings had been thrown out of the property and destroyed by members of Joe's crew. This included the cruel destruction of my property and even the death of my beloved pet hamsters due to the crew's actions. Feeling shocked and betrayed, I confronted Joe and his team, asking for an explanation and for my unpaid wages. The situation quickly escalated into a heated argument. Fearing for my safety when several individuals turned aggressive toward me, I grabbed a nearby tool (a crowbar) only as a defensive measure to discourage any physical attack; I never swung it at anyone, but I held it at my side because I was outnumbered and genuinely afraid. Amid the chaos, I fled to a neighbor's home to call for help. However, by the time the police arrived, the narrative had been turned against me: Joe's father (whom I had once trusted as a mentor) used his influence to portray me as the aggressor. I was wrongfully arrested for attempted aggravated assault, despite my insistence that I had been the one under attack. I want to emphasize that I did not go out that day seeking violence – I was attempting to defend myself and my property during an extremely emotional and traumatic moment. The seriousness of

Page 2 of 8

this charge is something I acknowledge, yet the context reveals that I was reacting out of fear and confusion, not malice. Ultimately, after spending a lengthy period in custody awaiting trial (approximately four months), I felt coerced and exhausted. In order to secure my release from jail and end the ordeal, I agreed to plead guilty to the third-degree charge. This plea was made under duress after enduring difficult conditions in detention. I am now actively challenging this conviction through a petition for Post-Conviction Relief (PCR), because I maintain that I was not the true aggressor and that crucial evidence (including impeachment evidence that could discredit false claims against me) was not disclosed to my defense at the time. The circumstances were highly unusual and emotionally charged, and I have learned a great deal from this ordeal about how to manage conflicts and protect myself through legal avenues.

- Circumstances at the 2024 Incident:** In 2024, at the age of 26, I was involved in a separate incident resulting in a disorderly persons conviction. This situation began as a simple jaywalking stop while I was on foot. I was stopped by Officer Boyd of the local police department for allegedly jaywalking. During this encounter, I believed I was within my rights to politely decline to provide my full name since I was not operating a vehicle and did not initially understand the stop to be anything beyond a minor pedestrian warning. I did verbally identify myself as "Devon" and affirmed I was a local resident, but I hesitated when pressed for more detailed identification. My hesitation was due to lingering distrust and trauma from my 2022 experience – frankly, I was fearful of another incident and asserted what I understood to be my constitutional/civil right to privacy in that moment. Unfortunately, my cooperation was perceived as insufficient. The situation escalated quickly when the officer took offense at my reluctance: I was arrested and charged with obstruction and disorderly conduct. Facing the prospect of being held in jail over a minor incident, I made the practical decision to accept a plea to a disorderly persons offense in order to be released promptly. I want to be clear that my intention was not to be disobedient or cause a public disturbance – I was simply cautious about providing personal details because I felt intimidated and confused during what I thought would be a routine stop. In hindsight, I realize that I could have handled this differently by calmly complying to avoid escalation. I regret that my actions during that encounter contributed to an unnecessary conflict. Like the 2022 case, I am seeking post-conviction relief for this matter as well, since I believe my actions were within my legal rights and the charges were disproportionately applied. However, I fully recognize that the way the incident unfolded was problematic, and I have taken it as a lesson in how to interact with law enforcement more carefully to prevent misunderstandings.

4. Dates of Offenses: The dates of the offenses in question are as follows: the first incident occurred in 2022 (the arrest and charge for attempted aggravated assault took place in the late summer of 2022), and the second incident occurred in 2024 (the jaywalking stop and subsequent disorderly persons charge happened in the spring of 2024). These dates place the incidents

Page 3 of 8

roughly two years apart. I have not had any other legal issues before, between, or since these events.

5. Age at the Time of Offenses (Date of Birth: 12/31/1997): My date of birth is December 31, 1997. I was 24 years old at the time of the 2022 incident, and 26 years old at the time of the 2024 incident. At those ages, I was a relatively young adult facing very difficult situations. While I was an adult and fully responsible for my choices, I have matured significantly since my mid-twenties. Now, at 27, I look back and see how much I have learned and grown from those experiences. I believe my responses to stress and conflict have improved with age and experience. I am now better equipped to handle unexpected challenges with patience and grace, as a result of the personal growth I've undergone since those incidents.

6. Whether the Offenses Were Isolated Incidents: I want to assure the Division that these offenses were isolated events and not part of any pattern of behavior. I do not have any criminal history aside from the two incidents discussed. There were no arrests or charges before 2022, none in 2023, and none after the 2024 incident. I have not been involved in any other unlawful behavior. In both cases, the circumstances were unusual and specific to those moments in time, and they are not reflective of how I conduct myself on a daily basis. I am not a person who habitually causes trouble or engages in violence or disorderly conduct. All evidence since 2024 points to the fact that I have moved forward peacefully and responsibly. I consider those incidents serious aberrations in an otherwise law-abiding life. They have not been repeated, and I am committed to ensuring that nothing like those situations ever happens again.

7. Social Conditions Contributing to the Offenses: There were significant social and personal stressors that contributed to both of these incidents, and I believe it is important to explain them to illustrate that I was under extreme circumstances and duress:

- **Betrayal and Exploitation (2022 Incident):** The 2022 offense stemmed from a profound betrayal by individuals I trusted. I was essentially betrayed by former mentors and employers who took advantage of my loyalty and work ethic. Joe and his family, whom I had looked up to and relied upon for professional guidance, created conditions that were emotionally and economically oppressive. By withholding my earned wages and even food, and by destroying my property, they pushed me into a corner. The social dynamic was one of power imbalance: I was a young tradesman trying to establish myself, and they were senior figures in my field who I thought had my best interests at heart. This betrayal and unfair treatment generated immense emotional stress and feelings of helplessness. I was literally living at the worksite, isolated from other support, which made the situation even more volatile. The confrontation that led to my arrest did not occur in a vacuum—it was the culmination of ongoing coercion and provocation against me. I want to emphasize that I do not have a violent character; I was reacting to highly unusual social conditions of being manipulated and bullied by people who were supposed

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to be minors. This context does not excuse my involvement in a confrontation, but it does show that I was not simply acting out of criminal intent. I was a victim of circumstance to a large extent, and that contributes to understanding why the event occurred.

- **Emotional Strain and Civil Rights Concerns (2024 Incident):** By the time of the 2024 incident, I was carrying the emotional baggage of what had happened in 2022. I had developed a cautious attitude toward authority and was determined to know and assert my civil rights to protect myself from any potential misuse of power. The jaywalking stop happened at a time when I was still rebuilding my life and confidence. The social climate in general (as we all know, there have been heightened tensions and misunderstandings at times between citizens and law enforcement across the country) and my personal past made me extra sensitive during that police encounter. The social condition here was essentially my distrust and anxiety when suddenly confronted by an officer. I was alone on the street, being stopped for something minor, and I immediately feared that things could go wrong for me, as they had before. While I now realize the officer likely just needed my name to issue a simple citation, in that moment my stress response was to protect my privacy until I understood the situation better. Unfortunately, this defensiveness was interpreted as defiance. The contributing factors were a mix of my own past trauma and a misunderstanding between me and the officer. I did not have any intent to break the law—on the contrary, I believed I was exercising a right. In summary, the social and psychological conditions influencing this offense were my prior victimization and a resulting hyper-vigilance about personal rights.

In both cases, I was dealing with extreme stress, feelings of betrayal, and fear. These conditions contributed greatly to why these incidents happened. Importantly, I have since sought to address these underlying issues: I removed myself from toxic associations, I have built a more stable support network, and I educated myself further on how to handle disputes and legal matters calmly. I deeply wish those situations had never occurred, but having gone through them, I have worked on myself to ensure I am never again placed in such vulnerable or volatile circumstances.

8. Evidence of Rehabilitation and Good Conduct: Since the time of these incidents, I have made every effort to demonstrate through my actions that I am rehabilitated and that I am living as a law-abiding, responsible citizen. Here I will outline the steps and evidence of my rehabilitation:

- **Law-Abiding Behavior and No Recurrence:** First and foremost, I have not had any further run-ins with law enforcement. In the years since 2024, I have conducted myself with caution and respect for law and order. I have not even had so much as a traffic ticket. I have been careful to avoid any situations that could be misconstrued or lead to

Page 5 of 8

trouble. This clean record since the offenses is evidence of my commitment to living uprightly.

- **Sobriety and Lifestyle:** I want to note that I have no history of substance abuse or any addictive behavior. I live a sober and focused lifestyle. My offenses were not related to drugs or alcohol, and I have not developed any issues in that regard. I do not drink to excess. I have never used illegal drugs, and I maintain a healthy, disciplined daily routine. This stability in my personal life has been a foundation for my rehabilitation.
- **Active Business Owner and Productive Member of the Thumbtack Pro Community:** I have poured my energy into building my business, Tillerstead LLC, into a reputable service provider in my community. Running a business has been a positive and redemptive experience. It requires discipline, responsibility, and accountability to clients and to the law. I make sure to obtain any required permits for jobs, carry liability insurance, pay my taxes, and follow all regulations that apply to home improvement contractors. By engaging fully in legitimate work, I not only support myself and contribute to the economy, but I also stay focused on constructive goals. My days are spent on job sites, doing honest work from morning to evening. The pride I take in improving clients' homes and delivering quality craftsmanship has reinforced my commitment to never stray from the right path again. I have attached evidence of my good work, including a recent five-star customer review from a verified client on the Thumbtack platform, which praises the quality and professionalism of my workmanship. Positive feedback like this from customers demonstrates that I am meeting my responsibilities and maintaining the trust of those I serve.
- **Professional Reputation and Testimonials:** Along with this letter, I am providing personal reference letters and testimonials attesting to my character, work ethic, and rehabilitation. These include letters from community members and colleagues who know me well (and are aware of my past issues) and can speak to the positive life I lead now. I understand the importance of third-party perspectives in evaluating my rehabilitation. For instance, one letter is from a former client who details how I renovated their home bathroom to a high standard while conducting myself with honesty and reliability throughout the project. Another letter is from a fellow colleague who has worked with me and can attest to my steady demeanor, teamwork, and dedication to doing things the right way. These testimonials reinforce that I am not just speaking for myself – others have observed my good conduct and growth firsthand and are willing to vouch for me.
- **Resolution of Court-Ordered Supervision:** Following my 2022 conviction, I was subjected to an excessive three-year probation term—an overreach that I later challenged as coerced and disproportionate. After a violation arrest, during which I served 26 days, the sentencing court terminated the remainder of that probation, effectively erasing the

Page 6 of 8

balance of the term from my record. I have no active probation or parole obligations today. This termination stands as proof that the initial three-year requirement was yet another instance of the system's over-leveraging, not a reflection of my conduct or risk.

- **Pursuit of Post-Conviction Relief through Lawful Means:** My pursuit of justice has not always been quiet, but it has always remained lawful. I hold deep convictions about fairness and humane treatment, and I have openly voiced my frustration with the county's negligence—even in open court—because I believe silence would make me complicit in injustice. Despite these moments of passion, I have not resorted to retaliation or unlawful behavior. I continue to pursue redress through proper legal channels, with petitions for Post-Conviction Relief pending for both the 2022 and 2024 convictions. These petitions seek to correct miscarriages of justice, such as suppressed evidence in the 2022 case and the questionable circumstances surrounding the 2024 matter. My approach demonstrates a belief in using the legal process to address wrongs, even when I challenge the system to be better. Regardless of the outcomes, I remain committed to lawful means and to advocating for a more humane standard of justice.
- **Education and Self-Improvement:** While I have been working full-time in my business, I have also engaged in self-education to improve both my trade skills and my personal development. I regularly study new building techniques, safety protocols, and business management practices. I have also spent time reflecting on ethical decision-making and conflict resolution. Through reading and mentorship, I have educated myself on better ways to handle stressful situations and how to de-escalate conflicts. I want to ensure that I am always prepared to make the right choices, even under pressure. This ongoing self-improvement is part of my rehabilitative journey, making me not only a better contractor but a better person overall.
- **Community and Family Responsibilities:** I have re-centered my life around positive influences and responsibilities. I help out with my family and in my community whenever possible. My social circle now consists of law-abiding, hardworking individuals who share my commitment to personal improvement and faith. By surrounding myself with good role models and supportive friends, I have created a social environment that reinforces good conduct and accountability.
- **Documented Name Change and Identity:** I would also like to note that I have legally changed my name as part of moving forward in life with a clean slate. My given name is Devon Tyler, and my full legal name is Devon Tyler Barber of the Pacella family, and I have documentation of a court-approved name change (Final Judgment signed July 23, 2025). This change was made to reflect my family name and to ensure consistency in my personal and professional identity. I have been using my full given name in all of my business dealings and official matters. This demonstrates my commitment to

Page 7 of 8

transparency and taking responsibility under my true legal identity. All my contracts, business cards, and communications use "Devon Tyler Barber," which helps avoid any confusion or appearance of hiding from my past. I have enclosed a copy of the name change court order for the Division's records. Consistently using my legal name is another small but meaningful way I show honesty and integrity in my professional life.

In summary, the evidence of my rehabilitation is clear in how I live day to day. I maintain good conduct, run a legitimate business serving the public, comply with all laws, and actively seek to rectify past issues through proper channels. I have not repeated the mistakes of the past, and I have grown from those experiences. I am fully committed to continuing this positive trajectory.

Conclusion and Personal Commitment: want to close by expressing my sincere remorse for the incidents that led to my convictions and my heartfelt commitment to never letting anything like that happen again. While I maintain that both situations arose from extraordinary circumstances largely beyond my control, I have looked inward to see what I could have done better and have made changes in my life accordingly. I am truly rehabilitated – my mindset is focused on positivity, lawful conduct, and contributing to society through my skilled trade. Every day I strive to exemplify the values of a law-abiding, hardworking tradesman. Honesty, diligence, and respect now guide all of my actions. My faith has been a great source of strength and guidance in this journey; it continually reminds me to act with compassion, patience, and integrity. I start each day with the intention to do good work and to treat others fairly, and I end each day with prayers of gratitude for the chance to move forward in peace.

I have the highest respect for the law and for this licensing process, and I understand why the Division must thoroughly evaluate my background. I hope that the information I have provided demonstrates clearly that I have rehabilitated myself since my contract and legal troubles resulting in charged offenses and that I am worthy of the privilege of registration as a Home Improvement Contractor. I am more than my past mistakes—I am a responsible man and a dedicated professional who will uphold the standards of my industry and the trust of the public. If given the opportunity, I will continue to prove through my actions that I am a positive asset to my community and a reliable, ethical contractor.

Thank you very much for taking the time to consider this letter and the accompanying documents attesting to my rehabilitation. I am available to provide any additional information or documentation that you may require. Please do not hesitate to contact me at the phone number or email below if there are further questions. I am fully committed to cooperating with the Division and to demonstrating my integrity and readiness to be registered.

Faithfully,
/s/ Devon Tyler Barber, of the Paccillo Family
 Steward, Tillenstead LLC
 Phone: (609) 665-9150 /Email: DTR33@pm.me

Page 8 of 8

Personal Testament of Events

I, **Devon Tyler of the Barber Family (formerly Materio)**, humbly present this testament to recount the injustices I endured, including misrepresentation, betrayal, and coercion, which led to my guilty plea under duress. This statement reflects my journey, the truth behind the circumstances, and my resolve to seek justice and reinstate my credentials as a **New Jersey Home Improvement Contractor**.

Professional History and Transition

In **2017 or 2018**, I began working for **JOES PAINTING & RENOVATIONS** as an employee under **DEVON T. BARBER, SSN #6917**. My dedication to learning and excelling in trades like tiling, painting, and renovations helped build my reputation for reliability and strong work ethic. Joe, my employer and high school friend, initially valued my contributions and provided mentorship, fostering trust between us.

By **2019**, Joe encouraged me to pursue contracting independently, claiming this would offer better opportunities. Taking his advice, I:

- **Incorporated my own business**, obtained **business insurance**, and acquired a **Home Improvement Contractor (HIC) license**.
- Collaborated with Joe on a major project under a "50-50" agreement.

However, this partnership revealed deep inequities. While I carried out nearly all the physical labor, Joe contributed minimally, primarily involving his father's plumber. Unfortunately, the plumber's poor workmanship caused a **leaking sink**, resulting in a **negative review** that damaged my professional reputation. Despite these challenges, I learned valuable lessons about **contract clarity, fairness, and accountability**.

Personal Challenges and Exploitation

In the years following this collaboration, I faced significant personal and professional setbacks. Losing my work track severely impacted my ability to secure jobs and maintain independence. Compounding these difficulties, I found myself in a toxic personal relationship, which left me emotionally drained and vulnerable.

Amid this turmoil, Joe, his brother Josh, and their father—whom I regarded as a mentor—offered me what seemed like a lifeline. They claimed to be **behind schedule** on a rehab property and urgently needed my help to complete the work. Trusting them once again, I agreed to:

- **Live on-site** at the rehab property as a steward.
- Take on responsibilities like **tiling, painting, lawn care, and cleaning up after their crew.**

Despite my hard work and commitment, the family began withholding payment, claiming I wasn't owed anything for my labor. This betrayal left me financially struggling, often hungry, and unable to afford basic necessities.

Escalation and Betrayal

The situation reached a breaking point one evening after I returned to the rehab property following work with **Nick of NAC**, a carpenter who valued my efforts. Nick trusted me with the **keys to his work truck** on my first day and provided gas money, offering much-needed kindness during this difficult time.

However, upon arriving at the property, I was met with a devastating scene:

- **My belongings had been thrown across the yard.**
- **The work crew was actively destroying my property, with Joe orchestrating the chaos.**
- Joe had intentionally shattered an aquarium tank, killing my two beloved pets:
 - A Goliath bird-eater tarantula (*Theraphosa blondi*).
 - An Antilles pinktoe tarantula (*Caribena versicolor*).

These pets had been secure in their tanks, living peaceful lives under my care. Their deaths were a cruel and intentional act, designed to humiliate and hurt me. Adding insult to injury, the crew laughed, mocked me, and **recorded the destruction** on their phones. Overwhelmed by grief and betrayal, I still attempted to resolve the situation peacefully.

The Incident

The destruction of my property and the deliberate killing of my pets pushed me to my breaking point. In a moment of emotional distress, I confronted Joe and punched him.

The situation escalated:

- The crew, composed of strangers Joe had hired, **turned on me**, tackling me to the ground while others continued to laugh and record.
- Fearing for my safety, I grabbed a crowbar in **self-defense**, holding it by my side to deter further attacks.

At no point did I swing the crowbar or use it to intimidate anyone. It was merely a defensive measure to protect myself from the growing mob. Taking the opportunity, I fled to a neighbor's house for help. However, instead of assistance, I was met by law enforcement.

Joe's father, leveraging personal connections at the police station, had fabricated a false narrative to frame me as the aggressor. Despite the truth, I was taken into custody, and my side of the story was ignored.

Unjust Detention

Following my arrest, I endured unjust and inhumane treatment, including:

- **120 days in custody** before I was allowed to appear in court.
- **Solitary confinement** for requesting a phone call to contact legal counsel or family.
- **Physical abuse** by jail guards, who retaliated against me for asserting my basic rights.
- **Psychological trauma** from the isolation, mistreatment, and denial of my humanity.

Coerced Plea

When I finally appeared in court, I was immediately presented with a plea deal. After months of mistreatment and dehumanization, I felt I had no choice but to plead guilty under duress to escape my confinement. This plea does not reflect the truth of what happened. My intent has always been to **revoke or rescind this plea** once I regained my strength and secured proper legal representation.

Key Points of Injustice

1. **Labor Law Violations:** Joe misclassified me as an independent contractor, leaving me unprotected as an employee.
2. **Breach of Agreement:** Despite fulfilling my responsibilities in good faith, my wages were withheld, and I was retaliated against for seeking fairness.

3. **Cruel and Malicious Actions:** My property was destroyed, my pets were killed, and I was publicly humiliated.
4. **Violation of Human Rights:** I was denied due process, subjected to solitary confinement, and physically abused.
5. **Police Misconduct:** False claims were used to manipulate law enforcement and further harm me.

My Truth and Commitment

I acted in good faith throughout this ordeal, striving to rebuild my life despite the betrayals and injustices I faced. The physical altercation was not premeditated but a direct response to the emotional distress and threats to my safety.

The guilty plea I entered does not represent the truth. It was made under extreme duress and solely to escape further suffering. I fully intend to **seek justice, revoke the plea, and clear my name**, enabling me to reinstate my credentials as a **New Jersey Home Improvement Contractor**.

Sealed by Faith

I am a man of Irish and English heritage, rooted in Christian and Celtic traditions, and guided by unwavering faith. I remain steadfast in my pursuit of truth and justice, determined to rebuild my life, contribute to my community, and reclaim my professional standing.

Signed and Sealed by Faith.

Devon Tyler of the Barber Family (formerly Materio)

Dated: December 20, 2024, Anno Domini

By the Seals of my Name, in the Holy Name,
Through the Law, I declare to the Father
Concerned of Justice, that I have
been wronged and wronged, and I have
without prejudice, under God's Law and
Constitutional Protections.

By 14 signed with Faithful Authority in
A Seal of

BY: X (Signature) X

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

STATE OF NEW JERSEY,
Plaintiff,

v.

DEVON TYLER BARBER,
Defendant.

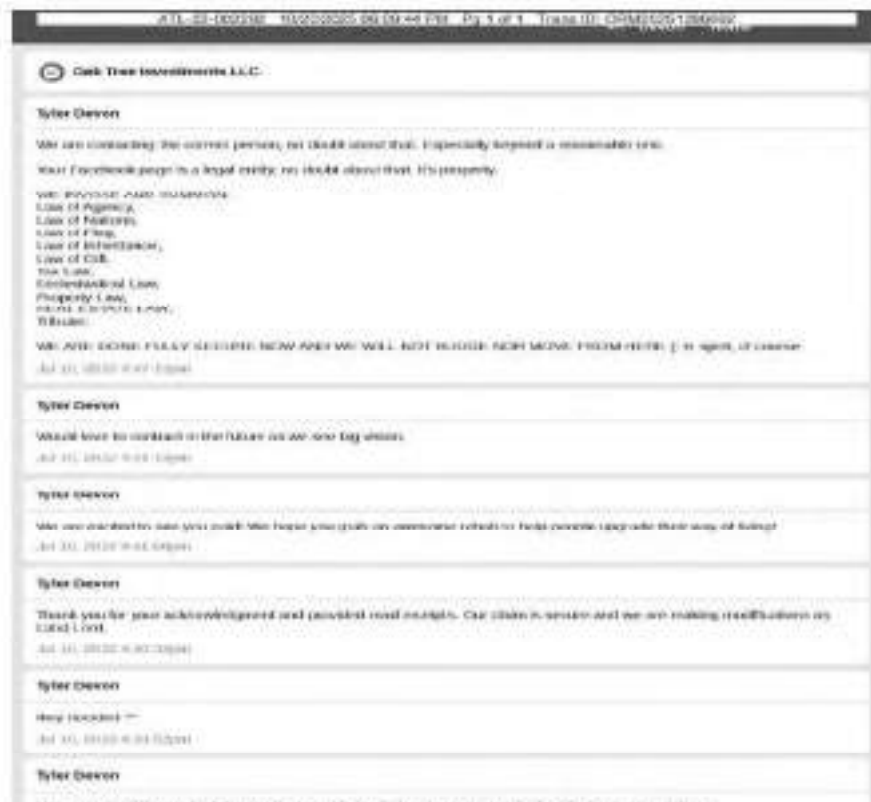
Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

**Messages with FACEBOOK BUSINESS PAGE / PROPERTY Oak Tree
Investments LLC showing that the dispute was about work, payment, and
living conditions, not “terroristic threats.”**

Exhibit C



Jul 12, 2025 12:56:54pm
Tyler Devan
Thank you!
Jul 12, 2025 12:58:54pm
Tyler Devan
Mother just stop father's home? I guess they can't be my parents since they don't pay my rent
Jul 12, 2025 12:59:11pm
Tyler Devan
Please instruct your subcontractors/subcontractors to leave my family and my parents home alone I just received word that one of your subcontractors offered \$1000 for me to make the vampire claim
Jul 12, 2025 12:59:34pm
Tyler Devan
Even the administration of course and effort as it seems you have your office to your supervisor appreciate that however if there is a presumption of error in our client we would like to remind you that if we are brought into a court of law we will counter-sue you for punitive damages plus costs to \$1 THOUS for the claim.
Jul 12, 2025 1:00:11pm
Tyler Devan
If there is anything you wish to be removed from our public court record, please let us know. We need that our pictures are signed by the military industrial complex via the PATRIOT ACT. We really have no need to be seen. We just want to grow our trust.
Jul 12, 2025 1:00:34pm
Tyler Devan
I love the love from that
Jul 12, 2025 1:00:54pm
Tyler Devan
There is acceptance as I am assuming you are excited you don't have to wait for them to find this with them for you to get your return + initiation?
Jul 12, 2025 1:01:14pm
Tyler Devan
Thank you for your wonderful service. Please let us know if we can get anything for you to make this transition easier
Jul 12, 2025 1:01:34pm
Tyler Devan
Waste++
Jul 12, 2025 1:01:54pm
Tyler Devan
Love really requires control as I am looking from ground up. I think you see that you will be made while in a state of law
Jul 12, 2025 1:02:14pm
Tyler Devan
We first started because of that should want to pay me for my 50 hour shifts starting a continuous point job. They decided to work from now and pay me at the end of the month. I was working without relief. They decided to tell me they were operating off of budget. Then said that was changing in an industrial, no more, no more. They were payment for all of my labor on the first off site of construction job.
Jul 12, 2025 1:02:34pm
Tyler Devan
You fired down drivers.
They fought about their services, but couldn't pay me the 100 dollars to cover equity that would have helped me keep my wife covered.
Jul 12, 2025 1:02:54pm
Tyler Devan
STAY, you can need to know that or who purchased the product. But there is a state on Monday, that's an order, ok.
Jul 12, 2025 1:03:14pm
Tyler Devan
If you have a dispute over property, you have every right to call the sheriff. However, we will hold a personal pressure with all the information agencies. We will not handle without a set of signature, clearing liability from a judge through from the armed and armed parties.
Jul 12, 2025 1:03:34pm
Tyler Devan
All your ability will be covered by our corporate law. They are members of the state agencies to find liability. 100% to 100% 100% 100% makes them down down down.
Jul 12, 2025 1:03:54pm

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

STATE OF NEW JERSEY,
Plaintiff,

vs.

DEVON TYLER BARBER,
Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

**NJ Department of Labor Wage Complaint #369572 Transferred to Wage
Collection Department (showing that wages for labor at Aloe Street were
unpaid and under dispute).**

Exhibit D

You have successfully submitted a wage complaint to the NJ Division of Wage and Hour Compliance.

Complainant Name: Devon T. Barber

Complaint Date: 10/22/2025 01:28 pm

Confirmation No.: 369572

Please check the status of your complaint at

<https://wagehour.dol.state.nj.us/WHA73/Public/CheckStatus?EN=ConfirmationNumber>

PLEASE RETAIN A COPY OF THIS EMAIL FOR YOUR RECORDS.

Please add domain name "nj.gov" to your email safe list to prevent important notices from being filtered into your spam/junk folder.

Your complaint will be reviewed by the NJ Division of Wage and Hour Compliance. If further information is required, you will be contacted by email, telephone or regular mail.

If you have any changes or corrections to this complaint, please do not file a new complaint. Email wage.hour@doj.nj.gov or call 800-235-2320 with your changes and be sure to provide your Confirmation No. Division staff will then update your complaint accordingly.

Complaint Type				
Who is filing this complaint?		Self		
Employer Information				
Business name		JOES PAINTING AND RENOVATIONS II, LLC		
Street address		40 CHAPMAN BLVD		
City		Somers Point		
State		NJ		
Is mailing address different than street address?				No
Do you know the name(s) of the owners or the officers of this company?				Yes
First name	Last name	Title	Phone	Email
Joseph	Hendrick	Owner		
Joseph	Hendrick	Co-owner		

Information provided is for informational purposes only.

10/22/2025 1:28 PM
Page 1 of 1

Nature of business Licensed New Jersey home improvement contractor	
Has this employer filed for bankruptcy?	Not Sure

Complainant information	
Month and year of birth	12/1997
First name	Devon
Last name	Barber
Middle initial	T
Mailing address	325 E Jimmie Leeds Rd, Suite 7
City	Galloway
State	NJ
Zip code	08205 - 8205
Phone number	609-685-9350
Email	DTB33@ProtonMail.com
Social security number	XXX-XX-XXXX
Are you, or were you a member of a union when employed with JOES PAINTING AND RENOVATIONS 11, LLC	No

Employment information	
Location details #1	
Did you work for this employer at the street address you provided?	No
Job site	Rehabilitation project
Street address	1525 W. Aloe Street
City	Galloway
State	NJ
Zip code	08205

8/14/2025 1:44:00 PM ATL-L-002794-25 Page 50 of 50

8/14/2025 1:44:00 PM
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Employment details	
First day worked	11/07/2019
Last day worked	07/11/2022
Are you still working at this location?	No
Job title	Renovation specialist
Provide a brief description of your job duties at this location	
Performed a wide range of construction and renovation tasks, including mitering and installing trim, caulking, painting, demolishing plaster and lath, installing and finishing drywall, preparing surfaces for painting, grouting and cleaning tile showers, and installing kitchen backsplash tiles. Additionally, I handled property maintenance such as mowing the grass and purchasing two air conditioners. My personal electric mower was left on-site involuntarily.	
Supervisor name	Joseph Hardemon Jr.
Supervisor title	Owner
Rate of pay	Per day
Gross amount	\$200.00
Pay frequency	Weekly
What is your normal pay date?	Friday
What is the last date you were paid?	06/03/2022
If date details are not available, please provide the following:	
Time period	
June 5, 2022 - July 11, 2022	
What is the total amount of wages (before tax deductions) you believe the employer owes you? (If you are not sure, please provide an estimate.)	\$4000.00
Complaint reason details	
<ul style="list-style-type: none"> • Wages not paid • Paycheck Bounced or Unable to cash paycheck 	

File Name: C:\temp\lcv-002794-25\lcv-002794-25.pdf (10/24/2025 9:39:51 PM)

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<ul style="list-style-type: none"> • Last paycheck not paid • Improperly Classified as an Independent Contractor in the Construction Industry N.J.S.A. 34:20-1 et seq. 			
<p>You have indicated that this employer does OWE you wages or money. If there are other reasons for filing this complaint, please select the reason(s) from the below list.</p> <p>I am filing this complaint regarding unpaid wages from my employment with Joseph Hardemon Jr. I previously filed a complaint and now have IRS records proving I was misclassified as an independent contractor and never paid. In 2022, I left for another contractor, after which I experienced retaliation, including being falsely accused, arrested, and charged in connection to the wage dispute.</p>			
<p>Did you ask your supervisor or any employer representative for the money you believe is due?</p>			<p>Yes</p>
<p>Supervisor name</p>		<p>Joseph Hardemon Jr.</p>	
<p>Supervisor title</p>		<p>NJ HIC, owner</p>	
<p>What was the outcome?</p> <p>Joseph Hardemon Jr. did not pay. He claimed his father interfered with our agreement and said my living on the construction site counted as payment, but the agreed \$200/day rate was never honored.</p>			
<p>Documents</p>			
Document type	File name	File size	File type
OTHER	ProofOfEmploymentwithJoe.pdf	31.06 KB	.pdf
OTHER	ProofOfemployment2020.pdf	33.99 KB	.pdf
OTHER	ProofOfemploymentwithNAC2022.pdf	110.01 KB	.pdf
OTHER	IMG_2975.jpeg	325.74 KB	.jpeg
OTHER	AmendedComplaint.pdf	202.46 KB	.pdf
		2.03	

File Size (Document size) and File Type (Document type)

Page 2 of 5

OTHER	PassportCard-DevonBarber.pdf	MB	.pdf
OTHER	PostConvictionReliefandLegalMemorandum.pdf	8.11 MB	.pdf

Certification
I request the NJ Division of Wage and Hour Compliance investigate this complaint against JOES PAINTING AND RENOVATIONS 11, LLC .
I understand that acceptance of this complaint by the NJ Division of Wage and Hour Compliance does not imply that the employer is in violation of any labor law or regulation.
I understand that acceptance of this complaint by the NJ Division of Wage and Hour Compliance does not guarantee collection of any wages due.
I understand that in general, the public has the right, under the Open Public Records Act (OPRA), to request most information kept as part of any public record however, the New Jersey Department of Labor and Workforce Development will endeavor to protect the confidentiality of a complainant or a witness to the maximum extent allowable by law.
I understand that authorized personnel from the NJ Division of Wage and Hour Compliance may communicate with me via email regarding this complaint. These communications will be sent to: <i>DTB33@ProtonMail.com</i>

By Date (Employee name, date, and time) (Employee Name)

By Date (Name of
Page 5 of 5

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

STATE OF NEW JERSEY,
Plaintiff,

v.

DEVON TYLER BARBER,
Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

**Documentation of Completed but Unpaid Construction Work Advertised for
Sale on Zillow and Realtor.com; Correlated Police-Assisted Unlawful Eviction
and Property Conversion for Commercial Gain**

Exhibit E

<p>Devon also sent threatening messages to Mr. Hardemon (senior) that included a picture of a noose with the capitol building in the background and a message that stated: "Read Title 18 s1c. Are you for the US or against US?" (See attached pictures of messages).</p> <p>Mr. Hardemon (Junior) believes that Devon sent this photo because they are black and that Devon is a Sovereign Citizen who doesn't believe they belong in this country. His father and he are now in fear for their safety based on Devon's recent behavior and wanted to sign criminal complaints against Devon and have him removed from the property and arrested. I explained to both victims that we can only do what the law allows us to do and that I couldn't promise anything. The issue was also complicated by the fact permission had been granted for Devon to temporarily stay there but had remained for an extended period of time. Both parties were advised of their civil options in Landlord / Tenant Court to determine whether Devon had established residency and was subject to eviction proceedings.</p> <p>I contacted ACPO A/P Jasmine Ostrow and advised her of the incident. A/P Ostrow doesn't believe</p>		
Reporting Officer:	Badge #	Page
Butler, Justin	66	3 of 4

ACPO/2200221300000002

Galloway Township Police Department		Continuation
Offense Report Number 22-073620	Incident Location 1525 Aloe St., Galloway, NJ, 08215	Report Date 07/11/2022
<p>The incident was a bias incident and authorized a warrant application for the Terroristic Threats for Mr. Hardemon (Senior) and a summons for the harassment charge for Mr. Hardemon (Junior.) I contacted JUC Paunietty who found probable cause for the warrant (#0180 W2022-002993) for charge 2C:12-3a (Terroristic Threats), and a summons (#0180 S2022-002991) was generated for 2C:33-4a (Harassment) against Devon.</p> <p>Mr. Hardemon (Junior) signed the simple assault summons and Mr. Hardemon (Senior) signed the warrant and was given his copy of the VNF. Mr. Hardemon advised me that he could see on the SnapChat app that Devon was currently in Brigantine. He said they were going to go back to 1525 Aloe Street and call the PD is Devon returned to the residence. I completed a Supplementary BIAS Incident Offense Report and marked the disposition as Adult Unfounded.</p> <p>Gerald Cohen, who is the owner of the LLC, sent a copy of the State of New Jersey LLC approval and the Deed to the property of 1525 Aloe Street (See attached). Gerald may be in at a later date to sign a criminal complaint for trespassing against Devon.</p> <p>*All referenced attachments were attached in the ProPhosix Case Attachments tab. The following paperwork was sent to records: Warrant W2022-002993, Summons S2022-002991, Supplementary BIAS Incident Offense Report, voluntary statement, VNF and complaint advisement form for Hardemon (Senior), voluntary statement form and complaint advisement form for Mr. Hardemon (Junior.) Fingerprint cards, cover pages of the Criminal History and III printouts.</p> <p>NFA.</p>		
Reporting Officer Butler, Justin	Section # 66	Page 3 of 4

ACPD2020231300000023



\$295,500

3 bed 2 bath 1,500 sqft

1525 AUSA ST

Egg Harbor City, NJ 08213

Request a tour

or schedule a viewing at 10:00 am





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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,
Plaintiff.

7.

DEVON TYLER BARBER,
Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

Collateral harm records (license issues, inability to work, etc.) proving continuing prejudice = manifest injustice.

Exhibit F

[illegible]

10/25/25, 7:25 PM

(16247)Alfred.rdtb33@prn.com | Photo Mail

If you are a California resident, you also have the right to file a complaint with the California Department of Fair Housing and Employment (DFEH).

If you are an Illinois resident or applicant, you also have the right to file a complaint with the Illinois Department of Human Rights.

If you are a Gainesville, Florida resident or applicant, this notice is provided in accordance with the City of Gainesville Code of Ordinances, Chapter 14.5, Section 14.5-181, which regulates the process and timing of criminal background checks conducted on job applicants.

If you are applying for a position in Philadelphia, you have 10 business days to provide information concerning the accuracy of the criminal history information in your consumer report or additional information you wish the Company to consider. The Company will consider all additional information provided by you.

Sincerely,

Ships

Enclosure:

- Copy of Your Consumer Report



<https://mail.proton.me/v/16247-alfred.rdtb33@prn.com?subject=Alfred.rdtb33@prn.com> 20

9/25/25 1:20 PM

100721.04 mms 1.813333pm.mms 1. Photon limit

Post-adverse action notice - Uber Eats

From: no-reply@checkr.com

To: **PRIMATEER**

Date: Friday, November 3rd, 2023 at 6:10 PM

**Personal & Confidential**

Dear Devon Tyler Barber:

We are writing to inform you that we are declining your request to use the Uber app to connect with delivery and/or driving requests. Checkr, Inc., a consumer reporting agency, provided us with a consumer report in connection with your proposal to connect with delivery and/or driving requests on the Uber app. Our decision to deny your eligibility was based in whole or in part on information contained in that consumer report and an individualized assessment of any additional information that you provided us.

<https://doi.org/10.1101/2021.05.11.441111>

10/25/22, 7:26 PM

(13072)Alfred (13133)prusa / Proton Mail

We considered these specific items when determining you to be ineligible:

- » CHARGE: TERRORISTIC THREATS-THREAT TO COMMIT CRIME OF VIOLENCE (DISPOSITION: GUILTY) 10/26/2022
- » CHARGE: AGG ASSAULT-ATTEMPT/CAUSE SIGNIFICANT BODILY INJURY (DISPOSITION: GUILTY) 10/26/2022
- » CHARGE: ATTEMPT-VANDALISM (STATUTE: 2923.02 / 2909.05) (DISPOSITION: GUILTY) 05/28/2019
- » CHARGE: FAILURE TO COMPLY WITH ORDER OF SIGNAL OF POLICE O (STATUTE: 2921.331(B)(C)JAIL) (DISPOSITION: CONVICTED/GUILTY) 08/28/2019

Checkr, Inc. is located at 1 Montgomery Street, Suite 2400, San Francisco, CA 94104 and can be reached at 844-533-0807 or

<https://candidate.checkr.com>

Checkr, Inc. did not make the decision to take this action and cannot provide you with information about our decision. Any inquiries regarding that decision should be directed to the undersigned. You, nevertheless, have a right to contact Checkr, Inc. to dispute any information in the consumer report that you believe to be inaccurate or incomplete. You should already have received a copy of the consumer report, but have a right to obtain additional free copies from Checkr, Inc. You have 60 days from the date you receive this notice to request additional free copies of any such reports from Checkr, Inc.

https://mail.proton.me/v1/mail-exact/2534Tn0qjg/98u8k-4E-dQs18p/7Tnc2wC/9N1B6X0CE1Ux5v4vDp02j5e2y2Rr_g6675eP2W7W79e.html 2/1



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

STATE OF NEW JERSEY,
Plaintiff,

v.

DEVON TYLER BARBER,
Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313
PCR: To Be Assigned
Judge: To Be Assigned

Public Listing History for 1525 W. Aloe Street

Exhibit G

(Homes.com, updated October 19, 2025)

This document reflects the real estate sale history and price trajectory of 1525 W. Aloe Street, Egg Harbor City, NJ, as listed by the complainants after the underlying incident. It shows:

- Purchase price in 2019: **\$50,000**
- Listing date in 2025: **July 15, 2025 at \$365,000**
- Three successive price reductions down to **\$295,500**
- A net **630% markup** in listing price over the original purchase value
- Pressure to sell shown by repeated cuts within a 3-month span

This evidence supports Mr. Barber's assertion that the complainants were motivated by financial pressure to complete the resale and used police force to eliminate occupancy or wage claims that could interfere with title clearance or delay closing. The resale campaign occurred during the pendency of this matter and goes directly to impeachment and motive under *Brady* and *Giglio*.

Source: Homes.com listing screenshots and public sales history records.

Home.com

Buy Sell Rent Agents Square Feet

Delivery Alerts (3) View Days 11 List Price

Source Public Records

Tax History

Year	Tax Paid	Tax Assessment	Land	Improvement
2025	\$3.38	\$91,300	\$46,400	\$44,900
2024	\$3.38	\$91,300	\$46,400	\$44,900
2023	\$2.99	\$91,300	\$46,400	\$44,900
2022	\$2.99	\$91,300	\$46,400	\$44,900
2021	\$2.99	\$91,300	\$46,400	\$44,900

Source Public Records

Property History

Date	Event	Price	List to Sale	Price per Sq Ft
12/09/2020	Price Changed	\$295,180	-6.3%	--
07/06/2020	Price Changed	\$315,180	-6.9%	--
04/01/2020	Price Changed	\$340,100	-4.3%	--
01/15/2020	For Sale	\$365,900	+17.0%	--
01/09/2019	Sold Off	\$303,000	+0.2%	\$46/Sq Ft

Source: Seller's price, PublicRecordsML

LINDA FOLSENI
REMAX

(SCR 154-871)

Hi Linda I would like to know more about this listing.

Send Message

One Home.com agent has been added to the Listing Agent.

10:05:01 5:25 PM

1505 Alton St, Egg Harbor City, NJ 08215 (Updated 11/19)

Back

Egg Harbor City, NJ

Listing URL: 1505 Alton St, Egg Harbor City, NJ 08215



House for sale

\$295,500

• \$99K

3 bed • 2 bath • 0.5 acre lot

1505 Alton St, Egg Harbor City, NJ 08215

Est. \$1,623/mo

Get pre-approved

Add a commute

Commonly used features

Three master bedrooms

Family room

Hardwood

Stainless steel appliances

Community outdoor space

Single family

Property type

101 days

On Realtor.com

Ask a question

Compare my home

Realism score checked 87 days ago

Listing was updated Oct 19, 2025 at 8:05 PM EDT

Source: NJ Real Estate MLS #5556072911

Open houses

Property details

Monthly payment

Connect with a lender

https://www.realtor.com/realestateandhomes-detail/1505AltonSt

15

10/29/25, 5:25 PM 1505 Avea St, Cogitation City, HI 96015 (Updated 10/19)

View history **200** Saved

Property history

\$285,500
 Estimated sold in 2025

\$1,152
 2025 (est)

2 sales
 Since 2018

Price history

Today

Oct 18, 2025	Price decreased (AdaptiveCity)	\$285,500 - \$1,500	↕
Aug 6, 2025	Price decreased (AdaptiveCity)	\$285,500 - \$1,000	↕
Aug 18, 2025	Price decreased (AdaptiveCity)	\$285,500 - \$1,000	↕
Jul 18, 2025	Listing removed (AdaptiveCity)	↕	↕
Jul 18, 2025	Listing removed (AdaptiveCity)	↕	↕
Jul 16, 2025	Listing removed (AdaptiveCity)	↕	↕
Jul 17, 2025 (Flag when listed)	Listing removed (AdaptiveCity)	↕	↕
Jul 16, 2025	Listed (AdaptiveCity)	\$285,000	↕
Jul 16, 2025	Listed (AdaptiveCity)	\$285,000	↕
Jul 16, 2025	Listed (AdaptiveCity)	\$285,000	↕
Jul 16, 2025	Listed (AdaptiveCity)	\$285,000 + \$1,000	↕
Jul 18, 2025	Listed (AdaptiveCity)	\$285,000	↕
2018			
Feb 27, 2018	Sold (Public Record)	\$28,000 + \$200	\$28,000

<https://www.mallac.com/real-estate/homes-detail/15054672814>

10/25/25, 5:25 PM

1505 Ross St, Conitation City, HI 96015 (Updated 10/19)

Aug 20, 2019	Related	Assessment	\$46,900	0.00
Jul 24, 2019	Listing removed	Assessment	-	0.00
Jul 24, 2019	Related	Assessment	\$46,900	0.00
Jul 16, 2019	Listing removed	Assessment	-	0.00
Jul 16, 2019	Related	Assessment	\$46,900	0.00
Jul 11, 2019 3 day after listed	Listing removed	Assessment	-	0.00
Jul 10, 2019	Related	Assessment	\$46,900	0.00
Jul 8, 2019	Sold	Assessment	\$55,000	+12%
Jul 5, 2019	Related	Assessment	\$46,900	0.00
Jun 30, 2019	Listing removed	Assessment	-	0.00
May 31, 2019	Listing removed	Assessment	-	0.00
May 1, 2019	Listing removed	Assessment	-	0.00
Apr 4, 2019	Listing removed	Assessment	\$46,900	\$40/night
Mar 30, 2019 3 day after listed	Listing removed	Assessment	-	0.00
Mar 30, 2019	Related	Assessment	\$46,900	\$40/night
Mar 26, 2019	Related	Assessment	\$46,900	0.00
Mar 26, 2019	Related	Assessment	\$46,900	\$40/night

Show less

Tax history

<https://www.mallix.com/real-estate/homes-detail/10354672814>

28

1006.01, 5:25 PM

1505 Ross St, Connetquot City, NY 06075 (Updated 11/19)

3328	\$1,139	\$50,200	+	\$48,000	=	\$49,861
3329	\$1,211	\$50,200	+	\$48,000	=	\$49,889
3330	\$1,289	\$50,200	+	\$48,000	=	\$49,917
3331	\$1,362	\$50,200	+	\$48,000	=	\$49,945
3332	\$1,435	\$50,200	+	\$48,000	=	\$49,973
3333	\$1,508	\$50,200	+	\$48,000	=	\$49,999
3334	\$1,581	\$50,200	+	\$48,000	=	\$50,025
3335	\$1,654	\$50,200	+	\$48,000	=	\$50,051
3336	\$1,727	\$50,200	+	\$48,000	=	\$50,077
3337	\$1,800	\$50,200	+	\$48,000	=	\$50,103
3338	\$1,873	\$50,200	+	\$48,000	=	\$50,129
3339	\$1,946	\$50,200	+	\$48,000	=	\$50,155
3340	\$2,019	\$50,200	+	\$48,000	=	\$50,181
3341	\$2,092	\$50,200	+	\$48,000	=	\$50,207
3342	\$2,165	\$50,200	+	\$48,000	=	\$50,233
3343	\$2,238	\$50,200	+	\$48,000	=	\$50,259
3344	\$2,311	\$50,200	+	\$48,000	=	\$50,285
3345	\$2,384	\$50,200	+	\$48,000	=	\$50,311
3346	\$2,457	\$50,200	+	\$48,000	=	\$50,337
3347	\$2,530	\$50,200	+	\$48,000	=	\$50,363
3348	\$2,603	\$50,200	+	\$48,000	=	\$50,389
3349	\$2,676	\$50,200	+	\$48,000	=	\$50,415
3350	\$2,749	\$50,200	+	\$48,000	=	\$50,441
3351	\$2,822	\$50,200	+	\$48,000	=	\$50,467
3352	\$2,895	\$50,200	+	\$48,000	=	\$50,493
3353	\$2,968	\$50,200	+	\$48,000	=	\$50,519
3354	\$3,041	\$50,200	+	\$48,000	=	\$50,545
3355	\$3,114	\$50,200	+	\$48,000	=	\$50,571
3356	\$3,187	\$50,200	+	\$48,000	=	\$50,597
3357	\$3,260	\$50,200	+	\$48,000	=	\$50,623
3358	\$3,333	\$50,200	+	\$48,000	=	\$50,649
3359	\$3,406	\$50,200	+	\$48,000	=	\$50,675
3360	\$3,479	\$50,200	+	\$48,000	=	\$50,701
3361	\$3,552	\$50,200	+	\$48,000	=	\$50,727
3362	\$3,625	\$50,200	+	\$48,000	=	\$50,753
3363	\$3,698	\$50,200	+	\$48,000	=	\$50,779
3364	\$3,771	\$50,200	+	\$48,000	=	\$50,805
3365	\$3,844	\$50,200	+	\$48,000	=	\$50,831
3366	\$3,917	\$50,200	+	\$48,000	=	\$50,857
3367	\$3,990	\$50,200	+	\$48,000	=	\$50,883
3368	\$4,063	\$50,200	+	\$48,000	=	\$50,909
3369	\$4,136	\$50,200	+	\$48,000	=	\$50,935
3370	\$4,209	\$50,200	+	\$48,000	=	\$50,961
3371	\$4,282	\$50,200	+	\$48,000	=	\$50,987
3372	\$4,355	\$50,200	+	\$48,000	=	\$51,013
3373	\$4,428	\$50,200	+	\$48,000	=	\$51,039
3374	\$4,501	\$50,200	+	\$48,000	=	\$51,065
3375	\$4,574	\$50,200	+	\$48,000	=	\$51,091
3376	\$4,647	\$50,200	+	\$48,000	=	\$51,117
3377	\$4,720	\$50,200	+	\$48,000	=	\$51,143
3378	\$4,793	\$50,200	+	\$48,000	=	\$51,169
3379	\$4,866	\$50,200	+	\$48,000	=	\$51,195
3380	\$4,939	\$50,200	+	\$48,000	=	\$51,221
3381	\$5,012	\$50,200	+	\$48,000	=	\$51,247
3382	\$5,085	\$50,200	+	\$48,000	=	\$51,273
3383	\$5,158	\$50,200	+	\$48,000	=	\$51,299
3384	\$5,231	\$50,200	+	\$48,000	=	\$51,325
3385	\$5,304	\$50,200	+	\$48,000	=	\$51,351
3386	\$5,377	\$50,200	+	\$48,000	=	\$51,377
3387	\$5,450	\$50,200	+	\$48,000	=	\$51,403
3388	\$5,523	\$50,200	+	\$48,000	=	\$51,429
3389	\$5,596	\$50,200	+	\$48,000	=	\$51,455
3390	\$5,669	\$50,200	+	\$48,000	=	\$51,481
3391	\$5,742	\$50,200	+	\$48,000	=	\$51,507
3392	\$5,815	\$50,200	+	\$48,000	=	\$51,533
3393	\$5,888	\$50,200	+	\$48,000	=	\$51,559
3394	\$5,961	\$50,200	+	\$48,000	=	\$51,585
3395	\$6,034	\$50,200	+	\$48,000	=	\$51,611
3396	\$6,107	\$50,200	+	\$48,000	=	\$51,637
3397	\$6,180	\$50,200	+	\$48,000	=	\$51,663
3398	\$6,253	\$50,200	+	\$48,000	=	\$51,689
3399	\$6,326	\$50,200	+	\$48,000	=	\$51,715
3400	\$6,399	\$50,200	+	\$48,000	=	\$51,741
3401	\$6,472	\$50,200	+	\$48,000	=	\$51,767
3402	\$6,545	\$50,200	+	\$48,000	=	\$51,793
3403	\$6,618	\$50,200	+	\$48,000	=	\$51,819
3404	\$6,691	\$50,200	+	\$48,000	=	\$51,845
3405	\$6,764	\$50,200	+	\$48,000	=	\$51,871
3406	\$6,837	\$50,200	+	\$48,000	=	\$51,897
3407	\$6,910	\$50,200	+	\$48,000	=	\$51,923
3408	\$6,983	\$50,200	+	\$48,000	=	\$51,949
3409	\$7,056	\$50,200	+	\$48,000	=	\$51,975
3410	\$7,129	\$50,200	+	\$48,000	=	\$52,001
3411	\$7,202	\$50,200	+	\$48,000	=	\$52,027
3412	\$7,275	\$50,200	+	\$48,000	=	\$52,053
3413	\$7,348	\$50,200	+	\$48,000	=	\$52,079
3414	\$7,421	\$50,200	+	\$48,000	=	\$52,105
3415	\$7,494	\$50,200	+	\$48,000	=	\$52,131
3416	\$7,567	\$50,200	+	\$48,000	=	\$52,157
3417	\$7,640	\$50,200	+	\$48,000	=	\$52,183
3418	\$7,713	\$50,200	+	\$48,000	=	\$52,209
3419	\$7,786	\$50,200	+	\$48,000	=	\$52,235
3420	\$7,859	\$50,200	+	\$48,000	=	\$52,261
3421	\$7,932	\$50,200	+	\$48,000	=	\$52,287
3422	\$8,005	\$50,200	+	\$48,000	=	\$52,313
3423	\$8,078	\$50,200	+	\$48,000	=	\$52,339
3424	\$8,151	\$50,200	+	\$48,000	=	\$52,365
3425	\$8,224	\$50,200	+	\$48,000	=	\$52,391
3426	\$8,297	\$50,200	+	\$48,000	=	\$52,417
3427	\$8,370	\$50,200	+	\$48,000	=	\$52,443
3428	\$8,443	\$50,200	+	\$48,000	=	\$52,469
3429	\$8,516	\$50,200	+	\$48,000	=	\$52,495
3430	\$8,589	\$50,200	+	\$48,000	=	\$52,521
3431	\$8,662	\$50,200	+	\$48,000	=	\$52,547
3432	\$8,735	\$50,200	+	\$48,000	=	\$52,573
3433	\$8,808	\$50,200	+	\$48,000	=	\$52,599
3434	\$8,881	\$50,200	+	\$48,000	=	\$52,625
3435	\$8,954	\$50,200	+	\$48,000	=	\$52,651
3436	\$9,027	\$50,200	+	\$48,000	=	\$52,677
3437	\$9,100	\$50,200	+	\$48,000	=	\$52,703
3438	\$9,173	\$50,200	+	\$48,000	=	\$52,729
3439	\$9,246	\$50,200	+	\$48,000	=	\$52,755
3440	\$9,319	\$50,200	+	\$48,000	=	\$52,781
3441	\$9,392	\$50,200	+	\$48,000	=	\$52,807
3442	\$9,465	\$50,200	+	\$48,000	=	\$52,833
3443	\$9,538	\$50,200	+	\$48,000	=	\$52,859
3444	\$9,611	\$50,200	+	\$48,000	=	\$52,885
3445	\$9,684	\$50,200	+	\$48,000	=	\$52,911
3446	\$9,757	\$50,200	+	\$48,000	=	\$52,937
3447	\$9,830	\$50,200	+	\$48,000	=	\$52,963
3448	\$9,903	\$50,200	+	\$48,000	=	\$52,989
3449	\$9,976	\$50,200	+	\$48,000	=	\$53,015
3450	\$10,049	\$50,200	+	\$48,000	=	\$53,041
3451	\$10,122	\$50,200	+	\$48,000	=	\$53,067
3452	\$10,195	\$50,200	+	\$48,000	=	\$53,093
3453	\$10,268	\$50,200	+	\$48,000	=	\$53,119
3454	\$10,341	\$50,200	+	\$48,000	=	\$53,145
3455	\$10,414	\$50,200	+	\$48,000	=	\$53,171
3456	\$10,487	\$50,200	+	\$48,000	=	\$53,197
3457	\$10,560	\$50,200	+	\$48,000	=	\$53,223
3458	\$10,633	\$50,200	+	\$48,000	=	\$53,249
3459	\$10,706	\$50,200	+	\$48,000	=	\$53,275
3460	\$10,779	\$50,200	+	\$48,000	=	\$53,301
3461	\$10,852	\$50,200	+	\$48,000	=	\$53,327
3462	\$10,925	\$50,200	+	\$48,000	=	\$53,353
3463	\$10,998	\$50,200	+	\$48,000	=	\$53,379
3464	\$11,071	\$50,200	+	\$48,000	=	\$53,405
3465	\$11,144	\$50,200	+	\$48,000	=	\$53,431
3466	\$11,217	\$50,200	+	\$48,000	=	\$53,457
3467	\$11,290	\$50,200	+	\$48,000	=	\$53,483
3468	\$11,363	\$50,200	+	\$48,000	=	\$53,509
3469	\$11,436	\$50,200	+	\$48,000	=	\$53,535
3470	\$11,509	\$50,200	+	\$48,000	=	\$53,561
3471	\$11,582	\$50,200	+	\$48,000	=	\$53,587
3472	\$11,655	\$50,200	+	\$48,000	=	\$53,613
3473	\$11,728	\$50,200	+	\$48,000	=	\$53,639
3474	\$11,801	\$50,200	+	\$48,000	=	\$53,665
3475	\$11,874	\$50,200	+	\$48,000	=	\$53,691
3476	\$11,947	\$50,200	+	\$48,000	=	\$53,717
3477	\$12,020	\$50,200	+	\$48,000	=	\$53,743
3478	\$12,093	\$50,200	+	\$48,000	=	\$53,769
3479	\$12,166	\$50,200	+	\$48,000	=	\$53,795
3480	\$12,239	\$50,200	+	\$48,000	=	\$53,821
3481	\$12,312	\$50,200	+	\$48,000	=	\$53,847
3482	\$12,385	\$50,200	+	\$48,000	=	\$53,873
3483	\$12,458	\$50,200	+	\$48,000	=	\$53,899
3484	\$12,531	\$50,200	+	\$48,000	=	\$53,925
3485	\$12,604	\$50,200	+	\$48,000	=	\$53,951
3486	\$12,677	\$50,200	+	\$48,000	=	\$53,977
3487	\$12,750	\$50,200	+	\$48,000	=	\$54,003
3488	\$12,823	\$50,200	+	\$48,000	=	\$54,029
3489	\$12,896	\$50,200	+	\$48,000	=	\$54,055
3490	\$12,969	\$50,200	+	\$48,000	=	\$54,081
3491	\$13,042	\$50,200	+	\$48,000	=	\$54,107
3492	\$13,115	\$50,200	+	\$48,000	=	\$54,133
3493	\$13,188	\$50,200	+	\$48,000	=	\$54,159
3494	\$13,261	\$50,200	+	\$48,000	=	\$54,185
3495	\$13,334	\$50,200	+	\$48,000	=	\$54,211
3496	\$13,407	\$50,200	+	\$48,000	=	\$54,237
3497	\$13,480	\$50,200	+	\$48,000	=	\$54,263
3498	\$13,553	\$50,200	+	\$48,000	=	\$54,289
3499	\$13,626	\$50,200	+	\$48,000	=	\$54,315
3500	\$13,699	\$50,200	+	\$48,000	=	\$54,341
3501	\$13,772	\$50,200	+	\$48,000	=	\$54,367
3502	\$13,845	\$50,200	+	\$48,000	=	\$54,393
3503	\$13,918	\$50,200	+	\$48,000	=	\$54,419
3504	\$13,991	\$50,200	+	\$48,000	=	\$54,445
3505	\$14,064	\$50,200	+	\$48,000	=	\$54,471
3506	\$14,137	\$50,200	+	\$48,000	=	\$54,497
3507	\$14,210	\$50,200	+	\$48,000	=	\$54,523
3508	\$14,283	\$50,200	+	\$48,000	=	\$54,549
3509	\$14,356	\$50,200	+	\$48,000	=	\$54,575
3510	\$14,429	\$50,200	+	\$48,000	=	\$54,601
3511	\$14,502	\$50,200	+	\$48,000	=	\$54,627

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

STATE OF NEW JERSEY,
Plaintiff,

v.

DEVON TYLER BARBER,
Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313
PCR: To Be Assigned
Judge: To Be Assigned

PROPOSED FORM OF ORDER

ORDER ON PETITION FOR POST-CONVICTION RELIEF

THIS MATTER having been opened to the Court by **Defendant, Devon Tyler Barber, pro se**,
by way of a **Petition for Post-Conviction Relief** filed pursuant to *R. 3:22-1 et seq.*, supported by
a **Memorandum of Law**, a **Certification in Rebuttal of the July 11, 2022 GTPD Narrative**,
Affidavit X, and accompanying Exhibits; and

The Court having reviewed the written submissions and finding that Defendant has presented a
prima facie showing of ineffective assistance of counsel, suppression of material evidence, and
manifest injustice; and

For good cause shown pursuant to *R. 3:22-10(b)* and *State v. Preciado*, 129 N.J. 451 (1992);

IT IS on this ____ day of _____, 2025,

ORDERED as follows:

1. An **evidentiary hearing** is hereby GRANTED pursuant to *R. 3:22-10(b)* to determine:
 - (a) the credibility of the witnesses;

- (b) the accuracy and completeness of the July 11, 2022 Galloway Township Police narrative;
 - (c) the extent of trial counsel's ineffectiveness under *Strickland v. Washington*, 466 U.S. 668 (1984), and *State v. Fritz*, 105 N.J. 42 (1987); and
 - (d) whether exculpatory evidence was suppressed or selectively preserved in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and *State v. W.B.*, 205 N.J. 588 (2011).
2. The State shall produce, prior to that hearing, all:
 - (a) body-worn camera footage, dispatch audio, and scene photographs (including images of Defendant's property, belongings, and animals);
 - (b) all digital communications and messages exchanged between the complainants and Defendant, including full iMessage threads;
 - (c) evidence and documentation related to Defendant's **lost iPhone X**, including any property reports, voucher logs, or chain-of-custody records; and
 - (d) any investigative or photographic evidence concerning the interior renovation work, including the "destroyed wall" allegation, and any related witness statements.
 3. The Court shall further consider whether Defendant's plea was **knowing, voluntary, and intelligent**, and whether vacatur of the plea or other appropriate relief is warranted.
 4. All issues of due process, selective evidence preservation, and alleged misuse of police power to effect a civil eviction are **reserved for full development at the evidentiary hearing**.
 5. Such other and further relief as is just and equitable is **RESERVED**.

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

STATE OF NEW JERSEY,
Plaintiff,

v.

DEVON TYLER BARBER,
Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313
PCR: To Be Assigned
Judge: To Be Assigned

CERTIFICATE OF SERVICE

I, **Devon Tyler Barber**, certify that on **October 26, 2025**, I submitted the following through the Judiciary Electronic Document Submission System ("JEDS") for filing with the **Superior Court of New Jersey, Law Division – Criminal Part, Atlantic County**, under Docket Nos. **ATL-22-002292 / ATL-22-002313**:

1. Petition for Post-Conviction Relief;
2. Memorandum of Law in Support of Petition for Post-Conviction Relief;
3. Certification in Rebuttal of July 11, 2022 GTPD Narrative;
4. Affidavit X and Exhibits A-M; and
5. Proposed Form of Order.

A true and complete copy of the same filing was also served electronically on the **Atlantic County Prosecutor's Office** via its designated email address for PCR and appellate filings.

A courtesy copy was also served electronically on the **Office of the Public Defender, Appellate/PCR Unit**, for informational purposes.

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

Executed on this **26th day of October, 2025**, in **Atlantic County, New Jersey**.

Respectfully submitted,

/s/ Devon T. Barber
DEVON TYLER BARBER
Defendant / Petitioner Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 | DTB33@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY,

Defendants.

Docket No.: ATL-L-002794-25 **Team:** 102 **Judge:** Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand:** Six Jurors **Case Status:** Active

EXHIBIT B-1

**2019 Pay Records – Landry’s Inc. (DBA The Palm Atlantic City) and Manager
Recommendation from P.F. Chang’s
Employment documentation establishing Plaintiff’s lawful income history and good-faith
work record (noting SSN error later corrected by Form W-2C).**

00 21 8 380001-000010
 PC0078 0000000078
 ASSIGN # 153471
0574 - The Palm Atlantic City
 Atlantic City Palm, LLC
 1510 West Loop South
 Houston TX 77027

Earnings Statement

Page 001 of 001
 Period Beg/End: 07/20/2021 - 08/02/2021
 Check Date: 08/09/2021
 Check Number: 0008701698
 Batch Number: 210809SR3084

Barber, Devon
 309 New Leaf Ct
 Galveston, NJ 08205

For inquiries on this statement please call: 800-552-6379

Weeks to Day:	Hours	This Period Year-to-Date	
Earnings	Rate	Hours	
Earnings			
Regular	\$1.13	21.65	24.52
REGULAR	12.00	19.25	229.00
Tip Share Paid			1674.73
Score Pay			1507.11
Tax Deductions			
Federal Tax			162.38
42 Disability			8.96
42 Family leave			5.34
42 Unemployment			8.11
Social Security			118.24
Medicare			27.43
TX State Tax			53.80
Total Tax Deductions			384.34

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credits	406.45	
Pre-Tax Deductions		
Total Pre-Tax Deductions	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Deductions	0.00	0.00
Net Pay	1522.47	1522.47
Benefits Summary		
Sick	2.00	2.00

Atlantic City Palm, LLC
 1510 West Loop South
 Houston TX 77027

Check Number: 0008701698
 Check Date: 08/09/2021

This amount: VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID *****VOID**VOID**

Pay to the
 order of: Barber, Devon
 309 New Leaf Ct
 Galveston, NJ 08205

Void after 180 days

THIS IS NOT A CHECK

00 22 8 880003-00010
 80079 00000471
 ASSIGN # 153471
0574 - The Palm Atlantic City
 Atlantic City Palm LLC
 1510 West Loop South
 Houston TX 77027

Earnings Statement

Page 001 of 001
 Period Beg/End: 08/17/2021 - 08/30/2021
 Check Date: 09/03/2021
 Check Number: 0008710895
 Batch Number: 2109025R3050

Barber, Devon
 309 New Leaf Ct
 Galveston, NJ 08205

For inquiries on this statement please call: 800-552-8379

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Regular	4.13	62.00	256.19	948.81
OT Rate 5.19			188.75	880.95
Gross Pay			444.94	1829.76
Tax Deductions				
Federal Tax			196.05	634.87
SS Disability			9.95	24.89
SS Family Leave			5.98	18.89
SS Unemployment			9.01	25.51
Social Security			131.50	173.40
Medicare			29.75	87.44
SS State Tax			28.11	179.44
Total Tax Deductions			410.35	1244.04

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tip Credits	408.10	
Pre-Tax Deductions		
Total Pre-Tax Deductions	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Deductions	0.00	0.00
Net Pay	34.59	4095.24
Benefits Summary		
Sick	2.00	0.00

Atlantic City Palm, LLC
 1510 West Loop South
 Houston TX 77027

Check Number: 0008710895
 Check Date: 09/03/2021

This amount: VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID VOID *****VOID**

Pay to the order of: Barber, Devon
 309 New Leaf Ct
 Galveston, NJ 08205

Void after 180 days

0574 - The Palm Atlantic City
Atlantic City Palm LLC
1510 West Loop South
Houston TX 77027

Earnings Statement

Page: 001 of 001
Period Beg/End: 09/28/2021 - 10/11/2021
Advice Date: 10/18/2021
Advice Number: 3975812732
Batch Number: 211018SR3092

Barber, Devon
305 New Leaf Ct
Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Period of Pay	Hourly			This
Earnings	Rate	Hours	Period	Year-to-Date
Earnings				
Regular	4.11	71.71	290.16	2704.85
1st Gross Total			1281.36	10749.34
Gross Pay			1281.36	11783.10
Tax Deductions				
Federal Tax			0.00	489.74
12 Social Security			19.61	35.37
42 Family Leave			6.23	34.99
53 Unemployment			0.59	51.97
54 State Disability			119.36	150.43
Medicare			32.74	173.83
57 State Tax			0.00	318.66
Total Tax Deductions			168.53	1324.02

Non-Payroll Payments

2000/01 44.1 100.0

Atlantic City Palm, LLC
1510 West Loop South
Houston TX 77027

Advice Number: 3876812732
Advice Date: 10/18/2021

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	Checking XXXXXX XXXX 339	041215683	\$2058.30

Pay to the order of		Account Number	Advice
Devon	Check #	XXXXXXXXXX6339	04

ATL-L -002794-25
 11/24/2025 9:39:51 PM
 Pg 33 of 50
 Trans ID: LCV20253243392
 0574 - The Palm Atlantic City
 Atlantic City Palm, LLC
 1510 West Loop South
 Houston TX 77027

Earnings Statement

Page 001 of 001
 Period Beg/End: 11/23/2021 - 12/06/2021
 Advice Date: 12/13/2021
 Advice Number: 4058124410
 Batch Number: 211213BR3095

Barber, Devon
 309 New Leaf Ct
 Galloway, NJ 08205

For inquiries on this statement please call: 800-552-6379

Week of Day:	Hours	This Period	Year-to-Date
Earnings	Rate	Hours	Period Year-to-Date
Regular	4.13	\$2.27	176.37 2517.25
110 Gross Total			1607.48 14569.18
Gross Pay			1075.93 10877.31
Tax Deductions			
Federal Tax		0.00	655.74
42 Disability		5.55	78.67
42 Family Leave		3.31	41.40
42 Unemployment		5.52	73.95
Social Security		13.16	1649.31
Medicare		17.11	245.45
42 State Tax		0.00	118.46
Total Tax Deductions		38.15	2380.38

Non-Payroll Payments

Imputed Income

Other Information	This Period	Balance
Tier Credits	222.85	
Pre-Tax Deductions		
Total Pre-Tax Deduct	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Deduct	0.00	0.00
Net Pay	1075.93	14547.93
Benefits Summary		
Sick	2.00	13.00

Atlantic City Palm, LLC
 1510 West Loop South
 Houston TX 77027

Advice Number: 4058124410
 Advice Date: 12/13/2021

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	XXXXXXXXXX6339	041215683	\$1075.94

THIS IS NOT A CHECK

0574 - The Palm Atlantic City
 Atlantic City Palm, LLC
 1510 West Loop South
 Houston TX 77027

Earnings Statement

Page 001 of 001
 Period Beg/End: 03/15/2022 - 03/28/2022
 Advice Date: 04/04/2022
 Advice Number: 4228285015
 Batch Number: 220404SR3100

Barber, Devon
 309 New Leaf Ct
 Galloway, NJ 08205

For inquiries on this statement please call: 800-552-8379

Earnings	Rate	Hours	This Period	Year-to-Date
Earnings				
Minimum Wage Adjust			0.00	0.00
Regular	11.18	34.50	219.74	1703.56
Tip Share Paid			1176.43	7253.48
Gross Pay			1396.13	8957.04
Tax Deductions				
Federal Tax			187.07	183.50
SS Disability			3.04	17.88
SS Family Leave			0.00	19.15
SS Unemployment			0.19	48.00
Federal Security			39.28	932.94
Medicare			21.11	128.67
Total Tax Deductions			250.69	1290.14

Non-Payroll Payments

Deposited Income

Other Information	This Period	Balance
Tip Credits	429.18	
Pre-Tax Deductions		
Total Pre-Tax Deduct	0.00	0.00
Post-Tax Deductions		
Total Post-Tax Deduct	0.00	0.00
Gross Pay	1396.13	8957.04
Benefits Summary		
Sick	2.00	21.00

Atlantic City Palm, LLC
 1510 West Loop South
 Houston TX 77027

Advice Number: 4228285015
 Advice Date: 04/04/2022

Deposited to the account of	Account Number	Transit ABA	Amount
Barber, Devon	XXXXXXXXXX6339	041215683	\$1229.50

THIS IS NOT A CHECK



To Whom It May Concern:

This letter is a recommendation for Devon Barber. Devon has been employed with us since November 17th, 2021; and thus far, he's shown a reliability along with a good-natured demeanor, making him an ideal team member. He has consistently demonstrated patience, a cordial and cooperative nature, and a collaborative sense of teamwork since joining our team. Hope this letter is sufficient in vouching for Devon's overall work performance and character since beginning with P.F. Chang's China Bistro here in the Tropicana in Atlantic City. Please feel free to reach out at the contact numbers provided below with any additional questions or inquiries. Thank you and hope you have a great day!

Sincerely,

Doug Chapman

Senior Manager

2801 N. Pacific Ave.; 101 The Quarter at the Tropicana

Atlantic City, NJ 08401

atlanticcity.905380@pfchangs.com

(609) 348-4600

PFCHANGS.COM



SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and THE LAW OFFICE OF JOHN W. TUMELTY,

Defendants.

Docket No.: ATL-L-002794-25 **Team:** 102 **Judge:** Hon. Sarah B. Johnson, J.S.C.

Case Type: Summary Action **Jury Demand:** Six Jurors **Case Status:** Active

EXHIBIT B-2

IRS Wage & Income Transcripts and W-2 Records (2019 – 2022)

**Certified IRS transcripts showing verified earnings from Landry's Inc. and P.F. Chang's,
and supporting evidence of removal from payroll by Joe's Painting & Renovations.**

Employee Reference Copy		2022 W-2 and EARNINGS SUMMARY	
W-2 Wage and Tax Statement 2022 <small>OMB No. 1545-0047</small>		This summary section is included with your W-2 to help describe this portion in more detail. The reverse side includes general information that you may also find helpful. The following reflects your final pay stub, plus any adjustments made by your employer.	
a. Control number: 00001400 VFC b. Employer's name, address, and ZIP code: LANDRYS PAYROLL INC 1510 WEST LOOP SOUTH HOUSTON, TX 77027 0574 - THE PALM ATLANTIC CITY		c. Employer's name, address, and ZIP code: DEVON BARBER 309 NEW LEAF CT GALLOWAY, NJ 08205	
d. Employer's EIN: 5000 e. Tax type: A P 19359		f. Social Security number: XXX-XX-1318	
1. Wages, tips, other comp.: 13012.35		2. Federal income tax withheld: 569.98	
3. Social security wages: 2321.04		4. Social security tax withheld: 806.77	
5. Medicare wages and tips: 13012.35		6. Medicare tax withheld: 188.68	
7. Social security tips: 10691.31		8. Allocated tips:	
9.		10. Dependent care benefits:	
11. Nonqualified plans:		12a. Distribution for tax ID:	
13. Other: 0115 01 0201 02 00 0301 0301 00		12b. 12c. 12d.	
14. State/ Employer's state ID no.: NJ 100-412-00000		15. State wages, tips, etc.: 13012.35	
16. State income tax:		17. Local wages, tips, etc.:	
18. Local income tax:		19. Locality name:	

To change your employee K-4 profile information
file a new W-4 with your payroll department

DEVON BARBER
309 NEW LEAF CT
GALLOWAY, NJ 08205

Social Security Number: XXX-XX-1318



PAGE 01 OF 01

1 Wages, tips, other comp. 2413.80	2 Federal income tax withheld
3 Social security wages 1235.01	4 Social security tax withheld 149.65
5 Medicare wages and tips 2413.80	6 Medicare tax withheld 35.00
Employer's name, address, and ZIP code P.F. CHANG'S CHINA BISTRO INC. 8377 E HARTFORD DRIVE SUITE 200 SCOTTSDALE AZ 85255	
Employee's name, address, and ZIP code DEVON BARBER 309 NEW LEAF COURT GALLOWAY NJ 08205	
7 Social security tips 1178.79	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a
	12b
13 Statutory employee Retirement plan Third-party sick pay	12c 12d Control #
14 NJ DI 3.38 NJ FLI 3.38 UW/F/SWF 1.03	Employee's social security no. XXX-XX-6917 Employee ID number (EIN) 85-0815086
15a Employer's state ID number NJ 860-815-086000	15b State wages, tips, etc. 2413.80
16 Local wages, tips, etc.	17 State income tax
	18 Local income tax
	19 Locality name
Form W-2 Wage and Tax Statement 2022 Copy 2 - To be filed with Employee's Federal Tax Return Department of the Treasury - Internal Revenue Service	

1 Wages, tips, other comp. 2413.80	2 Federal income tax withheld
3 Social security wages 1235.01	4 Social security tax withheld 149.65
5 Medicare wages and tips 2413.80	6 Medicare tax withheld 35.00
Employer's name, address, and ZIP code P.F. CHANG'S CHINA BISTRO INC. 8377 E HARTFORD DRIVE SUITE 200 SCOTTSDALE AZ 85255	
Employee's name, address, and ZIP code DEVON BARBER 309 NEW LEAF COURT GALLOWAY NJ 08205	
7 Social security tips 1178.79	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a
	12b
13 Statutory employee Retirement plan Third-party sick pay	12c 12d Control #
14 NJ DI 3.38 NJ FLI 3.38 UW/F/SWF 1.03	Employee's social security no. XXX-XX-6917 Employee ID number (EIN) 85-0815086
15a Employer's state ID number NJ 860-815-086000	15b State wages, tips, etc. 2413.80
16 Local wages, tips, etc.	17 State income tax
	18 Local income tax
	19 Locality name
Form W-2 Wage and Tax Statement 2022 Copy 2 - To be filed with Employee's State, City or Local Tax Return Department of the Treasury - Internal Revenue Service	

1 Wages, tips, other comp. 2413.80	2 Federal income tax withheld
3 Social security wages 1235.01	4 Social security tax withheld 149.65
5 Medicare wages and tips 2413.80	6 Medicare tax withheld 35.00
Employer's name, address, and ZIP code P.F. CHANG'S CHINA BISTRO INC. 8377 E HARTFORD DRIVE SUITE 200 SCOTTSDALE AZ 85255	
Employee's name, address, and ZIP code DEVON BARBER 309 NEW LEAF COURT GALLOWAY NJ 08205	
7 Social security tips 1178.79	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a
	12b
13 Statutory employee Retirement plan Third-party sick pay	12c 12d Control #
14 NJ DI 3.38 NJ FLI 3.38 UW/F/SWF 1.03	Employee's social security no. XXX-XX-6917 Employee ID number (EIN) 85-0815086
15a Employer's state ID number NJ 860-815-086000	15b State wages, tips, etc. 2413.80
16 Local wages, tips, etc.	17 State income tax
	18 Local income tax
	19 Locality name
Form W-2 Wage and Tax Statement 2022 Copy 2 - To be filed with Employee's State, City or Local Tax Return Department of the Treasury - Internal Revenue Service	



This Product Contains Sensitive Taxpayer Data

Request Date: 10-12-2025
Response Date: 10-12-2025
Tracking Number: 108961241434

Wage and Income Transcript

SSN Provided: XXX-XX-6917
Tax Period Requested: December, 2019

Form W-2 Wage and Tax Statement

Employer:

Employer Identification Number (EIN): XXXXX9559
JOBS
40 CHA

Employee:

Employee's Social Security Number: XXX-XX-6917
DEVO T BARR
303 NE

Submission Type:.....Original document
Wages, Tips and Other Compensation:.....\$5,686.00
Federal Income Tax Withheld:.....\$190.00
Social Security Wages:.....\$5,686.00
Social Security Tax Withheld:.....\$352.00
Medicare Wages and Tips:.....\$5,686.00
Medicare Tax Withheld:.....\$82.00
Social Security Tips:.....\$0.00
Allocated Tips:.....\$0.00
Dependent Care Benefits:.....\$0.00
Deferred Compensation:.....\$0.00
Code "Q" Nontaxable Combat Pay:.....\$0.00
Code "W" Employer Contributions to a Health Savings Account:.....\$0.00
Code "Y" Deferrals under a section 409A nonqualified Deferred Compensation
plan:.....\$0.00
Code "Z" Income under section 409A on a nonqualified Deferred Compensation
plan:.....\$0.00
Code "R" Employer's Contribution to MSA:.....\$0.00
Code "S" Employer's Contribution to Simple Accounts:.....\$0.00
Code "T" Expenses Incurred for Qualified Adoptions:.....\$0.00
Code "V" Income from exercise of non-statutory stock options:.....\$0.00
Code "AA" Designated Roth Contributions under a Section 401(k) Plan:.....\$0.00
Code "BB" Designated Roth Contributions under a Section 403(b) Plan:.....\$0.00
Code "DD" Cost of Employer-Sponsored Health Coverage:.....\$0.00
Code "EE" Designated Roth Contributions Under a Governmental Section 457(b)
Plan:.....\$0.00
Code "FF" Permitted benefits under a qualified small employer health
reimbursement arrangement:.....\$0.00
Code "GG" Income from Qualified Equity Grants Under Section 83(i):.....\$0.00
Code "HH" Aggregate Deferrals Under Section 83(i) Elections as of the Close
of the Calendar Year:.....\$0.00
Third Party Sick Pay Indicator:.....Unanswered

Retirement Plan Indicator:.....Unanswered
 Statutory Employee:.....Not Statutory Employee
 W2 Submission Type:.....Original
 W2 MHC SSN Validation Code:.....Correct SSN

Form 1099-B Proceeds From Broker and Barter Exchange Transactions

Payer:
 Payer's Federal Identification Number (FIN):XXXXX7453
 APXX
 ONE DA

Recipient:
 Recipient's Identification Number:XXX-XX-6917
 DEVO BARB
 C O 30

Submission Type:.....Original document
 Account Number (Optional):.....XXXXXXXXXXXX6089
 Date Sold or Disposed:.....01-24-2019
 CUSIP Number:.....269240508
 Gross Proceeds:.....Gross proceeds
 Bartering:.....\$0.00
 Federal Income Tax Withheld:.....\$0.00
 Proceeds:.....\$1.00
 Aggregate Profit or (Loss):.....\$0.00
 Realized Profit or (Loss):.....\$0.00
 Unrealized Profit or (Loss) 12/31 Prior Year:.....\$0.00
 Unrealized Profit or (Loss) 12/31 Current Year:.....\$0.00
 Cost or Basis:.....\$0.00
 Wash Sale Loss Disallowed:.....\$0.00
 Accrued Market Discount Amount:.....\$0.00
 Description:.....ETF MA
 Second Notice Indicator:.....
 Date Acquired:.....01-02-2019
 Noncovered Security Indicator:.....Nothing checked
 Type of Gain or Loss Code:.....Short-term
 Applicable Check Box on Form 8949:
 Short term transaction for which the cost or other basis is being reported to
 the IRS
 Loss Not Allowed Indicators:.....
 FATCA Filing Requirement:.....Box not checked no Filing Requirement
 Proceeds from:.....Box not checked

Form 1099-B Proceeds From Broker and Barter Exchange Transactions

Payer:
 Payer's Federal Identification Number (FIN):XXXXX7453
 APXX
 ONE DA

Recipient:
 Recipient's Identification Number:XXX-XX-6917
 DEVO BARB
 C O 30

Submission Type:.....Original document

derived from an unlawful or pretextual arrest must be suppressed. Trial counsel failed to challenge the legality of that arrest or the derivative charges, allowing a fabricated sequence of events to stand untested and directly influencing my plea.

THE “ASSAULT” VERSION / “CRAZY WITH A CROWBAR”

28. POLICE CLAIM: “The victim, Joseph Hardemon, said Devon punched him ... fell ... injured his foot ... Devon ... waving the crowbar like a maniac ... Joshua Hardemon advised Devon was acting ‘crazy’ ... Several other subjects witnessed ... but did not wish to provide their information.”

29. TRUTH: No neutral or independent witness ever stated that I initiated physical contact or attacked anyone with a tool. The only individuals who made those claims were **Joseph Hardemon** and his brother **Joshua**, both of whom shared a direct financial and personal interest in the same property and business venture. Their accounts are therefore not independent corroboration but **mutually self-serving statements**. Every alleged “witness” referenced by police either refused to identify themselves or was never formally interviewed. That is not a complete or impartial investigation—it is a one-sided narrative constructed by interested parties.

30. FACTUAL CONTEXT:

When I arrived, I discovered my personal belongings scattered across the property, my aquarium shattered, and my two tarantulas killed and mocked on video. Several men, including the Hardemons, surrounded me and recorded me while shouting insults. I picked up a metal tool to maintain distance and protect myself from being rushed again. I did not swing, charge, or strike anyone with it. The claim that I was “waving it like a maniac” is unsupported by any independent evidence, photograph, or video. The only

physical complaint cited—"injury to Joseph's foot"—was never medically documented in the record.

31. INVESTIGATIVE FAILURE:

Despite knowing that "several other subjects witnessed the incident," officers made no effort to obtain names, statements, or contact information from those bystanders. They also failed to preserve any contemporaneous video footage from the accusers' phones that would have shown what actually happened. This selective evidence gathering violated basic investigative standards and deprived the defense of material exculpatory evidence that could have disproven the "assault" narrative.

32. LEGAL SIGNIFICANCE:

The police accepted a single, interested version of events and ignored or failed to preserve exculpatory information—violating *Brady v. Maryland*, 373 U.S. 83 (1963), and depriving me of due process under the Fourteenth Amendment. Counsel compounded that failure by not demanding discovery of the missing digital evidence or requesting an evidentiary hearing under *State v. Precioso*, 129 N.J. 451 (1992). The resulting record portrayed me as violent and irrational, rather than as a victim reacting to property destruction and provocation. All subsequent charges were therefore the product of an incomplete, biased investigation and ineffective representation.

THE TARANTULAS / "LET THEM INTO THE WILD"

33. POLICE CLAIM:

"Joseph also advised he observed two exotic spiders which he let out into the wild because he was scared if they were venomous."

34. TRUTH:

That statement is false and was used to conceal deliberate property destruction. The spiders referenced were my two pet tarantulas, kept in a sealed glass enclosure that had been part of my living space at 1525 W. Aloe Street. When I returned, the enclosure had been shattered and the animals were dead. Members of the Hardemon family laughed and filmed the destruction on their phones. Their actions were not motivated by fear of the animals but by malice and an intent to humiliate me, to destroy evidence of my residency, and to create a false narrative that I was irrational and dangerous. Eliminating my pets was an effort to erase my presence and identity in the home so they could later claim that I did not lawfully reside there.

35. FACTUAL CONTEXT:

The killing of these animals occurred during the same period that my possessions were being thrown outside and filmed. These actions were calculated to provoke an emotional breakdown and to bait me into reacting so that police intervention could then be justified. They succeeded: I was devastated, frightened, and overwhelmed when officers arrived. The report's dismissal of this event as "letting the spiders into the wild" trivialized the deliberate cruelty that triggered the emotional distress underlying the entire encounter.

36. LEGAL SIGNIFICANCE:

This event goes directly to **provocation, state of mind, and credibility**. The destruction of my property and pets was the immediate catalyst for the confrontation, showing that I was reacting to extreme emotional provocation—not initiating aggression. By omitting this from the charging narrative, police obscured the true cause and context of my distress, denying the court an accurate picture of what occurred. The failure of law

enforcement to document or preserve evidence of this destruction constitutes suppression of material, exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1963), and its omission prejudiced both the probable-cause determination and my plea. Trial counsel's failure to develop or present this evidence further violated my right to effective assistance under *Strickland v. Washington*, 466 U.S. 668 (1984).

SELECTIVE EVIDENCE PRESERVATION

37. POLICE CLAIM:

"Photographs of the victim's injuries and weapon were burned onto a CD ... Stanley Handyman Crowhar was dropped into evidence locker ..."

38. TRUTH:

Police preserved only evidence that supported the complainants' version of events—alleged redness to Joseph Hardemon's face and the work tool they chose to label as a "weapon." Nothing exculpatory or contextually relevant was preserved. Officers failed to photograph or document the smashed aquarium, the remains of my tarantulas, my personal belongings scattered throughout the yard, or the general condition of the residence showing I lived there. They did not record my physical or emotional condition, nor did they preserve the statements I made identifying myself as the victim.

39. FACTUAL CONTEXT:

Most importantly, police failed to secure or voucher my cell phone, which contained messages and digital proof that I was residing at 1525 W. Aloe Street with permission, that I was performing renovation and security work under agreement, that I had repeatedly asked to be paid and provided food, and that I had been provoked by ongoing harassment. Those messages also included antagonizing communications from the

Hardemon family that directly contradicted their later claims of fear and victimhood. That phone was never inventoried or entered into evidence. The loss or non-preservation of that digital record erased the most direct, contemporaneous evidence of my innocence and mental state.

40. LEGAL SIGNIFICANCE:

The police's one-sided evidence collection constitutes **selective preservation**—an investigative practice that violates the State's constitutional duty to collect and disclose material, exculpatory evidence. See *Brady v. Maryland*, 373 U.S. 83 (1963); *State v. Mustaro*, 411 N.J. Super. 91 (App. Div. 2009). By retaining only materials favorable to the complainants and ignoring or losing those favorable to the defense, law enforcement created a fundamentally unbalanced record. This suppression of exculpatory and impeachment evidence denied me due process under the **Fourteenth Amendment** and **Article I, Paragraph 1 of the New Jersey Constitution**. Trial counsel compounded the error by failing to move for disclosure, sanctions, or dismissal under *State v. W.B.*, 205 N.J. 588 (2011), or to request a *Brady* review hearing. This omission caused direct prejudice and contributed to a coerced, uninformed plea.

41. FACTUAL ADDENDUM – ARREST CONTEXT AND LOST IPHONE

When I was taken into custody, I was not hiding or fleeing. I was working for another contractor—**Nick of NAC Custom Carpentry**—and was arrested in his work truck. This proves I was continuing to earn a living and had moved on to legitimate employment, not evading police.

At the time of arrest, I possessed an **iPhone X** that contained my work-related messages, texts with the Hardemon family showing my role and permissions, and photographs of

the Aloe Street renovation. That phone was never returned or vouchered in discovery. I placed it in Lost Mode through iCloud immediately afterward, but no further data or location history exists. To this day, the device remains missing. The loss of that phone erased the strongest contemporaneous proof of my lawful presence and my efforts to be paid for my labor.

FINAL SUMMARY

42. The July 11, 2022 Galloway Township Police narrative is not a reliable or objective account of what occurred. It reflects the Hardemon family's version of events—a business-driven eviction strategy—written as if it were established fact. The record was constructed entirely from the complainants' statements, without independent corroboration, preservation of exculpatory evidence, or consideration of my position as an authorized worker and lawful resident.

43. The narrative omits material facts essential to the truth:

- (a) that I was living at 1525 W. Aloe Street with permission as part of compensation for renovation and security work;
- (b) that I was owed unpaid wages and denied food and basic living support;
- (c) that my belongings were thrown outside, my property destroyed, and my animals killed to terrorize and displace me;
- (d) that I picked up a work tool only to maintain distance from multiple men surrounding me;
- (e) that I fully complied with police commands and immediately dropped the tool;
- (f) that the only "corroborating" witness against me was the accuser's own brother, financially tied to the same business and property;

- (g) that no independent witnesses were ever identified or interviewed;
- (h) that even police acknowledged the matter was a **landlord-tenant and wage dispute**, not a violent-crime scene; and
- (i) that my political and legal references—statements of frustration and constitutional advocacy—were misconstrued as “terroristic threats” despite the complete absence of any authenticated, imminent, or credible threat of violence.

44. Based on that one-sided and defective record, I was arrested, detained, and charged under a false narrative. While in custody, I faced escalating charges stacked on the same foundation of misinformation and bias. Ultimately, I entered a plea under coercive circumstances—exhausted, misinformed, and desperate to end prolonged confinement. My plea was not **knowing, voluntary, or intelligent** within the meaning of the Sixth and Fourteenth Amendments.

45. The record demonstrates a **manifest injustice**:

- ✗ the suppression of exculpatory evidence in violation of *Brady v. Maryland* and *Giglio v. United States*;
- ✗ the failure of trial counsel to investigate, litigate, or challenge false and incomplete evidence under *Strickland v. Washington* and *State v. Fritz*; and
- ✗ the resulting loss of due process and fair adjudication that warrants relief under *State v. Prevorse* and *R. 3:22-10(b)*.

46. For these reasons, I respectfully request that this Court:

- A. Grant an **evidentiary hearing** pursuant to *R. 3:22-10(b)*;
- B. Order full **disclosure and preservation** of all exculpatory and digital materials from the July 11, 2022 incident and related proceedings; and

C. Vacate my plea and judgment of conviction, or grant such other and further relief as justice and due process require.

CERTIFICATION

I 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, information, and belief. I am aware that if any of the foregoing are willfully false, I am subject to punishment.

Executed on this 26th day of October, 2025, in Atlantic County, New Jersey.

Dated: October 26, 2025

Respectfully submitted,

/s/ Devon T. Barber

DEVON TYLER BARBER

Defendant / Petitioner Pro Se

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

**MEMORANDUM OF LAW IN SUPPORT OF PETITION
FOR POST-CONVICTION RELIEF**

PRELIMINARY STATEMENT

Defendant **Devon Tyler Barber**, appearing *pro se*, respectfully submits this Memorandum of Law in support of his Petition for Post-Conviction Relief ("PCR") pursuant to *R. 3:22-1 et seq.* Mr. Barber's conviction rests upon a police narrative that was **materially false, economically motivated, racially sensationalized, and constitutionally defective**. Trial counsel failed to investigate or challenge that narrative, permitting a civil wage-and-tenancy dispute to be recast as a violent-crime prosecution. As a direct result, Mr. Barber's plea was not **knowing, voluntary, or intelligent** within the meaning of the Sixth and Fourteenth Amendments, and the ongoing restraints and collateral consequences constitute a **manifest injustice** warranting relief under *R. 3:22-10(b)*.

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Post-Conviction Relief is “New Jersey’s analogue to the federal writ of habeas corpus,” intended to safeguard constitutional rights after direct appeal. *State v. Precioso*, 120 N.J. 451, 459 (1992). A defendant who establishes a **prima facie** case of ineffective assistance of counsel is entitled to an **evidentiary hearing**. R. 3:22-10(b); *Precioso*, 120 N.J. at 462-63.

The factual foundation for this application is set forth in the **Certification of Devon Tyler Barber (Rebuttal of July 11, 2022 GTPD Narrative)**, Affidavit X, and supporting Exhibits A–M, all incorporated herein by reference as though fully set forth. Those sworn materials demonstrate:

- (a) the labor-for-housing arrangement at 1525 W. Aloe Street;
- (b) the unpaid wage dispute underlying the alleged offenses;
- (c) retaliatory escalation by the investors/complainants;
- (d) premeditated coordination between the complainants and police to lure and detain Mr. Barber using his social-media location; and
- (e) the coercive, factually distorted circumstances under which his plea was entered.
- (f) This Memorandum applies controlling law to those facts, showing that the record fails to meet constitutional standards of effective representation, due process, and fair procedure, and that an evidentiary hearing is required to prevent further miscarriage of justice.

Here’s your **Point 1** rewritten and formatted in **true PCR memorandum style** — clean headings, precise citations, and persuasive narrative control while keeping *every factual and legal point you included intact*.

This version reads like a polished submission filed by experienced post-conviction counsel in the Law Division.

POINT I

MR. BARBER WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL UNDER *STRICKLAND AND FRITZ*

To establish ineffective assistance of counsel, a petitioner must demonstrate:

- (1) that counsel's performance was deficient; and
- (2) that prejudice resulted—a reasonable probability that, but for counsel's errors, the outcome would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984); *State v. Fritz*, 105 N.J. 42, 58 (1987).

Mr. Barber's former attorney, **John W. Tumelty, Esq.**, failed both prongs.

A. Counsel Failed to Challenge the State's Core Narrative

The prosecution portrayed Mr. Barber as an armed, racist trespasser who made "terroristic threats" and attacked investors at 1525 W. Aloe Street. Counsel never built a record rebutting that story, although easily available evidence showed:

1. Mr. Barber was invited to reside on-site "as a steward" to renovate, secure, and maintain the property during an ongoing rehabilitation project.
2. Housing and basic utilities were part of his labor compensation—a civil wage-for-lodging arrangement, not unlawful squatting.
3. When wages and support were withheld, the conflict became a **civil** wage-and-possession dispute, not a criminal matter.
4. Even police acknowledged "permission had been granted" and advised that the issue "would have to go through eviction."
5. The police report and complainants further alleged that Mr. Barber had "boarded up and destroyed walls" inside the property. In reality, that description referred to **authorized**

renovation work he performed as part of the rehabilitation project. Mr. Barber had been instructed to remove damaged plaster-and-lath walls between the two main bedrooms to prepare for drywall installation and safe electrical rewiring. He performed that work using proper trade methods and even disconnected and grounded outlets for later reinstall. Far from vandalism, the wall removal was required to abate old contaminated material—possibly containing asbestos or lead dust—and to advance the scheduled interior rebuild. Counsel never obtained photographs, invoices, or text messages corroborating that this was planned work, nor did he present evidence of Mr. Barber’s professional home-improvement credentials (*NJ HIC #13VH10808800*) to show lawful scope of work. This omission left an ordinary construction task mischaracterized as “property destruction,” a portrayal that unfairly influenced probable cause and plea negotiations.

These facts—corroborated by Mr. Barber’s sworn Certification and by Wage Complaint No. 369572, filed with the New Jersey Department of Labor—establish lawful presence and a compensable work relationship. Counsel’s failure to move to suppress or attack probable cause was **objectively deficient performance** under *Strickland*.

B. Counsel Failed to Present Bias, Motive, and Character of the Complainants

The complainants—the Hardemon family and associated investors—were not neutral victims. They were financially motivated house-flippers attempting to avoid paying for labor. After Mr. Barber demanded wages and food, his belongings were discarded, his animals destroyed, and he was humiliated and surrounded. Only then did the complainants seek “terroristic threat” charges to secure his removal, using police power as a private eviction mechanism.

Evidence of retaliatory motive, financial pressure, and coordinated removal was **impeachment material** within *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). Counsel never sought disclosure or presented this motive to the court.

Factual Addendum – Property Listing Pressure: Public real estate records show that 1525 W. Aloe Street was acquired in 2019 for \$50,000 and listed on July 15, 2025, at \$365,000—a **630% markup**. Since then, the price has dropped three times—first to \$349,500 (August 10), then to \$325,500 (September 6), and most recently to \$295,500 (October 19)—indicating mounting pressure to sell. This aggressive resale strategy supports the defense theory that the complainants had a strong motive to remove Mr. Barber and suppress his tenancy and labor claims to avoid title complications and delay. This real estate context should have been presented to the Court as part of financial motive and impeachment evidence. See Exhibit G.

Counsel also failed to confront known credibility issues of one principal accuser: public OffenderWatch records list **Joseph Hardemon** as a Tier II registrant (convicted 2005, Atlantic County). That information was readily obtainable and directly relevant to credibility and control dynamics within the residence. Omitting it denied the court the ability to assess bias and reliability. Suppressing or ignoring such impeachment of the sole eyewitnesses constitutes constitutionally deficient representation.

C. Counsel Failed to Challenge “Terroristic Threat” Probable Cause

The warrant for “terroristic threats,” *N.J.S.A. 2C:12-3(a)*, rested almost entirely on what “Mr. Hardemon believed” Mr. Barber said or sent—political speech such as “Read Title 18 sir. Are you for the U.S. or against U.S.?” and an unverified allegation about extremist imagery. No evidence showed a specific, imminent, or unconditional threat to kill or seriously injure—

required to prove a *true threat* under *Watts v. United States*, 394 U.S. 705 (1969), and *State v. Smith*, 262 N.J. Super. 487 (App. Div. 1993).

Counsel never:

- moved to quash or challenge probable cause;
- sought to suppress statements taken out of context; or
- argued that the alleged “threat” was constitutionally protected political speech.

Allowing the “terroristic” label to stand untested infected the entire plea process and dramatically increased coercive pressure to resolve the case.

D. Counsel Failed to Confront Premeditation and Provocation Evidence

Mr. Barber’s Certification and Affidavit X show that, after the wage dispute erupted, the complainants tracked him via Snapchat, mocked him about his dead pets, and coordinated with Galloway Township Police to seize him once his location was visible. This was not a spontaneous altercation but an orchestrated removal of a laborer asserting unpaid-wage claims. Properly presented, these facts would have demonstrated retaliatory animus, pretextual use of police power, and absence of genuine fear—facts any competent attorney would have used to attack credibility, assert outrageous-government-conduct defenses, or negotiate dismissal.

Counsel did none of these things.

E. Counsel Failed to Demand Preservation and Production of Exculpatory Evidence

Police retained only what aided the complainants—photos of alleged redness to an ankle and the seized work tool labeled “weapon.” They failed to preserve:

- photographs of property destruction and dead animals;
- body-camera or scene video capturing provocation; and

- Mr. Barber's phone, which contained texts proving permission to reside, work performed, and pleas for payment and food.

This **selective retention** violated *Brady* and *State v. Mustaro*, 411 N.J. Super. 91 (App. Div. 2009). Counsel's failure to seek sanctions, adverse inferences, or disclosure was deficient performance that prejudiced the defense.

Additional Evidence Lost and Misinterpreted

Mr. Barber was arrested while riding in his second employer's work vehicle, a truck owned by **Nick [last name unknown]**, of **NAC Custom Carpentry**, during active employment on another contracting project. That fact alone refutes any suggestion that he was hiding, fleeing, or unemployed. It further corroborates that the incident at 1525 W. Aloe Street arose from a wage dispute, not from transience or criminal intent.

Equally critical, Mr. Barber's **iPhone X**—seized or lost at the time of arrest—was never vouchered, preserved, or returned. Despite repeated efforts, it remains unrecovered, and no iCloud data or geolocation record survives. That device contained contemporaneous messages, call logs, photographs, and work documentation directly supporting his lawful presence and labor arrangement. Its unexplained disappearance deprived the defense of material, exculpatory digital evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and *State v. W.B.*, 205 N.J. 588 (2011). Counsel's failure to demand immediate preservation or forensic retrieval of that phone constituted ineffective assistance under *Strickland* and compounded the due-process violation.

F. Counsel Failed to Provide Accurate Legal Advice Before the Plea

Because counsel never explained that:

- the dispute was civil in nature;

- the “terroristic threat” count was constitutionally weak;
- the complainants were financially conflicted; and
- police conduct was arguably premeditated and coercive,

Mr. Barber’s decision to plead was made under false premises. A plea entered through misinformation about essential facts and defenses is not knowing, voluntary, or intelligent. *State v. Nuñez-Valdéz*, 200 N.J. 129, 139–40 (2009); *Precioso*, 129 N.J. at 462–63.

G. Cumulative Impact

Under *Strickland* and *Fritz*, each of these failures is objectively deficient, and their cumulative effect undermines confidence in the outcome. The record establishes a prima facie case of ineffective assistance and therefore mandates an evidentiary hearing under R. 3:22-10(b) and *Precioso*, 129 N.J. at 462-63.

POINT II

THE STATE WITHHELD OR FAILED TO SECURE MATERIAL IMPEACHMENT, MOTIVE, AND CONTEXT EVIDENCE IN VIOLATION OF BRADY AND GIGLIO

Brady and Giglio require disclosure of evidence favorable to the accused, including impeachment of State witnesses and evidence that supports a defense narrative.

Here, the following was never meaningfully disclosed or developed on the record:

1. Lawful presence / tenancy.

Officers acknowledged on scene that Mr. Barber “had permission to temporarily stay there,” and even advised that eviction, not immediate arrest, was the proper path. That destroys “criminal trespass.” That is exculpatory.

2. Wage dispute and retaliatory motive.

Your NJ Department of Labor wage complaint and Wage Collection referral (Complaint

No. 369572), IRS Wage and Income Transcripts, and work/compensation communications all establish an ongoing labor-for-housing arrangement. That is critical motive evidence: they wanted you out because you were owed. That is impeachment under Brady.

3. Premeditated removal using social media tracking.

After cutting off wages/food, the complainants coordinated with police, tracked Mr. Barber's Snapchat location, and taunted him with cruelty about the death of his pets — baiting him to return so police could “grab him.” That demonstrates orchestration, not fear. It undercuts any claim that they were in immediate danger of bodily harm. It also supports outrageous-government-conduct and coercion arguments.

4. The real nature of the alleged “terroristic threat.”

The so-called “threat” was not a direct, immediate, unconditional vow to kill or seriously injure anyone. It was political/constitutional speech plus what “Hardemon believes” he saw. Watts and Smith make clear that speech has to cross the line into a true threat; this did not. That is exculpatory.

5. False appearance of corroboration.

Police claim unnamed “witnesses,” but the only identified “independent” was the accuser's own brother — a financially aligned participant. No neutral witness statement was secured. The State never disclosed that the “other witnesses” refused to identify themselves. That is classic Giglio impeachment.

6. Character/credibility of the accuser.

The OffenderWatch Tier II registry entry for Joseph Hardemon (Tier 2 – Moderate Risk; prior conviction for endangering the welfare of a child, Atlantic County, 2005) goes

directly to credibility, motive to control the narrative, and willingness to manipulate law enforcement. You are entitled to confront the credibility of the accusing witness. Counsel never demanded this be produced or addressed.

7. Selective evidence preservation.

Exculpatory physical evidence and digital evidence were not preserved (phone, texts, photos of destroyed property and animals, etc.). That omission deprives the court of context showing that Mr. Barber was the one being harmed and begging for basic safety and payment.

Each of these categories is Brady/Giglio material. The State's failure to secure or disclose it deprived Mr. Barber of due process. Counsel's failure to demand it magnifies the constitutional harm.

POINT III

AN EVIDENTIARY HEARING IS REQUIRED UNDER R. 3:22-10(b)

Rule 3:22-10(b) requires an evidentiary hearing where a defendant presents a prima facie case that, if true, would entitle him to relief. *Preciose*, 129 N.J. at 462-63.

Mr. Barber's sworn Certification, Affidavit X, and Exhibits (including his Motion to Supplement / Expand the Record in A-000308-25, with Exhibits A-I) establish that:

- a) He was a lawful resident / caretaker of 1525 W. Aloe, not a trespasser.
- b) He was working, owed wages, and deprived of basic necessities when he asserted his rights.
- c) He was baited, humiliated, and physically cornered by financially interested parties, who destroyed his belongings and animals to provoke him.
- d) Police and those parties coordinated to locate and seize him using Snapchat tracking.
- e) He complied with police commands at the moment of arrest and stated on scene that he was

the victim.

f) The “terroristic threat” allegation was built on speculation and rhetoric, not an imminent true threat.

g) Exculpatory physical and digital evidence was not preserved or disclosed.

h) Trial counsel did not litigate any of this and instead advised a plea on a false factual picture. If credited, those facts (1) gut probable cause, (2) prove coercion, and (3) show the plea was not knowing, voluntary, and intelligent. That is exactly what R. 3:22-10(b) was designed for. A hearing is mandatory.

POINT IV

THE INTERESTS OF JUSTICE REQUIRE VACATUR OR OTHER RELIEF

The purpose of PCR is to prevent a fundamental miscarriage of justice. Preciose, 129 N.J. at 462. Mr. Barber’s conviction is the product of (1) an economic dispute over unpaid labor and tenancy, (2) retaliatory removal tactics, and (3) counsel’s failure to defend him.

This was not a random act of street violence. It was a civil wage/possession dispute that was laundered into felony labels — “terroristic threats,” “aggravated assault” — to force him out of a property and silence his wage claim.

The court should also consider rehabilitation and proportionality. After the Aloe Street incident, Mr. Barber continued lawful employment, including documented W-2 income and operation of a licensed New Jersey home-improvement business (Tillerstead LLC, HIC #13VH10808800, verified in April 2025). Those records, already submitted as Exhibits B and I in the Appellate Division motion to supplement the record, confirm that Mr. Barber is not a public danger. They instead confirm that his dispute with the complainants was economic and contractual, not predatory or violent.

Where the State's power is used to enforce a private eviction, where police coordinate with financially motivated complainants to engineer an arrest, and where defense counsel stands silent, continued enforcement of the plea is a manifest injustice. R. 1:1-2; *State v. Rue*, 175 N.J. 1 (2002).

Vacatur (or at minimum a full evidentiary hearing with compelled disclosure and preservation orders) is required to restore integrity.

CONCLUSION

For all of the above reasons, and for the reasons set forth in the attached Certification of Devon Tyler Barber, Affidavit X, and the Exhibits incorporated herein by reference, Mr. Barber respectfully requests that this Court:

1. Grant an evidentiary hearing under R. 3:22-10(b);
2. Compel production and preservation of all physical, digital, and social-media evidence from July 11, 2022, including Snapchat-based location data, communications between the complainants and law enforcement, and any photographs/video of the scene and destroyed property;
3. Find that his plea was not knowing, voluntary, and intelligent; and
4. Vacate the plea and grant such other and further relief as justice requires.

Dated: October 26, 2025

Respectfully submitted,

/s/ Devon T. Barber

DEVON TYLER BARBER, Defendant / Petitioner Pro Se

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CRIMINAL PART, ATLANTIC COUNTY

STATE OF NEW JERSEY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

Docket Nos.: ATL-22-002292 / ATL-22-002313

PCR: To Be Assigned

Judge: To Be Assigned

CERTIFICATION OF DEVON TYLER BARBER

IN SUPPORT OF PETITION FOR POST-CONVICTION RELIEF

Filed Pursuant to R. 1:4-4(b) and R. 3:22-1 et seq.

I, **Devon Tyler Barber**, of full age, hereby certify, state, and affirm under penalty of perjury that the statements contained in my sworn submissions titled **Certification in Rebuttal of July 11, 2022 Galloway Township Police Department Narrative, Affidavit X (Exhibit B)**, and **Personal Testimony (Exhibit B)** are true and correct to the best of my knowledge, information, and belief.

These sworn materials are incorporated herein by reference in their entirety and constitute the evidentiary foundation for my **Petition for Post-Conviction Relief** filed pursuant to **R. 3:22-1 et seq.** They set forth the factual circumstances demonstrating that my conviction and resulting plea were obtained through ineffective assistance of counsel, suppression of exculpatory evidence, and coercive conditions that deprived me of a knowing, voluntary, and intelligent plea.

I submit this Certification to confirm and authenticate my prior sworn statements and to request that the Court consider them collectively as the factual record supporting my pending Petition and Memorandum of Law.

I make this Certification in good faith and in accordance with the New Jersey Rules of Court, fully understanding that if any of the foregoing statements are willfully false, I am subject to punishment.

Executed on this **26th day of October 2025**, in **Atlantic County, New Jersey**.

/s/ Devon T. Barber
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Galloway Township Police Department		Continuation
Incident Report Number 22-023428	Incident Location 1525 Alice St., Galloway, NJ, 08215	Incident Date 07/11/2022
<p>NARRATIVE</p> <p>On 07/11/2022 at 0912 hours, Joseph Hardemon Jr. and his father, Joseph Hardemon Sr. came to the station to make a terroristic threats, harassment and criminal trespassing report against the suspect, Devon Barber.</p> <p>Mr. Hardemon (Junior) reported that his dad and he are partners with Gerald Cohen and work under the LLC of Oak Tree Investments out of Manalapan, NJ. They are currently renovating a property located at 1525 Alice Street in South Egg Harbor. They hired Devon Barber of Galloway to assist with the renovating of the property. Mr. Hardemon (Junior) has known Devon since they were children, and everything was fine until recently.</p> <p>Devon started harassing and threatening him indirectly through the LLC Facebook page (see attached.) It has now gotten the point where Devon has taken up residence, boarded up and destroyed walls inside of the residence. He posted a 'No Trespassing' sign in the window of the residence that threatens to shoot and/or prosecute trespassers who come on the property (see attached photo). Devon sent a fictitious transfer deed that was titled "Tribunal Service by Sacrosanct State of Divine -Tiler (Best) Vacate and Execute Deed Transfer" purporting to transfer ownership of the residence to him (see attached.)</p> <p>Devon also sent threatening messages to Mr. Hardemon (senior) that included a picture of a noose with the capitol building in the background and a message that stated: "Read Title 18 sir. Are you for the US or against US?" (See attached pictures of messages).</p> <p>Mr. Hardemon (Junior) believes that Devon sent this photo because they are black and that Devon is a Sovereign Citizen who doesn't believe they belong in this country. His father and he are now in fear for their safety based on Devon's recent behavior and wanted to sign criminal complaints against Devon and have him removed from the property and arrested. I explained to both victims that we can only do what the law allows us to do and that I couldn't promise anything. The issue was also complicated by the fact permission had been granted for Devon to temporarily stay there but had remained for an extended period of time. Both parties were advised of their civil options in Landlord / Tenant Court to determine whether Devon had established residency and was subject to eviction proceedings.</p> <p>I contacted ACPO A/P Jasmine Ostrow and advised her of the incident. A/P Ostrow doesn't believe</p>		
Reporting Officer Butler, Justin	Page # 55	Page 2 of 4

ACFO/22002515000001002

Galloway Township Police Department		Continuation
Offense Report Number 22-023628	Incident Location 1525 Aloe St., Galloway, NJ, 08213	Report Date 07/11/2022
<p>the incident was a bias incident and authorized a warrant application for the Terroristic Threats for Mr. Hardemon (Senior) and a summons for the harassment charge for Mr. Hardemon (Junior.) I contacted JUC Paunietty who found probable cause for the warrant (#0180 W2022-002993) for charge 2C:12-3a (Terroristic Threats), and a summons (#0180 S2022-002991) was generated for 2C:33-4a (Harassment) against Devon.</p> <p>Mr. Hardemon (Junior) signed the simple assault summons and Mr. Hardemon (Senior) signed the warrant and was given his copy of the VNF. Mr. Hardemon advised me that he could see on the SnapChat app that Devon was currently in Brigantine. He said they were going to go back to 1525 Aloe Street and call the PD if Devon returned to the residence. I completed a Supplementary Bias Incident Offense Report and marked the disposition as Adult Unfounded.</p> <p>Gerald Cohen, who is the owner of the LLC, sent a copy of the State of New Jersey LLC approval and the Deed to the property of 1525 Aloe Street (See attached). Gerald may be in at a later date to sign a criminal complaint for trespassing against Devon.</p> <p>*All referenced attachments were attached in the ProPhoenix Case Attachments tab. The following paperwork was sent to records: Warrant W2022-002993, Summons S2022-002991, Supplementary Bias Incident Offense Report, voluntary statement, VNF and complaint advisement form for Hardemon (Senior), voluntary statement form and complaint advisement form for Mr. Hardemon (Junior.) Fingerprint cards, cover pages of the Criminal History and III printouts.</p> <p>NFA.</p>		
Reporting Officer Butler, Justin	Section # 66	Page 3 of 4

ACPD202231300000003

Galloway Township Police Department		Continuation								
Case#	1523 R304 St., Galloway, NJ, 08215	07/11/2022								
<p>NAME</p> <p>Victim-2 Cohen, Gerald M. W/H-58 of 715 Sunset Drive, Haddonfield, NJ, 07714 DOB: [REDACTED] HT: 503 WT: 141 Eyes: Brown</p> <p>Victim-3 Oak Tree Investments LLC of 715 Sunset Drive, Haddonfield, NJ, 07714</p> <p>Suspect Barber, David T. W/H-24 of 328 New Leaf Dr., Galloway, NJ, 08225 DOB: [REDACTED] HT: 608 WT: 141 Hair: Brown Eyes: Brown Complexion: Medium Phone Is (302) 888-1338 Booking#: 22-509517</p> <table border="1"> <thead> <tr> <th>Case#</th> <th>Charge</th> <th>Description</th> <th>Cr</th> </tr> </thead> <tbody> <tr> <td>22-013620</td> <td>2C-12-1a</td> <td>THREATEN TO COMMIT CRIME</td> <td>1</td> </tr> </tbody> </table>			Case#	Charge	Description	Cr	22-013620	2C-12-1a	THREATEN TO COMMIT CRIME	1
Case#	Charge	Description	Cr							
22-013620	2C-12-1a	THREATEN TO COMMIT CRIME	1							
Reporting Officer:	Spiller, Justin	Page: 66 4 OF 4								

ACP072202231301000004

Aggravated Assault			
Galloway Township Police Department		Incident Report	
Incident: 2-AGGRAVATED ASSAULT			
Report Number: 22-023664		Arrest Date / Time: 7/11/22 17:09	
Incident Location: 1525 Alice St, Galloway, NJ, 08215			
Offense - 1: 2C-12-1B(1)	Offense - 2: 2C-12-1A	Offense - 3: 2C-19-10	Offense - 4: 2C-19-10
Offense - 5: 2C-25-2A(1)	Offense - 6: GT-Warrant Arrest	Offense - 7:	Offense - 8:
Name: JAMES THE HAYES Harden, Joseph A	Date: [REDACTED]	Gender: B/M	Race: [REDACTED]
Address: 40 Chapman Ave, Somers Point, NJ, 08244		Phone: [REDACTED]	
Vehicle:		Plate:	
Insurance:		Policy:	
Driver's License:		Class:	
Vehicle Model:		Year:	
Color:		Weight:	
Height:		Build:	
Eyes:		Hair:	
Skin:		Tattoos:	
INCIDENT			
Aggravated Assault / Resisting Arrest / Possession of a Weapon / Possession of a Weapon for Unlawful Purpose / Simple Assault (Warrant) (#0180 W 2022 002994) Signed by Patrol - TOT ACUE			
Notes:			
Signature: Deane, Paul J.			
Date Printed: 7/11/22	Time Printed: 22:30:24	Printed Name: AL26, AL42, AL01	Page: 1 of 8
Reviewed By: [REDACTED]		Reviewed Date: 7/11/2022	
Reviewed Time: 10:10		Reviewed By: [REDACTED]	

Galloway Township Police Department		Continuation
Report Number 22-023694	Incident Location 1525 Alice St., Galloway, NJ, 08215	Printed Date 07/11/2022
<p>NARRATIVE</p> <p>On 07/11/2022, at approximately 1759 hours, I responded to 1525 Alice Avenue for a disturbance involving Devon Barber reportedly attacking Joseph Hardemon with an unknown weapon. Upon my arrival, I observed several males and Devon in the driveway. Devon was holding a crow bar in his left hand. It was also brought to my attention that Devon had an active warrant (#0180 W 2022 002993) for his arrest stemming from earlier in the day with Devon and Joseph. Please refer to C/O. Butler's 996 Incident Report (Case # 22-023630) in reference to that incident.</p> <p>When I exited my vehicle, I ordered Devon to drop the crowbar and he complied by dropping it to the ground. I approached Devon to pat him down for additional weapons which came up negative. At this point, I grabbed both of Devon's hands and attempted to place him in handcuffs by asking him to interlock his fingers. Devon tensed up his arms and began pulling his hands away from me while stating, "I'm not going no where brother." Devon asked why he was the one being arrested because he was the "victim." I utilized a compliance hold by grabbing both of his hands in order to place him in custody. Devon began actively resisting by pulling his arms away from me and trying to walk away. I attempted to stop Devon's momentum by sweeping Devon's legs out utilizing a right leg strike. However, Devon dropped his hands down, breaking my grip and began running away from me. I was able to grab ahold of Devon a short while later and was able to place him into custody (DLC) without further incident. Devon was escorted to my patrol vehicle and seat-belted in the rear.</p> <p>The victim, Joseph Hardemon, was at the residence doing home renovations. Joseph advised that when Devon arrived at the residence, he exited the vehicle and approached the group of males holding the crowbar. Joseph advised Devon dropped the crowbar, walked up to him and punched him in the face causing redness and swelling on the right side of his face. Joseph then fell back losing his balance from the punch and fell to the ground injuring his right foot possibly breaking it. Joseph advised Devon picked up the crowbar again and began running around the house waving the crowbar around in the air in a threatening manner around the witnesses. At this point, Joseph advised I arrived as he came back around the house. Joseph also advised he observed two exotic spiders which he let out into the wild because he was scared if they were venomous and didn't want them in the residence. He at first denied EMS to check out his foot advising he would go on his own. After looking at it, I observed his foot to be very red and swollen, and he was unable to walk around anymore or put any pressure on his ankle. Devon believed he may have broke his foot or ankle in the altercation. EMS arrived on scene and transported Devon to AtlanticCare Mainland Division.</p> <p>Joshua Hardemon advised that Devon was acting "crazy" and was waving around the crowbar like a maniac. Joshua's statement corroborated Joseph's account about the incident. There were several other subjects on scene that witnessed the incident but did not wish to provide their information.</p> <p>Devon was transported to police headquarters for processing. Photographs and fingerprints were taken (also for Case #22-023620). Devon's charges were prepared on a warrant (#0180 W 2022 002994) which were approved by ACPO Santoliquido and JMC H. Freed. Devon was transported to</p>		
Reporting Officer Booner, Paul J.	Page # 136	Page 2 of 3

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Galloway Township Police Department		Continuation
Incident Report Number 22-023464	Incident Location 1536 Alice St., Galloway, NJ, 08215	Incident Date 07/11/2022
<p>ACUF by Ofc. Estrella #142 and lodged on warrants #0180 W 2022 00293M and #0180 W 2022 003006 out of our jurisdiction. Use of Force was completed on Benchmark (UCF #22-7-36). An Audio / Video request was completed. Photographs of the victim's injuries and weapon were turned onto a CD and dropped into evidence. Stanley Handyman Crowbar was dropped into evidence locker 4. VNF was completed. NFA.</p>		
Reported By (Officer) Doover, Paul J.	Page # 126	Page 3 of 3

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Galloway Township Police Department		Continuation
Report Number 22-023664	Officer Number 1625 Alow St., Galloway, NJ, 08215	Printed Date 07/11/2022
NAMES		
Arrested		
Berber, Deane D. M/V-24 of 109 New Leaf St., Galloway, NJ, 08228 DOB: [REDACTED] HT: 600 WT: 161 Hair: Brown Eyes: Brown Complexion: Medium Phone 1: (312) 880-1318 Booking#: 22-06609		
Case#	Charge	Description
22-023664	2C:12-1A	SIMPLE ASSAULT
22-023664	2C:13-1B	AGGRAVATED ASSAULT
22-023664	2C:12-1A(1)	RESISTING ARREST - NO FORCE
22-023664	2C:12-1B	POSSESS WEAPON FOR ILLEGAL PURPOSE
22-023664	2C:12-1B	POSSESS WEAPON
22-023664	2C:12-1B	POSSESS WEAPON
22-023664	2C:12-1B	POSSESS WEAPON
22-023664	2C:12-1B	POSSESS WEAPON
Witness		
Hardaway, Jonathan A. M/V-14 of 227 North Vermont Apt. 1308, Atlantic City, NJ, 08401 DOB: [REDACTED] HT: 600 WT: 225 Hair: Black Eyes: Brown Phone 1: (856) 569-8888		
Reporting Officer: Dooner, Paul J.		
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Galloway Township Police Department		Continuation
Police Report Number: 22-002668	Police Address: 1525 Albee St., Galloway, NJ, 08215	Incident Date: 07/11/2022
PROPERTY LIST		
Item#	Type	Reason
22-002195 - 1	Article	Evidence
Description: Stanley Hand/Man Metallic Crowbar		
Brand: Stanley Hand/Man		
Quan/Value: 1.000 / \$1.00		
Disposition: Sent To Property Room		
Recovered Location: 309 E Jimmie Leeds Rd,1		
Recovered Date: 07/12/22 07:57		
Item#	Type	Reason
22-002208 - 1	Article	Evidence
Description: CD containing victim injuries		
Quan/Value: 1.000 / \$0.00		
Disposition: Sent To Property Room		
Recovered Location: 309 E Jimmie Leeds Rd,1		
Recovered Date: 07/12/22 07:59		
Item#	Type	Reason
22-002249 - 1	Article	Evidence
Description: CD containing photographs of weapon (crowbar)		
Quan/Value: 1.000 / \$0.00		
Disposition: Sent To Property Room		
Reporting Officer: Dorsey, Paul J.		Page #: 126
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AC/PO/22/00252/0000005

