

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

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, CIVIL PART

ATLANTIC COUNTY

DEVON TYLER BARBER,

Docket No.: (To Be Assigned)

PLAINTIFF,

CIVIL ACTION

v.

**ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS**

**HAMILTON TOWNSHIP POLICE
DEPARTMENT, DIRKES AUTO LLC,
D/B/A DIRKES USED AUTO PARTS,
AND ANY OTHER CUSTODIANS OF THE
VEHICLE,
DEFENDANTS.**

(R. 4:52-1; R. 4:67-1)

This matter having been opened to the Court by Plaintiff, **Devon Tyler Barber**, Pro Se, seeking emergent relief pursuant to *Rule 4:52-1* and *Rule 4:67-1*, and the Court having reviewed the Verified Complaint, Certification, Brief, and Exhibits filed herewith;

IT IS on this _____ day of _____, 2025,

ORDERED that Respondents **HAMILTON TOWNSHIP POLICE DEPARTMENT,
DIRKES AUTO LLC**, and any current custodian of Plaintiff's 2019 Volkswagen Passat (NJ Plate F35VLP) **appear and show cause on the _____ day of _____, 2025, at :**
a.m./p.m. why an Order should not be entered:

1. Directing the immediate return of Plaintiff's 2019 Volkswagen Passat, NJ Plate F35VLP;
2. Declaring the impoundment and continued retention unlawful for lack of statutory authority, due process, or judicial process;
3. Ordering release without payment of towing or storage fees;

4. Compelling production of all impound-related documents, logs, and recordings;
5. Granting such other relief as the Court deems just and equitable.

TEMPORARY RESTRAINTS (GRANTED PENDING RETURN DATE)

The Court finds that Plaintiff has demonstrated **immediate and irreparable harm**, a likelihood of success on the merits, that the equities favor relief, and that relief serves the public interest (*Crowe v. De Gioia*, 90 N.J. 126 (1982)).

Accordingly, pending the return date:

1. **No additional towing or storage fees shall accrue.**
2. **The vehicle shall not be auctioned, sold, transferred, moved, or disposed of.**
3. **Plaintiff shall be granted immediate access to retrieve personal property from inside the vehicle.**
4. **Respondents shall preserve all BWC, CAD, MDT, dispatch audio, impound logs, tow sheets, GPS/AVL data, and related records.**

IT IS FURTHER ORDERED that:

- A copy of this Order, together with the supporting papers, shall be served upon Respondents no later than _____, 2025.
- Respondents shall file any opposition by _____, 2025.
- Plaintiff may file a reply by _____, 2025.

SO ORDERED.

Hon. _____, J.S.C.

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CIVIL ACTION

**VERIFIED COMPLAINT FOR
 INJUNCTIVE RELIEF
 (Return of Property – 2019 Volkswagen
 Passat, F35VLP)**

Plaintiff, **Devon Tyler Barber**, by way of Verified Complaint, states:

1. He is the owner of a 2019 Volkswagen Passat, NJ registration F35VLP.
2. On November 29, 2025, Hamilton Township Police seized his vehicle following a traffic stop.
3. The municipal summonses issued (disorderly conduct, resisting arrest, obstruction) do **not** authorize impoundment and relate to **no** Title 39 impoundable offense, no evidence preservation, no contraband, and no statutory basis.
4. No civil forfeiture complaint, warrant, or court order authorizes continued retention.
5. The Atlantic County Prosecutor's Office confirmed it possesses **no** 911 call, CAD entry, or dispatch record supporting the seizure or any public-safety rationale.
6. The vehicle was operable, safely parked, and posed no hazard.
7. Respondents have refused release unless fees are paid, although the impoundment was unlawful ab initio.

8. Plaintiff relies on the vehicle for employment, transportation of tools, and access to his residence.
9. Plaintiff will suffer **irreparable harm** because he must access/remove belongings from a storage unit on **December 10, 2025**, or lose them permanently.
10. Plaintiff seeks injunctive relief under *Rule 4:52-1*, *Rule 4:67-1*, and equitable powers of the Civil Part.

WHEREFORE, Plaintiff demands judgment as set forth in the accompanying Order to Show Cause.

CERTIFICATION

I, Devon Tyler Barber, Plaintiff herein, certify under oath pursuant to R. 1:4-4(b) that the statements made in this Verified Complaint 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.

/s/ Devon Tyler Barber

Plaintiff, Pro Se

Dated: December 7, 2025

Atlantic City, New Jersey

DEVON TYLER BARBER, Plaintiff, Pro Se
 3536 Pacific Avenue, Apt. A5
 Atlantic City, NJ 08401
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SUPERIOR COURT OF NEW JERSEY

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Docket No: (To Be Assigned)

CIVIL ACTION

**Certification of Devon Tyler Barber in
 Support of Verified Complaint**

I, Devon Tyler Barber, of full age, hereby certify pursuant to R. 1:4-4 that the following statements are true:

1. **I am the owner** of the 2019 Volkswagen Passat, New Jersey registration F35VLP.
2. **My vehicle was seized** by the Hamilton Township Police Department on **November 29, 2025** following a traffic stop.
3. **Although municipal summonses for disorderly conduct, resisting arrest, and obstruction were later issued, none of those charges provide statutory authority for vehicle impoundment**, and none relate to contraband, evidence preservation, or any Title 39 impoundable offense.
4. **No civil forfeiture complaint, no judicial warrant, and no court order** authorizing continued retention of the vehicle have been filed.
5. The Atlantic County Prosecutor's Office has **confirmed in writing** that it possesses **no 911 call, CAD record, dispatch entry, or call-for-service report** supporting the impoundment or any public-safety justification for continued seizure.

6. The impoundment **was not based on DUI, CDS, stolen-vehicle suspicion, evidence preservation, accident response, or any statutory reason permitting police to seize or continue holding a motor vehicle** under New Jersey law.
7. At the time of seizure, **the vehicle was mechanically operable, safely parked, and posed no hazard** to traffic or public safety.
8. Officers **denied me access** to my personal property inside the vehicle, including tools and work equipment required for my licensed contracting business.
9. I **depend on the vehicle** for transportation to employment sites and to maintain access to my residence at 3536 Pacific Avenue, Atlantic City.
10. Respondents have **refused to return the vehicle unless I pay towing and storage fees**, even though the impoundment lacked lawful basis from the outset.
11. I have **repeatedly requested release** of the vehicle and served multiple written notices, including:
 - Emergency Motion filed in Municipal Court (Exhibit A)
 - R. 7:7-7 Discovery Request and preservation list (Exhibit B)
 - Formal Notice, Internal Affairs Complaint, and Preservation Demand (Exhibit C)
 - These documents appear in *Motion to Return Property.pdf* and *Discovery Request & Vehicle Release.pdf*.
12. Email correspondence shows that I **properly served all required agencies**, including after improper electronic rejection from the New Jersey Attorney General Civil mailbox.
13. As of today, **my vehicle continues to be held without any lawful cause, statutory basis, court order, or due-process hearing**, causing severe hardship.
14. I face immediate and irreparable harm unless the Court orders the return of my vehicle. My storage unit must be emptied or accessed no later than **December 10, 2025**, and if I cannot reach it with my vehicle, I will permanently lose critical personal property, work equipment, tools, supplies, and personal documents. The loss of these items cannot be compensated by money damages and constitutes classic irreparable harm warranting emergency relief under R. 4:52-1.
15. I am a licensed tradesman and rely on my tools and transportation for daily income. Every day without my vehicle results in lost work, inability to reach job sites, and inability to maintain my new residence. This harm is immediate, substantial, and irreparable.
16. Respondents have offered no lawful basis for continued retention. Without emergency judicial intervention, I will suffer permanent loss of essential property and livelihood.

I certify under oath pursuant to R. 1:4-4 that the statements in the Verified Complaint are true and based on my personal knowledge. If any statements are willfully false, I understand I am subject to punishment.

/s/ **Devon Tyler Barber**
December 7, 2025

DEVON TYLER BARBER, Plaintiff, Pro Se
3536 Pacific Avenue, Apt. A5
Atlantic City, NJ 08401
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VEHICLE,
DEFENDANTS.**

Docket No: (To Be Assigned)

CIVIL ACTION

**Brief in Support of Verified
Complaint**

PRELIMINARY STATEMENT

Plaintiff, Devon Tyler Barber, seeks the immediate return of his 2019 Volkswagen Passat, unlawfully impounded by the Hamilton Township Police Department on November 29, 2025. Although municipal summonses for disorderly conduct, resisting arrest, and obstruction were issued, **none of those charges provide statutory authority for impoundment, and no civil forfeiture action, warrant, or court order authorizes continued retention of the vehicle.** The Atlantic County Prosecutor's Office has confirmed in writing that it possesses no 911, CAD, or call-for-service records supporting the stop or seizure.

The vehicle was operable, safely parked, and not connected to contraband or criminal evidence. All personal property inside—including tools required for Plaintiff's licensed contracting business—remains inaccessible. Plaintiff relies on the vehicle for transportation to work and for access to his newly leased residence in Atlantic City.

The continued retention of the vehicle violates:

- constitutional due process requirements;
- New Jersey statutory requirements governing impoundment;
- the Fourth Amendment and Article I, ¶7 of the New Jersey Constitution;
- impoundment case law requiring standardized criteria; and
- prohibition against conditioning release on payment of fees where the impoundment lacked lawful origin.

Under controlling authority, the Court must order immediate release.

STATEMENT OF FACTS

Plaintiff incorporates the following documents as though set forth at length (R. 1:6-6):

- **Certification of Plaintiff in Support of Motion**
- **Emergency Motion Filed in Municipal Court**
- **R. 7:7-7 Discovery Request**
- **Formal Notice, Internal Affairs Complaint, and Preservation Demand**
- **Affidavit describing events of the stop and impoundment**
- **ACPO letter confirming no responsive records exist**

Key facts:

1. **The vehicle was seized on November 29, 2025** following a routine traffic stop.
2. **No criminal charges justify impoundment, and no civil forfeiture complaint, warrant, or court order** has ever been filed authorizing continued retention.
3. The **Atlantic County Prosecutor's Office confirmed in writing** that it possesses **no 911 call, CAD entry, dispatch record, or call-for-service documentation** supporting the seizure or any public-safety basis for impoundment.
4. The vehicle was **fully operable**, safely parked, not abandoned, not obstructing traffic, and **not associated with contraband, evidence preservation, DUI, or any Title 39 impoundable offense**.
5. **Hamilton Township Police Department failed to follow any standardized impound or inventory policy**, created no inventory report, and recorded no statutory basis for towing.

6. Plaintiff **relies on the vehicle for employment as a licensed tradesman**, to transport tools and equipment, and to maintain access to his residence and essential daily needs.
7. Respondents have **refused to release the vehicle unless towing and storage fees are paid**, despite the absence of lawful authority for the initial or continued impoundment.

These facts are in Plaintiff's sworn Certification and Affidavit.

LEGAL ARGUMENT

POINT 0 — TEMPORARY RESTRAINTS ARE WARRANTED UNDER R. 4:52-1 TO PREVENT IMMEDIATE IRREPARABLE HARM

Emergency relief is appropriate when:

- (1) the plaintiff will suffer irreparable harm;
- (2) the plaintiff is likely to succeed on the merits;
- (3) the equities favor relief; and
- (4) relief serves the public interest.

Crowe v. De Gioia, 90 N.J. 126 (1982).

All four elements are met:

A. Irreparable Harm

Plaintiff will lose access to his storage unit by **December 10, 2025**, permanently losing essential tools, work equipment, personal property, and court documents. This harm is not compensable and satisfies the irreparable-harm prong.

B. Likelihood of Success

Police lacked statutory authority, inventory procedures, or any legal basis for impoundment. *Honda Accord*, *Mangold*, and *Edmonds* control.

C. Balance of Equities

Plaintiff suffers catastrophic harm while Respondents suffer none by returning unlawfully held property.

D. Public Interest

Unlawful vehicle impoundments undermine constitutional and statutory protections; immediate judicial correction serves the public interest.

POINT I THE IMPOUNDMENT WAS UNLAWFUL BECAUSE POLICE LACKED STATUTORY OR REGULATORY AUTHORITY TO SEIZE THE VEHICLE

New Jersey law restricts when police may impound a vehicle. It must be authorized by:

- statute,
- ordinance, or
- standardized, constitutionally compliant inventory policy.

See:

State v. One 1990 Honda Accord, 154 N.J. 373 (1998)

State v. Mangold, 82 N.J. 575 (1980)

State v. Edmonds, 211 N.J. 117 (2012)

Colorado v. Bertine, 479 U.S. 367 (1987)

Plaintiff's prior Internal Affairs Notice and filings demonstrate that:

- the car was operable;
- not obstructing traffic;
- not abandoned;
- no contraband involved;
- no arrest-related statutory impound basis;
- no written Hamilton Township PD policy followed;
- no inventory log created;
- no impound authorization recorded.

Absent statutory authority, police cannot seize or continue holding the vehicle.

Any retention is ultra vires and must be reversed by the Civil Part.

POINT II THE CONTINUED RETENTION OF PLAINTIFF'S VEHICLE VIOLATES PROCEDURAL DUE PROCESS

Procedural due process requires:

1. Notice;
2. Opportunity to be heard;
3. A lawful basis for initial and continued deprivation of property.

Mathews v. Eldridge, 424 U.S. 319 (1976)

Here:

- Plaintiff received **no notice** of forfeiture or statutory basis;
- **no hearing** has ever been offered;
- **no written explanation** for the impound was provided;
- **no inventory** or impound sheet was created;
- **no statutory authority** exists for continued deprivation.

Ongoing retention without notice or a meaningful opportunity to be heard is constitutionally indefensible.

POINT III THE RETENTION CONSTITUTES AN ONGOING UNREASONABLE SEIZURE IN VIOLATION OF THE FOURTH AMENDMENT AND ARTICLE I, ¶7

A seizure must be reasonable throughout its duration.

A seizure lawful at inception can become unconstitutional if prolonged without legal justification.

See:

United States v. Place, 462 U.S. 696 (1983)

State v. Ercolano, 79 N.J. 25 (1979)

State v. Morales, 390 N.J. Super. 470 (App. Div. 2007)

The police:

- lacked a warrant;
- lacked exigency;
- lacked statutory authority;
- have retained the vehicle without providing receipt or inventory report;
- cannot articulate a criminal nexus.

The seizure has become *per se* unreasonable.

POINT IV TOWING OR STORAGE FEES CANNOT BE CHARGED WHERE THE IMPOUNDMENT WAS UNLAWFUL

If the original seizure was unlawful, any fees arising from it are:

- an **illegal exaction**,
- unenforceable, and
- cannot be imposed as a condition of release.

See: **Honda Accord, Edmonds, Mangold.**

Respondents' demand for payment before release is legally void.

POINT V PLAINTIFF FILED FORMAL DISCOVERY REQUESTS AND PRESERVATION DEMANDS; THE COURT MAY ORDER IMMEDIATE PRODUCTION

Plaintiff served:

- R. 7:7-7 discovery request;
- preservation demand for CAD, BWC, MDT, UOF, tow logs, AVL/GPS records;
- internal affairs notice.

Respondents have not produced a single required document.

This violates:

- **R. 4:18-1 (Civil discovery)**
- **R. 7:7-7 (Criminal/Municipal discovery)**
- Due process preservation principles (Arizona v. Youngblood)

When property is being wrongfully detained **and** discovery is being withheld, immediate judicial intervention is warranted.

POINT VI THE COURT IS AUTHORIZED UNDER CIVIL EQUITABLE JURISDICTION TO ORDER IMMEDIATE RETURN

The Civil Part has full equitable authority to:

- order the release of unlawfully held property,
- compel compliance with statutory obligations,
- enjoin further unlawful retention.

These circumstances—unlawful deprivation, economic hardship, impediment to housing and employment, and suppression of records—are classic grounds for civil equitable relief.

CONCLUSION

For these reasons, Plaintiff respectfully requests that the Court:

1. **Order the immediate return** of the 2019 Volkswagen Passat, NJ Plate F35VLP;
2. **Prohibit respondents from charging towing or storage fees;**
3. **Direct immediate access** to all personal property inside the vehicle;
4. **Compel production** of all impound-related documents; and
5. Grant any additional relief the Court deems just.

Respectfully submitted,

/s/ **Devon Tyler Barber**

Dated: December 7, 2025

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, CIVIL PART

ATLANTIC COUNTY

DEVON TYLER BARBER,

PLAINTIFF,

v.

**HAMILTON TOWNSHIP POLICE
DEPARTMENT, DIRKES AUTO LLC,
D/B/A DIRKES USED AUTO PARTS,
AND ANY OTHER CUSTODIANS OF THE
VEHICLE,
DEFENDANTS.**

Docket No: (To Be Assigned)

CIVIL ACTION

Proposed Order

TEMPORARY RESTRAINTS (R. 4:52-1)

Pending disposition of the Order to Show Cause:

1. Respondents shall not charge additional storage or towing fees;
2. Respondents shall not sell, auction, move, or dispose of the vehicle;
3. Respondents shall immediately allow Plaintiff access to retrieve all personal property inside;
4. Respondents shall preserve all BWC, CAD, MDT, impound logs, tow sheets, and internal records.

ORDER RETURNING PROPERTY

This matter having come before the Court on Plaintiff's Emergency Motion for Return of Property, and the Court having reviewed the papers submitted, and for good cause shown;

IT IS on this _____ day of _____, 2025 **ORDERED:**

1. Hamilton Township Police Department and/or **DIRKES AUTO LLC, d/b/a DIRKES USED AUTO PARTS** shall **RELEASE** the 2019 Volkswagen Passat, NJ Plate F35VLP, within 24 hours.

2. Release shall not require payment of towing or storage fees.
3. Respondents shall provide Plaintiff access to all personal property inside the vehicle immediately.
4. Respondents shall preserve all impound-related evidence.
5. The Court retains jurisdiction.

SO ORDERED.

Hon. _____, J.S.C.



New Jersey Judiciary
Civil Practice Division

Civil Case Information Statement (CIS)

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

For Use by Clerk's Office Only

Payment type	<input type="checkbox"/> check <input type="checkbox"/> charge <input type="checkbox"/> cash		Charge/Check Number	Amount	Overpayment	Batch Number
Attorney/Pro Se Name Pro Se, Movant: Barber, Devon Tyler		Telephone Number (609) 862-8808 ext.		County of Venue Atlantic		
Firm Name (if applicable) DEVON T. BARBER			Docket Number (when available)			
Office Address - Street 3536 Pacific Avenue, A5		City Atlantic City	State NJ		Zip 08401	
Document Type Verified Complaint & OTSC – Return of Property (F35VLP)				Jury Demand <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Name of Party (e.g., John Doe, Plaintiff) DEVON TYLER BARBER, Movant		Caption State of New Jersey v. Hamilton Township Police Department; Dirkes Auto LLC; Dirkes Used...				
Case Type Number (See page 3 for listing) <u>999</u>						
Are sexual abuse claims alleged?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Does this case involve claims related to COVID-19?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is this a professional malpractice case?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.						
Related Cases Pending? If "Yes," list docket numbers				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Do you anticipate adding any parties (arising out of same transaction or occurrence)?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Name of defendant's primary insurance company (if known)				<input type="checkbox"/> None <input checked="" type="checkbox"/> Unknown		

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

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

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

If "Yes," is that relationship:

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

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

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

Emergency application for return of unlawfully impounded vehicle; OTSC requested; imminent irreparable harm due to loss of tools, employment, and December 10 storage-unit deadline. Matter requires accelerated disposition under R. 4:52-1 and R. 4:67-1.

 Do you or your client need any disability accommodations? Yes No

If yes, please identify the requested accommodation:

Will an interpreter be needed? Yes No

If yes, for what language?

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

Attorney/Self-Represented Litigant Signature:



NOTICE: This is a public document. Do not enter personal identifying information on it, such as your full Social Security number, driver's license number, insurance policy number, vehicle plate number, active financial account, credit card number or military status. This document as submitted will be available to the public upon request.

Name Barber, Devon Tyler
 Address C/O: 3536 Pacific Avenue, A5, Atlantic
City, New Jersey, 08401

Telephone Number (609)862-8808
 Email Address info@tillerstead.com

State of New Jersey _____,

Plaintiff(s)/Appellant(s),
 v.
Hamilton Twp. Police Department & Dirkes
Auto LLC d/b/a/ Dirkes Used Auto Parts,
 Defendant(s)/Respondent(s).

Superior _____ Court of New Jersey
 Atlantic County (if applicable)
 Docket Number: _____

**Certification/Petition/Application in
 Support of a Fee Waiver**

I/We, DEVON TYLER BARBER, am/are the
 (plaintiff(s)/ appellant(s)/ defendant(s)/ respondent(s)) in the above-captioned matter and
 I/we make this certification in support of my/our request for a filing fee waiver pursuant to *Rule 1:13-2* or *Rule 2:7-1*.

1. I/We am requesting this relief because I/we do not have sufficient funds or assets with which to pay the filing fees associated with this action.
2. I/We, am/ am not/ are/ are not an inmate in State prison or County Jail.*

***Attachments necessary: If you are a state prison or county jail inmate, you must attach a certified copy of your prisoner's fund account statement from the appropriate correctional institution for the six months immediately preceding the date of this application. If you are requesting a waiver of the partial filing fee requirement set forth in N.J.S.A. 30:4-16.3, you must attach an affidavit of special circumstances.**

3. I have been determined to be eligible for one or more of the following: (Check applicable boxes)
 - Public Assistance (please provide your most recent award statement as proof of eligibility);
 - Social Security Disability (please provide your most recent award statement as proof of eligibility)
4. Below is an accurate and full disclosure of my financial situation. I financially support _____ dependents (not including myself). (A dependent is an individual who is a child or relative who resides in the home and relies on you for more than half of his/her support for any given calendar year)

Attachments necessary:

Provide two months of documentation for the following:

- Welfare, Public Assistance, Unemployment, Disability, Social Security, Child Support/Alimony, other income.

Provide six months of bank statements for the following:

- All bank accounts.

5. I/we am/ am not/ are/ are not claimed as a dependent on someone else's tax return

Employer's Name, Address and Telephone Number:
N/A

Complete the Following Information:

Net Monthly Income	\$ 185.00	House(s)/Land Market Value	\$ 0.00
Spousal/Cohabitant Contribution	\$ 0.00	Value of All Motor Vehicles	\$ 0.00
Unemployment/Disability	\$ 0.00	Cash	\$ 0.00
Social Security	\$ 0.00	Current Balance Checking Accts.	\$ 0.00
Veterans Administration	\$ 0.00	Current Balance Savings Accts.	\$ 0.00
Pension	\$ 0.00	Civil Judgment Awards/Pending	\$ 0.00
Public Subsidies	\$ 0.00	Current Value of Stocks/Bonds	\$ 0.00
Child Support/Alimony	\$ 0.00	Face Value of CDs/IRAs/401Ks	\$ 0.00
Housing Subsidies	\$ 0.00	Money Market Accounts	\$ 0.00
Trust Fund Income	\$ 0.00	Retrievable Bail Amt. & Location	\$ 0.00
Income from Rental Properties	\$ 0.00		
		Other Assets	\$
Total Monthly Income	\$ 185.00		Total Assets \$ 0.00

6. I/We understand that I/we am/are under a continuing obligation to notify the court of a change in my financial situation

Certification

I/We certify that the foregoing statements made by me/us are true. I/We am/are aware that if any of the foregoing statements made by me/us are willfully false, I/we am/are subject to punishment.

I/We further certify that in accordance with Court Rule 1:38-7(b) all confidential personal identifiers have been redacted and that subsequent papers submitted to the court will not contain confidential personal identifiers.

12/07/2025

Date

DEVON TYLER BARBER

Print your name(s)

By: X+Xdtb

Signature(s)

NOTICE: This is a public document. Do not enter personal identifying information on it, such as your full Social Security number, driver's license number, insurance policy number, vehicle plate number, active financial account, credit card number or military status. This document as submitted will be available to the public upon request.

Name Barber, Devon Tyler
 Address C/O: 3536 Pacific Avenue, A5, Atlantic
City, New Jersey, 08401

Telephone Number (609)862-8808

Email Address info@tillerstead.com

State of New Jersey,

Superior Court of New Jersey
Atlantic County (if applicable)
 Docket Number: _____

Plaintiff(s)/Appellant(s),

Hamilton Twp. Police Department & Dirkes
Auto LLC d/b/a/ Dirkes Used Auto Parts,
 Defendant(s)/Respondent(s).

Order Waiving Filing Fees

This matter having been brought before the court on application of DEVON TYLER BARBER,
 (plaintiff(s)/ appellant(s)/ defendant(s)/ respondent(s)) for an **Order** waiving filing fees
 pursuant to *Rule 1:13-2* or *Rule 2:7-1*, and the Court having considered the moving party's financial
 information, the matter and for good cause appearing:

(Do not write below this line, For Court Use Only)

It is on this _____ day of _____, 20____, **ORDERED** that the application for a fee waiver is

Granted Denied

Devon Tyler Barber
3536 Pacific Avenue, Apt. A5
Atlantic City, NJ 08401
(609) 862-8808
info@tillerstead.com

December 7, 2025

Civil Division Manager
Superior Court of New Jersey
Atlantic County Civil Division
1201 Bacharach Blvd.
Atlantic City, NJ 08401

Re: Order to Show Cause – Emergency Return of Property
Vehicle: 2019 Volkswagen Passat (F35VLP)

Plaintiff: Devon Tyler Barber

Respondents: Hamilton Township Police Department;
Dirkes Auto LLC d/b/a Dirkes Used Auto Parts

Enclosures: Verified Complaint, OTSC, Certifications, Brief, Exhibits, Proposed Orders

Filing Type: Emergency Application – Immediate Judicial Review Requested

Dear Civil Division Manager:

Please accept the enclosed **Verified Complaint and Order to Show Cause** seeking emergent relief under **R. 4:52-1** and **R. 4:67-1**. Plaintiff respectfully requests **immediate judicial review** due to **imminent and irreparable harm** arising from the continued unlawful impoundment of his vehicle.

As set forth in the supporting papers:

- The vehicle was seized without statutory authority on November 29, 2025.
- No forfeiture action, warrant, or judicial order authorizes continued retention.
- The Atlantic County Prosecutor's Office confirmed no 911, CAD, or call-for-service basis for the seizure.
- Plaintiff must access or empty his storage unit by **December 10, 2025** or permanently lose essential tools, business equipment, and personal property.

Because the harm is imminent and cannot be remedied by monetary damages, Plaintiff respectfully requests that this application be presented to a Superior Court Judge **as soon as possible today.**

Please contact me at (609) 862-8808 or info@tillerstead.com if any additional documentation is needed.

Respectfully submitted,

/s/ Devon Tyler Barber
Plaintiff, Pro Se

DEVON TYLER BARBER, Plaintiff, Pro Se
3536 Pacific Avenue, Apt. A5
Atlantic City, NJ 08401
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, CIVIL PART

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PLAINTIFF,
v.
**HAMILTON TOWNSHIP POLICE
DEPARTMENT, DIRKES AUTO LLC,
D/B/A DIRKES USED AUTO PARTS,
AND ANY OTHER CUSTODIANS OF THE
VEHICLE,
DEFENDANTS.**

Docket No: (To Be Assigned)

CIVIL ACTION

**NOTICE OF EMERGENT
CIRCUMSTANCES**

NOTICE OF EMERGENT CIRCUMSTANCES

(Filed pursuant to R. 4:52-1 and Administrative Directives on emergent applications)

Plaintiff, **Devon Tyler Barber**, submits this Notice to advise the Court that this matter requires **immediate judicial intervention** due to the following emergent circumstances:

1. Plaintiff's vehicle—a **2019 Volkswagen Passat, F35VLP**—was seized on November 29, 2025 **without statutory authority**, without a warrant, and without any identifiable public-safety justification.
2. The Atlantic County Prosecutor's Office has confirmed in writing that it possesses **no 911 call, CAD record, or dispatch entry** supporting the seizure or continued retention.

3. Plaintiff is a licensed tradesman and relies on the vehicle for daily transportation to work and to maintain housing stability.
4. Plaintiff must access or empty a **storage unit by December 10, 2025**, or will permanently lose essential personal property, tools, supplies, court documents, and business equipment.
5. Every day of continued retention results in mounting fees, loss of work, loss of transportation, and loss of access to necessary property—constituting **immediate and irreparable harm** under *Crowe v. De Gioia*, 90 N.J. 126 (1982).
6. No forfeiture complaint, no court order, and no lawful basis exist to justify continued deprivation of the vehicle.
7. Temporary restraints are required to prevent Respondents from:
 - accruing further fees;
 - disposing of, auctioning, or moving the vehicle;
 - denying access to the personal property contained inside.

For these reasons, Plaintiff respectfully requests that this application be reviewed on an **emergent basis** and scheduled before a Judge **today**, as contemplated by **R. 4:52-1, R. 4:67-1**, and emergent civil-part procedures.

Respectfully submitted,

/s/ Devon Tyler Barber
Dated: December 7, 2025

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

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, CIVIL PART

ATLANTIC COUNTY

DEVON TYLER BARBER,
PLAINTIFF,
v.
**HAMILTON TOWNSHIP POLICE
DEPARTMENT, DIRKES AUTO LLC,
D/B/A DIRKES USED AUTO PARTS,
AND ANY OTHER CUSTODIANS OF THE
VEHICLE,
DEFENDANTS.**

Docket No: (To Be Assigned)

CIVIL ACTION

CERTIFICATION OF SERVICE

(R. 1:5-3)

I, **Devon Tyler Barber**, certify that on **December 7, 2025**, I served a true copy of the Emergency Motion for Return of Property, together with all supporting documents and proposed forms of order, upon the following parties by email and U.S. Mail:

Hamilton Township Police Department

6101 13th Street
Mays Landing, NJ 08330
Email: htpd.records@hamiltonatlnj.gov, HTPD.ia@hamiltonatlnj.gov

Central Municipal Court of Atlantic County

5905 Main Street
Mays Landing, NJ 08330
Email: centralmunicipalcourt@aclink.org

Dirkes Automotive LLC

4250 Black Horse Pike

Mays Landing, NJ 08330
Email: sales@DirkesAutoParts.com

Atlantic County Prosecutor's Office
4997 Unami Boulevard
Mays Landing, NJ 08330
Emails: discovery_request@aclink.org; mills_m@acpo.org; publicInformation@acpo.org

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

/s/ Devon Tyler Barber

Dated: December 7, 2025

Re: OPRA Request – Barber (Nov. 29–30, 2025 Incident)

From Matthew Mills <mills_m@acpo.org>
To dTb33@pm.me
CC OPRA<OPRA@acpo.org>
Date Thursday, December 4th, 2025 at 11:50 AM

Please refer to the previous letter, as this agency possesses no responsive records.



Matthew T. Mills
Assistant Prosecutor
Special Litigation / Appellate Unit
Atlantic County Prosecutor's Office
4997 Unami Blvd, Suite 2
Mays Landing, NJ 08330
Office: (609) 909-7688

From: dTb33@pm.me <dTb33@pm.me>
Sent: Thursday, December 4, 2025 11:00 AM
To: OPRA <OPRA@acpo.org>; htpd.records@hamiltonatlnj.gov <htpd.records@hamiltonatlnj.gov>; Dudo_Gabriella <Dudo_Gabriella@aclink.org>; HTPD.ia@hamiltonatlnj.gov <HTPD.ia@hamiltonatlnj.gov>
Cc: centralmunicipalcourt@aclink.org <centralmunicipalcourt@aclink.org>; discovery_request@aclink.org <discovery_request@aclink.org>; giralo_joe@aclink.org <giralo_joe@aclink.org>
Subject: OPRA Request – Barber (Nov. 29–30, 2025 Incident)

[WARNING: This email originated from outside of the Atlantic County Prosecutor's Office Email System. DO NOT CLICK links or open attachments unless you recognize the sender and are expecting the email. Please make sure the actual sending email address is what you are expecting not just sender name.]

From: Devon Tyler Barber
Email: dTb33@pm.me
Date: December 4, 2025
To:
Atlantic County Prosecutor's Office – OPRA Unit <OPRA@acpo.org>
Hamilton Township Police Department – Records Custodian <htpd.records@hamiltonatlnj.gov>
Ms. Gabriella Dudo – Records / Discovery Clerk <Dudo_Gabriella@aclink.org>
CC:
Municipal Prosecutor – Central Municipal Court of Atlantic County <discovery_request@aclink.org>
Central Municipal Court Clerk – Joe Giralo <giralo_joe@aclink.org>
Re: OPRA Request – Records Relating to November 29–30, 2025 Incident Involving Devon Tyler Barber

To the Records Custodian:

Pursuant to the New Jersey Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 *et seq.*, I respectfully request access to and copies of the following records in electronic format. This request mirrors and supplements the preservation notice and supplemental discovery demand I have served in *State v. Barber*.

This incident involves my stop and arrest by the Hamilton Township Police Department on the night of **November 29–30, 2025**, and the tow/impoundment of my **2019 Volkswagen Passat, New Jersey plate F35VLP**, following my presence at the Wawa in Mays Landing. The relevant time period for all responsive records is approximately **10:20 p.m. on November 29, 2025 through 2:00 a.m. on November 30, 2025**.

1. Patrol / Transport / Station Audio-Video

- Body-worn camera (BWC) recordings from all HTPD officers involved;
- Dash-camera footage from all responding patrol units;
- Transport-cabin audio/video recordings (all channels);
- Booking, holding-cell, sally-port, and all station-house recordings relating to my detention.

2. Dispatch, Radio, and 911

- CAD logs relating to the incident;
- All radio-traffic recordings (primary, car-to-car, supervisory channels);
- All MDT/MDC messages relating to the incident;
- All 911 recordings and dispatcher notes relating to the incident.

3. Reports, Use-of-Force, and Internal Affairs

- All incident reports, supplemental reports, and amended versions;
- All use-of-force reports relating to this incident;
- All Internal Affairs intake forms, IA numbers, and IA screening documents opened in connection with this incident.

4. Tow / Impound Records (HTPD and Dirkes)

- Tow authorization forms for my vehicle;
- Tow inventory sheets and photographs;
- Tow dispatch logs and GPS/location records for the tow truck used.

5. Wawa CCTV Communications

- All communications between HTPD, the Prosecutor's Office, Wawa, or any security vendor concerning CCTV for approximately 10:20–10:45 p.m. on November 29, 2025;
- All responses received from Wawa or its security vendor.

6. Metadata and Audit Logs

- All metadata for BWC and dash-cam files;
- Audit logs showing access, deletion, or modification of BWC and dash-cam files.

12/7/25, 3:41 PM

I request these records in **original electronic format** or via **secure download link**. Fees should not be charged for electronic transmission pursuant to OPRA.

If any portion of this request is denied, please provide a written statement of the legal basis for each denial, as required by N.J.S.A. 47:1A-5(g). If any portion is withheld, redacted, or delayed, please notify me in writing with the specific statutory exemption relied upon, as required by N.J.S.A. 47:1A-5(g) and 47:1A-6.

This OPRA request also serves as notice that all responsive records must be preserved in their original form pending completion of this request. Any deletion, modification, or alteration outside lawful OPRA processing will constitute unlawful spoliation of government records.

Additionally, please advise whether an Internal Affairs case number has been assigned. If not, I respectfully request that this email be treated as a written citizen complaint requiring assignment of an IA case number pursuant to the New Jersey Attorney General's *Internal Affairs Policy & Procedures* (2022).

Thank you for your attention to this request.

Respectfully,

/s/ Devon Tyler Barber

Atlantic City, New Jersey

Email: dTb33@pm.me

Sent from [Proton Mail](#) for iOS.

Confidentiality Notice: This email message, including all attachments, from Atlantic County Prosecutor's Office contains information, which is CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. The information is intended only for the use of the individual named above and may not be disseminated to any other party without the Atlantic County Prosecutor's Office written permission. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, disclosure, distribution, copying or taking of any action in reliance on the contents of this emailed information is strictly prohibited.

Devon Tyler Barber
3536 Pacific Avenue, Unit A5
Atlantic City, New Jersey 08401
(609) 862-8808
dTb33@pm.me

December 1, 2025

Central Municipal Court of Atlantic County
Attn: Court Clerk
5901 Main Street
Mays Landing, New Jersey 08330

Re: State of New Jersey v. Devon Tyler Barber
Municipal Court – Hamilton Township
Request to File Motion for Release of Impounded Vehicle Without Fees

Dear Court Clerk:

Please accept for filing the enclosed **Motion for Order Directing Release of Impounded Vehicle Without Payment of Towing or Storage Fees**, including:

1. Notice of Motion
2. Certification of Devon Tyler Barber
3. Brief in Support of Motion
4. Proposed Form of Order
5. Certificate of Service

I respectfully request that this matter be scheduled for the **next available motion date**, or on such date as the Court may direct. Please advise me of the scheduled hearing date at your earliest convenience.

A copy of the motion papers has been served on the Municipal Prosecutor as required.

Thank you for your attention to this filing. Please contact me if any additional information is needed.

Respectfully submitted,

s/ Devon Tyler Barber
Devon Tyler Barber
Defendant, pro se

**MUNICIPAL COURT OF THE STATE OF NEW JERSEY
CENTRAL MUNICIPAL COURT OF ATLANTIC COUNTY**
5901 Main Street
Mays Landing, New Jersey 08330

State of New Jersey,
Plaintiff,

v.

Devon Tyler Barber,
Defendant.

**NOTICE OF MOTION FOR ORDER DIRECTING RELEASE OF
IMPOUNDED VEHICLE WITHOUT PAYMENT OF TOWING OR
STORAGE FEES**

TO: Municipal Prosecutor
Central Municipal Court of Atlantic County
5901 Main Street
Mays Landing, NJ 08330

PLEASE TAKE NOTICE that on the next available motion date or on such date as the Court may direct, the undersigned, **Devon Tyler Barber**, will move before this Court for an Order directing the release of his 2019 Volkswagen Passat, bearing New Jersey registration **F35VLP**, from impound at **Dirkes Auto, LLC (d/b/a Dirkes Used Auto Parts / Dirkes Towing / Dirkes U-Pull-It)**, 6935 Black Horse Pike, Mays Landing, NJ 08330, **without payment of towing or storage fees**, on the grounds that the impoundment was unlawful and grossly disproportionate to his circumstances.

This motion is based upon the following:

1. This Notice of Motion;
2. The Certification of Devon Tyler Barber;
3. The Brief and Legal Argument in Support of Motion;
4. The Proposed Form of Order; and
5. Such oral argument as the Court may permit.

Respectfully submitted,

Dated: 12/01/2025

s/ Devon Tyler Barber
Devon T. Barber, Defendant, pro se

3536 Pacific Avenue, Unit A5, Atlantic City, New Jersey 08401
(609) 862-8808 dTb33@PM.Me

**MUNICIPAL COURT OF THE STATE OF NEW JERSEY
CENTRAL MUNICIPAL COURT OF ATLANTIC COUNTY**
5901 Main Street
Mays Landing, New Jersey 08330

State of New Jersey,
Plaintiff,

v.

Devon Tyler Barber,
Defendant.

**CERTIFICATION OF DEVON TYLER BARBER
IN SUPPORT OF MOTION FOR RELEASE OF IMPOUNDED VEHICLE**

I, **Devon Tyler Barber**, of full age, certify as follows:

1. I am the defendant in the above-captioned municipal matter. I make this certification based upon my personal knowledge.
2. On **November 29, 2025**, I was operating my 2019 Volkswagen Passat, New Jersey plate **F35VLP**, within Hamilton Township, Atlantic County, when I was stopped by Officer Edward Ruiz of the Hamilton Township Police Department, with Officer Merritt arriving as back-up.
3. During the encounter, I was subjected to contradictory and confusing commands. Officer Ruiz pulled me by my collar and shirt, and Officer Merritt pulled me by my legs. I do not recall any clear announcement that I was “under arrest” before force was used.
4. I was not intoxicated, impaired, engaged in reckless driving, or posing any danger to other motorists or pedestrians at the time of the stop. Shortly before the interaction, I had been safely parked at a Wawa without incident.
5. The officers ordered that my vehicle be towed and impounded. The vehicle was taken to **Dirkes Auto, LLC (d/b/a Dirkes Used Auto Parts / Dirkes Towing / Dirkes U-Pull-It)** at the direction of the Hamilton Township Police Department. I did not consent to the tow, and I was not provided with a meaningful opportunity to arrange for an alternative

driver or removal. At the time of this incident, I was **homeless and living out of my vehicle**. My vehicle was my only shelter and my only reliable means of transportation.

6. I am a recipient of **General Assistance (GA)** and **Emergency Assistance (EA)** through Atlantic County. These programs are my sole sources of income. My county caseworker and the Atlantic County Department of Family and Community Development were aware of my housing instability and my reliance on my vehicle.
7. I work as a New Jersey-licensed tile installer and home-improvement tradesman. My ability to obtain and perform work is entirely dependent on having a vehicle to reach job sites and transport tools and materials.
8. As a result of the impoundment, I have lost:
 - (a) My shelter;
 - (b) My ability to access my tools and personal property in the vehicle;
 - (c) My ability to accept work or attend work-related appointments; and
 - (d) Any practical means to stabilize or improve my financial situation.

9A. The temperature on the night of November 29, 2025 was below freezing. Because my residential lease did not begin until December 1, 2025, the impoundment left me outdoors without shelter in dangerous weather conditions. In addition, I was unable to travel to care for my **emotional-support animal**, who remained at a temporary location at **6090 Black Horse Pike, Mays Landing**, and who depends on me for daily feeding and care. The impound therefore created both immediate safety concerns and ongoing hardship.

10. The towing and storage charges at **Dirkes Auto, LLC (d/b/a Dirkes Used Auto Parts / Dirkes Towing / Dirkes U-Pull-It)** are accruing daily. On GA/EA income, I am categorically unable to pay these fees. The continued retention of the vehicle is causing ongoing, severe hardship.
11. There was no legitimate safety, obstruction, abandonment, or emergency circumstance that required my vehicle to be impounded. It could have been safely parked or released to another responsible person.
12. I respectfully request that the Court order the release of my vehicle from **Dirkes Auto, LLC (d/b/a Dirkes Used Auto Parts / Dirkes Towing / Dirkes U-Pull-It)** without

payment of towing or storage fees, and that the Court direct preservation and production of all relevant police, dispatch, tow, and body-worn camera records.

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

Dated: 12/01/2025

s/ Devon Tyler Barber

Devon T. Barber, Defendant, pro se
3536 Pacific Avenue, Unit A5, Atlantic City, New Jersey 08401
(609) 862-8808 dTb33@PM.Me

**MUNICIPAL COURT OF THE STATE OF NEW JERSEY
CENTRAL MUNICIPAL COURT OF ATLANTIC COUNTY**
5901 Main Street
Mays Landing, New Jersey 08330

State of New Jersey,
Plaintiff,

v.

Devon Tyler Barber,
Defendant.

**BRIEF IN SUPPORT OF MOTION FOR RELEASE OF IMPOUNDED
VEHICLE WITHOUT PAYMENT OF TOWING OR STORAGE FEES**

Defendant, Devon Tyler Barber, respectfully submits this Brief in support of his motion for an order directing the release of his 2019 Volkswagen Passat (F35VLP) from impound without payment of towing or storage fees.

I. INTRODUCTION

This motion challenges the continued impoundment of Defendant's vehicle as an **unreasonable seizure** under the Fourth Amendment to the United States Constitution and **Article I, Paragraph 7** of the New Jersey Constitution, and as an **equitable hardship** that is grossly disproportionate to the alleged traffic violations and to Defendant's documented poverty and homelessness — conditions of which the County of Atlantic was aware.

Because the impoundment was not justified under any recognized legal doctrine — probable cause, statutory mandate, or genuine community-caretaking necessity — the resulting towing and storage fees are constitutionally tainted and should not be enforced.

II. FACTUAL BACKGROUND

The relevant facts are set forth in Defendant's Certification, which is incorporated herein by reference.

In summary, Defendant was stopped by Hamilton Township officers on November 29, 2025. The encounter escalated despite Defendant not posing any danger or obstruction. The officers ordered the vehicle towed to Dirkes Towing.

At that time, Defendant was homeless, living out of his car, and subsisting on General Assistance and Emergency Assistance. The impoundment stripped him of shelter, tools, transportation, and the ability to obtain work, while imposing daily fees he cannot pay.

III. LEGAL STANDARD

Police impoundment of a motor vehicle is a **seizure** subject to the reasonableness requirement of the Fourth Amendment and Article I, Paragraph 7 of the New Jersey Constitution. “Community-caretaking” and related doctrines are **narrow exceptions** that require a genuine safety or caretaking necessity, not mere convenience or routine practice. See, e.g.:

- *Cady v. Dombrowski*, 413 U.S. 433 (1973) (upholding a limited community-caretaking tow/search of a vehicle where public safety was at risk);
- *South Dakota v. Opperman*, 428 U.S. 364 (1976) (inventory search of a vehicle lawfully impounded).

Courts have emphasized that community caretaking is a limited, safety-oriented function, requiring objective justification.

In addition, a traffic stop may not be unnecessarily prolonged or expanded beyond its original mission without independent reasonable suspicion of additional criminal activity. *Rodriguez v. United States*, 575 U.S. 348 (2015).

IV. ARGUMENT

A. The Impoundment Was Not Justified by Community-Caretaking or Safety Concerns

Under New Jersey law, a community-caretaking stop or intervention must be based on a reasonable belief that the driver or vehicle poses a danger to himself or the public. Here, there

was no such danger: the vehicle was operable, not abandoned, and not obstructing traffic. Defendant was neither intoxicated nor incapacitated.

Less restrictive alternatives—such as allowing the vehicle to remain parked or arranging for another driver—were available. The decision to tow therefore exceeded any permissible community-caretaking rationale and constituted an unreasonable seizure.

B. The Impoundment and Accruing Fees Are Grossly Disproportionate to Defendant's Poverty and Homelessness

New Jersey courts permit consideration of **equitable hardship, necessity, and proportionality** when assessing the fairness of governmental enforcement actions, particularly in municipal matters and actions in lieu of prerogative writs.

Here, the effect of the tow is to:

- Render Defendant unsheltered;
- Cut off his ability to work;
- Deprive him of necessary tools and personal property; and
- Impose escalating fees that no GA/EA recipient can pay.

This is not a routine regulatory cost; it is a **punitive economic sanction** on a homeless, indigent person. The State's interest in retaining the vehicle and accumulating fees is minimal compared to the devastating impact on Defendant's basic survival and ability to reach self-sufficiency.

B(1). The Municipal Court Has Clear Authority to Order Release Without Fees and Halt Accruals

New Jersey courts recognize that municipal judges possess both rule-based and inherent equitable authority to grant relief where necessary to prevent an unjust result. **Court Rule 1:1-2** provides that any Rule may be relaxed or dispensed with if adherence "*would result in an injustice*," a principle that fully applies in municipal courts.

B(2). Subsequent or Additional Criminal Charges Cannot Retroactively Justify the Impoundment

To the extent that any additional disorderly-persons or criminal complaints may later be filed arising out of the same November 29, 2025 encounter, such charges—whether obstruction, disorderly conduct, resisting, or otherwise—cannot retroactively validate the tow or the decision to impound the vehicle. The lawfulness of a seizure must be assessed **based on the facts and circumstances known to the officers at the time the seizure occurred**, not on post hoc charging decisions. *State v. Hill*, 115 N.J. 169, 176–77 (1989). Similarly, New Jersey courts have long held that the State may not “*justify police conduct by resort to after-the-fact rationalizations.*” *State v. Gibson*, 42 N.J. 420, 427–28 (1964). Any later-filed charges therefore have no bearing on the constitutional or equitable analysis of the impoundment itself, and they cannot cure an initial lack of necessity, proportionality, or lawful authority to tow the vehicle.

The New Jersey Supreme Court has emphasized that municipal judges may fashion remedies appropriate to address unconstitutional or improper police conduct. *State v. Gibson*, 42 N.J. 420, 428 (1964) (“*The municipal court is fully empowered to pass upon the constitutionality of police conduct and to grant the relief dictated by such determinations.*”). Likewise, equitable principles apply in municipal matters whenever necessary to avoid an unjust outcome. *State v. Buczowski*, 4 N.J. Super. 511, 515 (App. Div. 1949).

Where impoundment is not “*reasonably necessary*” for public safety, continued retention of a vehicle and the enforcement of fees are improper. *State v. Hill*, 115 N.J. 169, 176–77 (1989). Courts have also held that when the underlying governmental action is unlawful, the State “*may not profit by imposing associated costs.*” *State v. Cancel*, 256 N.J. Super. 430, 434 (App. Div. 1992). And even where the tow itself occurred, courts have ordered release without fees when continued impoundment would offend fundamental fairness. *County of Cumberland v. One 1977 Ford Pickup*, 173 N.J. Super. 323, 327–28 (Law Div. 1980).

Accordingly, this Court has full authority to:

- (1) order release of the vehicle without payment of fees;
- (2) halt further storage-fee accruals; and

(3) fashion any additional equitable relief necessary to prevent injustice under the circumstances presented.

C. Because the Underlying Seizure Is Unlawful, the Towing and Storage Fees Cannot Be Enforced

If the initial decision to impound was constitutionally and statutorily unjustified, all financial consequences flowing from that decision are tainted. A municipality cannot lawfully outsource an unreasonable seizure to a private tow company and then enforce the resulting charges against a person who never should have been deprived of the vehicle in the first place.

V. RELIEF REQUESTED

For all of the foregoing reasons, Defendant respectfully requests that this Court:

- 1. Order the immediate release of Defendant's 2019 Volkswagen Passat (F35VLP) from Dirkes Auto, LLC (d/b/a Dirkes Used Auto Parts / Dirkes Towing / Dirkes U-Pull-It) without requiring payment of towing or storage fees**, as the vehicle is urgently needed for Defendant to care for his emotional-support animal currently stranded in Mays Landing, in an area with no practical public-transportation access, and because Defendant has now secured stable housing at 3536 Pacific Avenue, Unit A5, Atlantic City and can park said vehicle until it is safe to drive.
- 2. Direct that no additional storage fees accrue** from the date of this Court's Order, pending resolution of this matter; and
- 3. Order the Hamilton Township Police Department and Dirkes Towing to preserve and timely produce** all police reports, dispatch/CAD materials, body-worn camera recordings, tow documentation, and any related records necessary for full and fair adjudication of this and any subsequent motions.

Respectfully submitted,

**MUNICIPAL COURT OF THE STATE OF NEW JERSEY
CENTRAL MUNICIPAL COURT OF ATLANTIC COUNTY**
5901 Main Street
Mays Landing, New Jersey 08330

State of New Jersey,
Plaintiff,

v.

Devon Tyler Barber,
Defendant.

**ORDER DIRECTING RELEASE OF IMPOUNDED VEHICLE
WITHOUT PAYMENT OF TOWING OR STORAGE FEES**

THIS MATTER having come before the Court on the motion of Defendant, **Devon Tyler Barber**, pro se, seeking an Order directing the release of his 2019 Volkswagen Passat (F35VLP) from impound without payment of towing or storage fees, and the Court having considered the submissions and any argument, and for good cause shown;

IT IS on this ____ day of _____, 2025, **ORDERED** that:

1. **Dirkes Auto, LLC (d/b/a Dirkes Used Auto Parts / Dirkes Towing / Dirkes U-Pull-It), 6935 Black Horse Pike, Mays Landing, NJ 08330, shall immediately release to Defendant, or to a person designated in writing by Defendant, the 2019 Volkswagen Passat bearing New Jersey plate F35VLP, in light of Defendant's immediate need for transportation to access housing and care for his emotional-support animal, and without requiring payment of towing or storage fees as a condition of release;**
2. No further storage fees shall accrue from the date of this Order; and
3. The Hamilton Township Police Department and Dirkes Towing shall preserve all records, tow slips, photographs, and video related to the tow and impoundment of Defendant's vehicle pending further Order of this Court.

Hon. _____
Municipal Court Judge

**MUNICIPAL COURT OF THE STATE OF NEW JERSEY
CENTRAL MUNICIPAL COURT OF ATLANTIC COUNTY**

5901 Main Street
Mays Landing, New Jersey 08330

State of New Jersey,
Plaintiff,

v.

Devon Tyler Barber,
Defendant.

CERTIFICATE OF SERVICE

I, **Devon Tyler Barber**, certify that on **December 1, 2025**, I served a true copy of the following documents:

- Notice of Motion for Release of Impounded Vehicle Without Payment of Fees
- Certification of Devon Tyler Barber
- Brief in Support of Motion
- Proposed Form of Order

upon the **Municipal Prosecutor for the Central Municipal Court of Atlantic County** by email at discovery_request@aclink.org and OPRA@acpo.org.

Municipal Prosecutor
Central Municipal Court of Atlantic County
5901 Main Street
Mays Landing, NJ 08330

I further certify that a copy of the motion papers was **filed with the Central Municipal Court Clerk** on the same date **via JEDS**.

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

s/ Devon Tyler Barber
Defendant, pro se
3536 Pacific Avenue, Unit A5
Atlantic City, New Jersey 08401
(609) 862-8808 | dTb33@pm.me

Re-Service – R. 7:7-7 Discovery Request & Motion for Vehicle Release – State v. Barber (11/29/25 Incident)

From dTb33@pm.me <dTb33@pm.me>
To discovery_request@aclink.org
CC giralo_joe@aclink.org, HTPD.Records<htpd.records@hamiltonatlnj.gov>, HTPD.ia@hamiltonatlnj.gov, OPRA<OPRA@acpo.org>, info@tillerstead.com
Date Monday, December 1st, 2025 at 2:50 PM

To: Municipal Prosecutor – Central Municipal Court of Atlantic County

Dear Municipal Prosecutor:

I am the defendant, pro se, in State v. Devon T. Barber, arising out of the November 29, 2025 incident in Hamilton Township.

On December 1, 2025, I:

- Filed via JEDS a Motion for Release of Impounded Vehicle Without Payment of Fees; and
- Served by email a combined R. 7:7-7 discovery request and Notice of Motion Filing, with the following documents attached:
 - Notice of Motion
 - Certification of Devon Tyler Barber
 - Brief in Support
 - Proposed Order
 - Certificate of Service

One of the courtesy recipients—NJAG.ElectronicService.CivilMatters@law.njoag.gov—automatically responded that “service is rejected due to improper service” and indicated that no further action would be taken from that civil-division mailbox. That address is not counsel of record in this municipal matter and has no role in this prosecution; however, in order to avoid any possible dispute over service, I am re-serving the same materials on your office by this email.

Attached again, for your convenience, please find:

- My R. 7:7-7 Discovery Request; and
- Notice of Motion Filing (Vehicle Release), with the full motion packet (Notice of Motion, Certification, Brief, Proposed Order, Certificate of Service).

I respectfully request that:

1. You treat this email as renewed service of my R. 7:7-7 discovery request and motion package; and
2. You provide discovery as required by R. 7:7-7, including the materials itemized in my request (police reports, BWC/dashcam, CAD/dispatch, 911 audio/notes, tow and inventory documentation, and any use-of-force

records).

I remain available to discuss any scheduling or practical issues the State may have in producing discovery or responding to the motion.

Thank you for your attention to this matter.

Respectfully,

Devon Tyler Barber

Defendant, pro se

3536 Pacific Avenue, Unit A5

Atlantic City, NJ 08401

(609) 862-8808

dTb33@pm.me

Sent from [Proton Mail](#) for iOS.

----- Original Message -----

On Monday, 12/01/25 at 13:02 dTb33@pm.me wrote:

To: Municipal Prosecutor – Central Municipal Court of Atlantic County

discovery_request@aclink.org

CC:

Central Municipal Court Clerk – giralo_joe@aclink.org

htpd.records@hamiltonatlnj.gov

HTPD.IA@hamiltonatlnj.gov

OPRA@acpo.org

NJAG.ElectronicService.CivilMatters@law.njoag.gov

Subject: *State v. Devon T. Barber – R. 7:7-7 Discovery Request & Notice of Motion Filing (Vehicle Release)*

Dear Municipal Prosecutor,

I am the defendant, pro se, in *State v. Barber*, arising from the November 29, 2025 incident in Hamilton Township and now pending in the Central Municipal Court of Atlantic County.

NOTICE OF MOTION FILING AND SERVICE

Please accept this as formal notice that on December 1, 2025, I filed and served a **Motion for Release of Impounded Vehicle Without Payment of Fees**, together with:

- Notice of Motion
- Certification of Devon Tyler Barber
- Brief in Support
- Proposed Order
- Certificate of Service

These materials have been submitted through JEDS and served via this email. (PDFs attached)

DISCOVERY REQUEST UNDER R. 7:7-7

Pursuant to *R. 7:7-7*, I respectfully request full discovery, including:

1. All police reports and narratives;
2. All body-worn and dash-camera recordings for Officers Ruiz, Merritt, Sergeant Gluden/Gulden, and all officers on scene or in booking;
3. All CAD and dispatch logs referencing my name or plate F35VLP;
4. All 911 call activity, including audio, summaries, caller description, and dispatcher notes referencing my vehicle or this incident;
5. Tow authorization forms, tow sheets, and vehicle inventory;
6. All use-of-force reports and related materials;
7. All recordings from Officer Ruiz's patrol vehicle, including:
 - Dash-cam and microphone recordings beginning at Wawa on Cape May Avenue (initial interaction), and
 - Rear-cabin video/audio capturing my detention and any use of force.

REQUEST FOR CONSENT RELEASE OF VEHICLE

As detailed in my Certification:

- I was homeless on Nov. 29 and living out of the vehicle;
- My new lease at 3536 Pacific Avenue, Unit A5 began Dec. 1;

12/7/25, 12:57 PM

- I was left outdoors in freezing temperatures after the tow;
- I receive GA/EA as my only income;
- I rely on the vehicle to reach employment as a licensed home-improvement tradesman;
- My emotional-support animal remains stranded at 6090 Black Horse Pike with no public-transportation options;
- I have driven nearly 20,000 miles since October 2024 with no incidents or danger to the public.

No public-safety basis for impoundment has been identified, and less restrictive alternatives existed.

Accordingly, I respectfully request the State's consent to release my vehicle without requiring payment of towing or storage fees.

If consent is not granted, I will rely on the Court's decision on my pending motion.

Thank you for your time and consideration.

Respectfully,

s/ Devon Tyler Barber

Devon Tyler Barber, Defendant, pro se

3536 Pacific Avenue, Unit A5

Atlantic City, NJ 08401

(609) 862-8808

dTb33@pm.me

Dated: December 1, 2025

Sent with [Proton Mail](#) secure email.

756.48 KB 3 files attached

Motion to Return Property.pdf 387.89 KB

Motion Summary Sheet (not a formal brief).pdf 178.43 KB

Discovery Request and Service of Motion.pdf 190.16 KB

Fw: Formal Notice, IA Complaint & Request for Immediate Release of Vehicle (F35VLP)

From dTb33@pm.me <dTb33@pm.me>
To HTPD.Chief@hamiltonatlnj.gov, HTPD.ia@hamiltonatlnj.gov
Date Thursday, December 4th, 2025 at 6:24 PM

Chief Virga and Internal Affairs,

Please see the formal notice below regarding the impoundment and continued retention of my vehicle (2019 Volkswagen Passat, NJ Plate F35VLP). I have filed an Emergency Motion for Return of Property through JEDS and am requesting immediate corrective action, full evidence preservation, and Internal Affairs review. Given the ongoing deprivation of property and the procedural issues noted, I respectfully request written acknowledgment and response within 24-72 hours. The formal notice begins below. — Devon Tyler Barber

Sent from [Proton Mail](#) for iOS.

----- Original Message -----

On Thursday, 12/04/25 at 18:23 dTb33@pm.me wrote:

Chief Michael Virga, Ph.D.
Chief of Police
Hamilton Township Police Department
6101 Thirteenth Street
Mays Landing, NJ 08330

Dear Chief Virga:

I submit this correspondence as a **formal notice**, a **comprehensive Internal Affairs complaint**, and a **litigation hold and evidence-preservation demand** regarding the seizure and continued retention of my 2019 Volkswagen Passat (NJ Plate **F35VLP**) following my arrest on October 30, 2024.

Earlier today, I filed an **Emergency Motion for Return of Property** through the Judiciary Electronic Document System (JEDS). This notice is provided to allow the Department the opportunity to resolve these issues *ab initio*—at the outset—before judicial intervention becomes necessary.

1. Absence of Statutory Authority (*Ultra Vires* Retention)

Although I was taken into custody, the arrest was **not** for any offense authorizing impoundment under Title 39 or any forfeiture statute. The Passat was not contraband, not evidence, and not subject to any enabling statute. Retention of property without clear statutory authority is *ultra vires*—beyond lawful power—and inconsistent with due-process guarantees. *State v. One 1990 Honda Accord*, 154 N.J. 373 (1998).

Warrantless impoundments are permissible only when police act pursuant to a legitimate community-caretaking function or follow standardized, non-discretionary procedures. *State v. Mangold*, 82 N.J. 575 (1980); *Colorado v. Bertine*, 479 U.S. 367 (1987). Neither condition was satisfied.

2. The Vehicle Was Fully Operable and Presented No Hazard

The Passat was operable, safely positioned, and presented no hazard whatsoever. I had responsibly scheduled routine brake service at Midas and had recently rescheduled because the brakes still retained **adequate usable life**. Nothing about the vehicle's mechanical condition or location created a safety issue that could justify a caretaking impoundment.

Under *State v. Edmonds*, 211 N.J. 117 (2012), a caretaking impoundment is lawful only where a vehicle is a genuine hazard or cannot be reasonably secured. Under *State v. Stockbower*, 79 N.J. 1 (1979), police must consider *the least intrusive alternative*. Several such alternatives—leaving the car legally parked, permitting retrieval by a licensed driver, or allowing a private tow—were readily available but were not considered.

3. Deviation from Accepted Practice (Selective Enforcement)

In New Jersey, motorists arrested for non-impoundable offenses are routinely given the option to have a licensed driver retrieve the vehicle, leave it legally parked, or arrange a private tow. None of these options were provided, despite the absence of any hazard. Such deviation raises concerns of inconsistent application of discretion and potential retaliatory escalation.

4. Procedural Due-Process Violations (*Mathews v. Eldridge*)

I received no impound notice, no inventory, and no written documentation establishing lawful towing authority. This absence of notice and process violates the due-process framework articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976), and the procedural-fairness principles recognized in *State v. Morales*, 390 N.J. Super. 470 (App. Div. 2007).

5. Denial of Access to Personal Property

Despite contacting the Department, I was not permitted to retrieve essential personal belongings, tools, work materials, or documents from the vehicle. New Jersey towing standards require owners to be given access to personal property unless it is evidence. None of my belongings are evidentiary. Denial of access functions as a punitive measure, not a lawful administrative act.

6. Conditioning Release on Fees from an Unlawful Impoundment

I understand the Department's position to be that the vehicle will be released only upon payment of towing or storage fees. Conditioning the return of property on payment of charges arising from an **unauthorized impoundment** is a due-process concern. Government may not profit from or impose financial burdens connected to an act that was *unlawful ab initio*. Such a requirement operates as coercive leverage rather than a lawful administrative fee.

This violates the principles in *Mathews v. Eldridge*, 424 U.S. 319 (1976), and constitutes an unreasonable continuing seizure under *United States v. Place*, 462 U.S. 696 (1983). Because the impoundment lacked statutory authorization, no fees may lawfully be imposed *pro tanto*—to that extent.

7. Continued Retention Constitutes an Unreasonable Seizure

Even if the initial taking were arguable—which it was not—the **continued** retention of my vehicle without lawful justification constitutes an unreasonable seizure under the Fourth Amendment and Article I, Paragraph 7 of the New Jersey Constitution. See *Place*, 462 U.S. 696; *Ercolano*, 79 N.J. 25.

8. Use of Force and Retaliatory Enforcement (IA Complaint)

Throughout the encounter, I remained compliant—windows down, hands visible, identification provided. Nevertheless, officers applied force to my wrists and upper body, resulting in ongoing pain and functional impairment in both wrists, my left shoulder, and my back. This force was inconsistent with *Graham v. Connor*, 490 U.S. 386 (1989); *Kopec v. Tate*, 361 F.3d 772 (3d Cir. 2004); and *State v. Brown*, 118 N.J. 595 (1990).

The issuance of nine charges—six summonses and three special complaints—immediately after I questioned the impound raises serious concerns of retaliatory enforcement prohibited by *Nieves v. Bartlett*, 587 U.S. ___ (2019).

9. ACPO Indicates No Supporting Basis for the Stop

The Atlantic County Prosecutor's Office has confirmed that it possesses **no responsive 911 or call-for-service records** corroborating the basis officers articulated for initiating the encounter. This discrepancy warrants supervisory examination.

10. Litigation Hold / Evidence Preservation Demand

Please preserve the following:

- body-worn camera recordings;
- mobile video/dashcam footage;
- CAD logs and MDT entries;
- radio transmissions and dispatch audio;
- tow authorizations and impound sheets;
- incident and supplemental reports;
- use-of-force reports;
- GPS/AVL data.

11. Tow-Yard Notification

Please notify the tow yard that the retention is contested, that I assert full ownership rights, and that I request immediate release without fees arising from an unauthorized impound.

12. Requested Corrective Action

I respectfully request that the Department:

- **authorize immediate release** of the vehicle;
- **waive all towing, storage, and administrative fees** associated with the unauthorized impound;
- permit immediate retrieval of personal property;
- ensure preservation of all evidence listed above;
- notify the tow yard accordingly;

- initiate appropriate Internal Affairs review.

13. Request for Response

I respectfully request a written response within **24 hours-72 hours**. I may be reached at (609) 862-8808 or by email. A prompt departmental resolution remains the most lawful and efficient outcome for all involved.

Respectfully,

Devon Tyler Barber

3536 Pacific Avenue, A5

Atlantic City, NJ 08401

(609) 862-8808

info@tillerstead.com and Court Email: dTb33@PM.Me

Sent from [Proton Mail](#) for iOS.

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

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, CIVIL PART

ATLANTIC COUNTY

DEVON TYLER BARBER,

Docket No.: (To Be Assigned)

PLAINTIFF,

CIVIL ACTION

v.

**HAMILTON TOWNSHIP POLICE
DEPARTMENT, DIRKES AUTO LLC,
D/B/A DIRKES USED AUTO PARTS,
AND ANY OTHER CUSTODIANS OF THE
VEHICLE,
DEFENDANTS.**

**Certification of Devon Tyler Barber
Regarding November 29, 2025 Traffic Stop
and Impoundment**

CERTIFICATION OF DEVON TYLER BARBER

I, Devon Tyler Barber, of full age, hereby certify the following on personal knowledge:

- 1. Identity & Status** – My name is **Devon Tyler Barber**. I am a New Jersey resident, a licensed Home-Improvement Contractor, and at the time of the incident I was **between housing and receiving Emergency Assistance through Atlantic County**.
- 2. Date, Time & Conditions** – On **29 November 2025**, at approximately **10:50 – 10:55 PM**, I was operating my personal vehicle after stopping at the **Wawa, 300 Cape May Avenue, Mays Landing, NJ**. The ambient temperature was $\approx 28^{\circ}\text{F}$.
- 3. Initial Stop** – Officer **Edward Ruiz** of the Hamilton Township Police Department initiated a traffic stop, stating the basis as a **suspended license, lapsed insurance, expired inspection, and improper front-plate display**.

4. **Administrative Context** – Those administrative deficiencies were **accurate** at the time. My **financial limitations** and an **ongoing Superior Court civil action against the MVC (Docket MER-L-002731-25) concerning lack of due process** contributed to these difficulties.
5. **Compliance at the Window** – When Officer Ruiz approached my window, **I immediately complied**, presenting:
 - My **U.S. Passport Book**
 - My **expired insurance card**
 - Documentation of my **active court case** regarding the MVC suspension.
6. **Explanation Provided** – I informed Officer Ruiz that:
 - I **never received notice or a hearing** regarding the suspension.
 - The matter is **pending before the Superior Court**.
 - I was **in the process of moving** into a new apartment.
 - I **have no family in New Jersey** and am **on Emergency Assistance**.
7. **Delay After Document Submission** – After reviewing my documents, **Officer Ruiz returned to his patrol vehicle**, leaving me waiting **5 – 15 minutes** in freezing weather with **windows down, hazard lights on, and interior lights illuminated**.
8. **Repeated Commands** – During that interval Officer Ruiz repeatedly instructed me to:
 - **“Get in the car”**
 - **“Stay in the car”**
 - **“Get back in the car, sir”**
9. **Statement Under Duress** – I complied **under duress**, stating essentially:

“I’m only getting back in because I am under duress — you’re threatening to take all of my property and leave me in the cold.”

10. **No Further Explanation** – At no time did Officer Ruiz return to my window to explain the delay, give further instructions, or announce an arrest.
11. **Unannounced Physical Force** – Without warning, multiple officers approached my vehicle. Before any officer stated I was under arrest or explained the next step, my door was opened and physical force was immediately applied.
12. **Physical Contact & Verbal Reaction** — Officers—including Officer Ruiz and Officer B. Merritt—grabbed me without explanation. Startled and in pain, I involuntarily reacted by stating:
 - “Let go of me.”
 - “Get the fuck off of me.”
 - “I’ll get out if you let go.”
 - “Don’t touch me.”These statements were reflexive reactions to sudden force, not resistance.
13. **Nature of Statements** – These utterances were defensive reactions to sudden physical contact, not attempts to flee or resist.
14. **Force Applied** – Approximately two officers initially pulled me from the car; three to four additional officers forced me against the patrol vehicle and pushed me into the back seat, while another officer assisted from the opposite side.
15. **Resulting Injuries** – I sustained the following injuries:
 - Wrist pain and a cut on my left wrist
 - Bruising
 - Back pain
 - Neck discomfort
 - A torn sweatshirt
16. **Seizure of Property & Impoundment** – After being cuffed, officers searched my wallet and seized my keys. My dinner and personal belongings remained in the car, which was subsequently impounded.
17. **Forced Walk** – I was later required to walk ~1.2 miles in 28-degree weather back to my motel without food or shelter supplies.

18. **Station Interaction & Camera Issues** – At the station I interacted with **Sgt. Bakker, Sgt. Gluden, Officer Martinez, and Special Agent N. Isom**. Several officers **appeared to mute or deactivate their body-camera recordings** during parts of the interaction.
19. **Request for Recordings** – I explicitly stated that I would be **requesting all body-worn camera footage, dash-camera footage, and station recordings**.
20. **Inappropriate Comment** — While at the station, Officer B. Merritt made an inappropriate comment implying a personal relationship with my former partner, Kelly. I am aware that Officer Merritt previously responded to incidents involving me and Kelly when he served as a Stockton University police officer. This comment raises concerns about personal bias and compromised neutrality during the events leading to my arrest and the impoundment.
21. **Traffic Summons & Criminal Charges** – I was issued **six traffic summonses** and later informed of criminal charges for:
 - **Resisting arrest**
 - **Obstruction**
 - **Disorderly conduct**
22. **Lack of Arrest Notification** – **Prior to the officers using physical force, I was never told I was under arrest**, nor were the criminal charges explained at the scene.
23. **Pattern of Prior Encounters** – This incident **mirrors a pattern of prior encounters**, including **ATL-24-001934 (Barber v. Boyd)** and other incidents wherein **identical charge patterns** were employed to justify force.
24. **Truthfulness** – The events described herein are **true to the best of my knowledge, recollection, and ability to recall immediately following the traumatic experience**.
25. **Driving History – Mileage** – Over the past year I have driven $\approx 20,000$ miles throughout Atlantic County and surrounding municipalities, traversing areas patrolled by departments equipped with **automatic license-plate readers (ALPRs)** and routine registration/status checks.

26. **Driving History – Treatment by Other Agencies** – During that period **no other police department**—including **Galloway Township, Egg Harbor Township, Atlantic City, Pleasantville, Mullica Township, Brigantine, or the New Jersey State Police**—**has treated me as a danger, initiated a custodial arrest, used force, or impounded my vehicle** under comparable circumstances.
27. **Driving History – Safety Record** – I have **not been involved in any accidents, property-damage incidents, or events suggesting I am a danger to other drivers or the public**. My record reflects **consistent, responsible operation** despite homelessness and limited financial means.
28. **Conclusion – Disproportionate Response** – This long, uneventful driving history demonstrates that I **did not present a public-safety threat on 29 November 2025**. The **disproportionate response by Hamilton Township PD**—escalating directly to force, arrest, and impoundment—**stands in stark contrast** to how every other local agency has interpreted the same circumstances over thousands of miles of travel.

These facts form the basis for my Verified Complaint and Order to Show Cause seeking the immediate return of my vehicle.

I certify that the foregoing statements made by me are true.

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

/s/ Devon Tyler Barber

dTb33@PM.Me (609) 862-8808

3536 Pacific Avenue, A5,

Atlantic City, New Jersey, 08205

