

**Devon Tyler Barber**

Plaintiff, Pro Se

3536 Pacific Avenue, Apt. A5

Atlantic City, New Jersey 08401

(609) 862-8808

[info@Tillerstead.com](mailto:info@Tillerstead.com)

**December 10<sup>th</sup>, 2025**

**Hon. Benjamin Podolnick, J.S.C.**

Superior Court of New Jersey

Law Division – Atlantic County

1201 Bacharach Boulevard

Atlantic City, New Jersey 08401

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

**Docket No. ATL-L-003252-25**

**Submission of Verified Supplemental Application for Emergent Relief**

Dear Judge Podolnick:

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

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

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

Plaintiff respectfully seeks narrowly tailored relief:

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

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

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

Respectfully submitted,

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

Date: 12/10/2025

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

**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION – ATLANTIC COUNTY**

**Devon Tyler Barber,**  
 Plaintiff / Applicant,

DOCKET NO. ATL-L-003252-25

v.

**VERIFIED SUPPLEMENTAL  
 APPLICATION FOR IMMEDIATE  
 RELIEF**

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

**PRELIMINARY STATEMENT AND BASIS FOR SUPPLEMENTAL APPLICATION**

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

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

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

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

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

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

Respectfully submitted,

/s/ Devon Tyler Barber

Devon Tyler Barber, Plaintiff Pro Se

3536 Pacific Avenue, Apt. A5

Atlantic City, New Jersey 08401

Telephone: (609) 862-8808

Email: [info@Tillerstead.com](mailto:info@Tillerstead.com)

Date: 12/10/2025

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

**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION – ATLANTIC COUNTY**

**Devon Tyler Barber,**  
Plaintiff / Applicant,

v.

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

DOCKET NO. ATL-L-003252-25

**VERIFIED SUPPLEMENTAL  
CERTIFICATION OF DEVON TYLER  
BARBER**

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

**(A) PURPOSE:**

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

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

As of today, I have never received:

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

The absence of notice and inventory violates:

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

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

Continued deprivation is therefore unlawful.

### **(C) No Lawful Basis Existed for the Original Stop**

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

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

relating to me or my vehicle.

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

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

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

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

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

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

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

Under:

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

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

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

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

The alleged suspension relied upon by HTPD is:

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

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

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

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

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

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

There is safe, legal parking.

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

No such consideration occurred.

### **(G) I Must Access My Tools Immediately to Work**

The vehicle contains:

- tile saws,
- drills,



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

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

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

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

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

### **(I) EXHIBITS SUPPLIED**

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

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

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

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

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

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

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

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

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

Continuing to accrue storage fees against an indigent litigant violates:

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

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

I remain unable to:

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

No lawful authority supports continued deprivation.

## **(M) Relief Requested**

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

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

without payment of:

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

### **(2) OR, IN THE ALTERNATIVE**

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

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

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

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

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

**(5) DECLARING the continued detention unconstitutional under:**

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

**(6) AUTHORIZING Plaintiff to retrieve his personal vehicle.**

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

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

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

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

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

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

**/s/ Devon Tyler Barber**  
Devon Tyler Barber

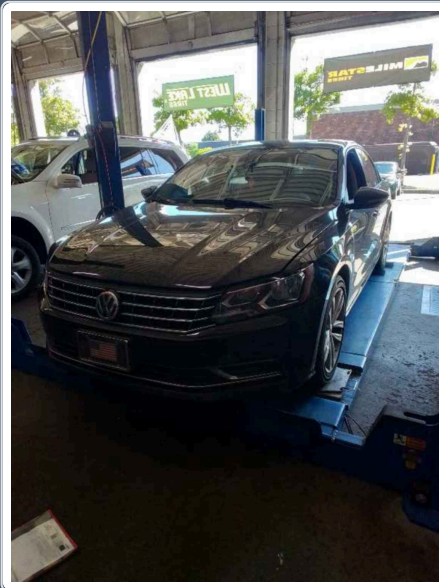
3536 Pacific Avenue, Apt. A5

Atlantic City, New Jersey 08401

Dated: **December 10, 2025**



Midas Egg Harbor  
3109 Hingston Ave  
Egg Harbor, NJ 08234  
Trust The Midas Touch  
[609.900.6475](tel:609.900.6475) 📞  
[midaswestberlin@gmail.com](mailto:midaswestberlin@gmail.com) ✉



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

Service Advisor  
PERRY HERMAN

Filter

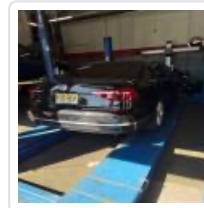
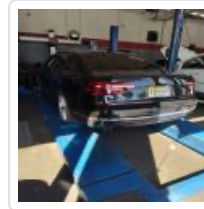


## Midas Closer Look Vehicle Check

### Exterior

✅ Body & Glass: Visual Inspection OK

Images:



✅ Exterior Lights: Visual Inspection OK

Technician  
KURTIS WASYLKOWSKI

✓ Exterior Lights: Visual Inspection OK

✓ Wipers: Visual Inspection OK

### Interior

⚠ Dash Indicator Lights: TPMS Light On "Solid"  
- Evaluation Required

Images:

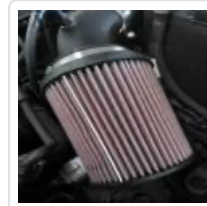


### Under Hood

✓ Horn: Operating

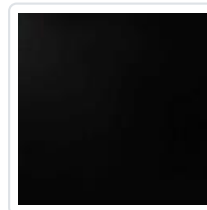
✓ Engine Air Filter: Visual Inspection OK

Images:



◆ Cabin Air Filter: Beyond Service Interval -  
Replacement Suggested

Images:



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✅ Battery / Cables: Visual Inspection OK

Images:



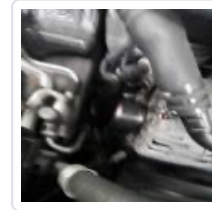
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✅ Hoses: Visual Inspection OK

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✅ Belts (except timing belt): Visual Inspection OK

Images:



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✅ Windshield Washer Fluid: Reservoir Full

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✅ Engine Oil: Dipstick Within Specifications

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✅ Power Steering Fluid: Dipstick Within Specifications

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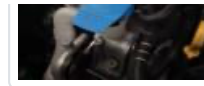
✅ Transmission / Transaxle Fluid: Dipstick Within Specifications

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⬠ Coolant: Beyond Service Interval - Fluid Exchange Suggested

Images:





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### Under Vehicle

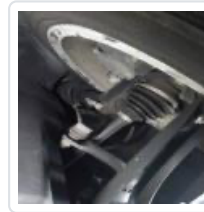
✅ Exhaust System: Visual Inspection OK

✅ Differential / Transfer Case: Visual Inspection OK

✅ Steering System: Visual Inspection OK

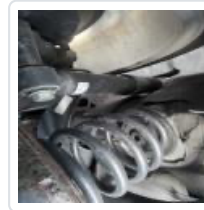
✅ Shocks / Struts Front: Visual Inspection OK

Images:



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

Images:



✅ Driveline (CV / Drive Shaft): Visual Inspection OK

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### Brakes

⚠ Brake Fluid: Beyond Service Interval - Fluid Exchange Suggested

Images:



Images:



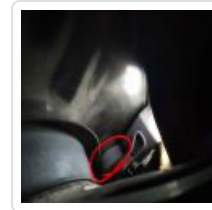
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☒ Brake Symptom Observed: None at this time

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☒ Brake Visual Inspection Front: Visual Inspection OK

Images:



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☒ Brake Visual Inspection Rear: Visual Inspection OK

Images:



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### Tire Condition

☒ Tire Size Actual - See Picture: Matches Placard Specifications

Images:





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

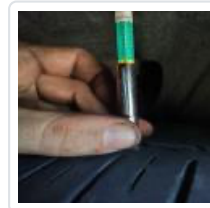
Images:



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

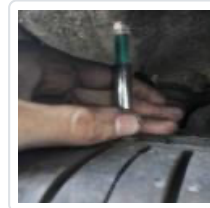
Images:



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

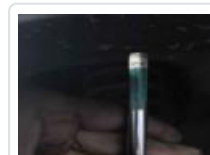
Images:

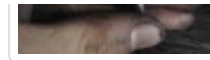


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◆ LR - Tread Depth: 4/32" - Close To The End Of Useful Life

Images:





### ⚠ Tire Inspection Suggestions: Irregular Tread Wear - Evaluation Required

#### Tire Pressure

✅ LF - Tire Pressure: Matches Placard Specifications

✅ RF - Tire Pressure: Matches Placard Specifications

✅ RR - Tire Pressure: Matches Placard Specifications

✅ LR - Tire Pressure: Matches Placard Specifications

#### Technician Note

☑ Technician Notes: See Notes Below

Comments:

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

Images:





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2:06



124



## Midas 20 Egg Har Hin

May 20 at 12:34 PM

# \$1,101.36

### Transaction details



**Complete**

Purchase from Midas 20 Egg Har Hin



**Payment method**

Black Metal Card 9774



**On statement as**

MIDAS 20 EGG HAR 3109 HIN

### What you can do



**View Round Up receipt**



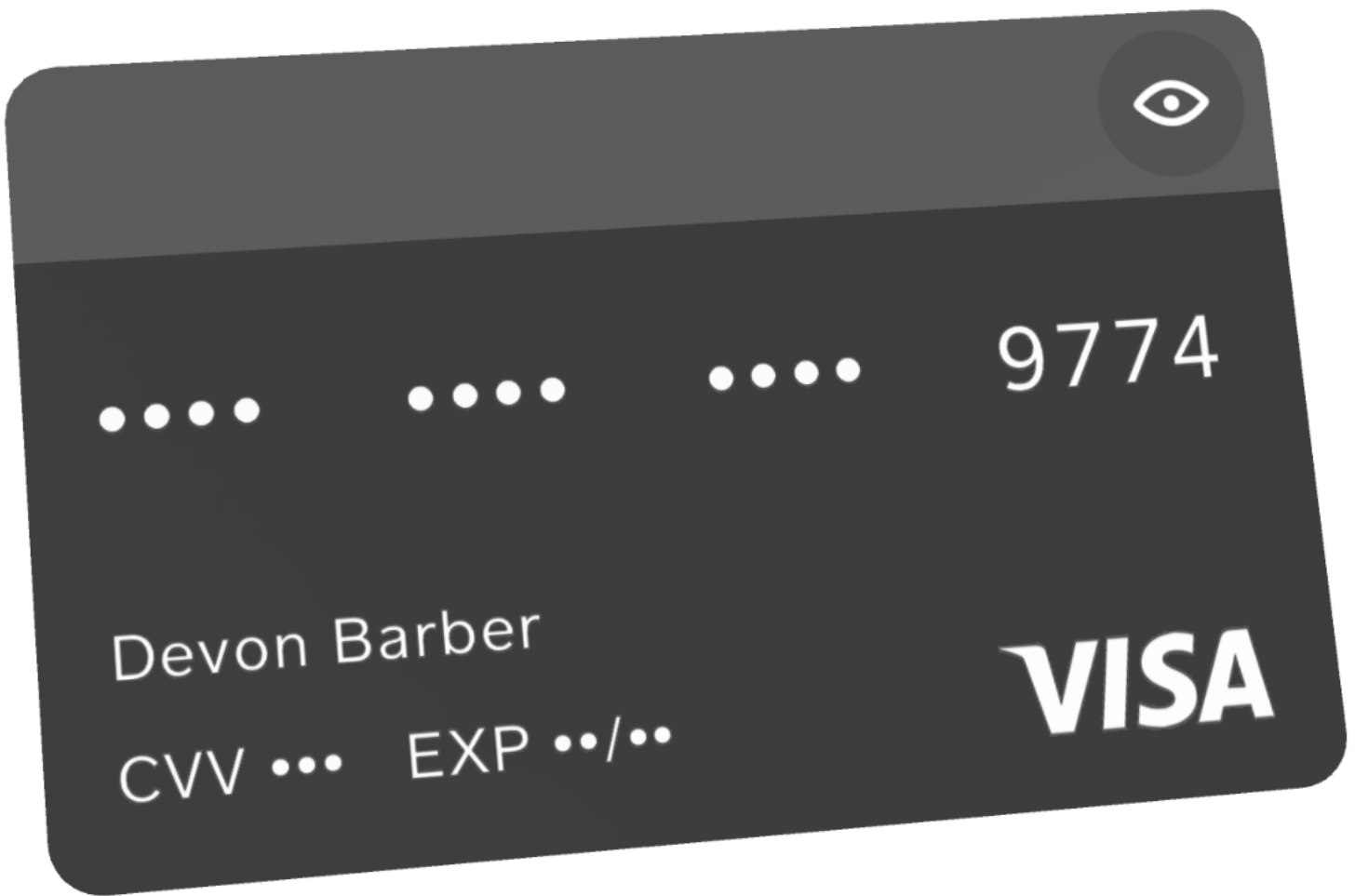
2:06



12%



## Card



Lock



Copy •• 9774



Explore offers  
Instant discounts



## Spending



Insights & activity

\$13 in Nov

