

Devon Tyler Barber
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**JOHN W. TUMELTY AND THE LAW
OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25

**CERTIFICATION OF DEVON TYLER
BARBER RE: DAMAGES AND INJURY**

I, Devon Tyler Barber, of full age, being duly sworn, certify as follows:

A. Background and Context of the July 11 2022 Incident

- 1.** I was duly licensed in 2019 as a New Jersey Home-Improvement Contractor (Registration #13VH10808800) under **Devon's Home Improvement LLC**, the entity now operating as **Tillerstead LLC**, held in trust. Following the COVID-19 pandemic, loss of transportation, and resulting financial hardship, I worked primarily as an **employee tradesman** for other contractors while continuing limited independent projects. In **June and July 2022**, I performed renovation, yard work, site security, and tile installations at **1525 W. Aloe Street, Galloway Township** for **Joseph Hardemon Sr., Joseph Hardemon Jr., and their business, Joe's Painting & Renovations**. Our

agreement provided both hourly wages and a temporary right to reside on-site while the project was being completed.

2. Over several weeks, I worked both **on-site at 1525 W. Aloe Street** and **off-site at customer locations** performing renovation, painting, and repair work for **Joseph Hardemon Sr., Joseph Hardemon Jr., and their company, Joe's Painting & Renovations**. In one instance in **Weymouth Township**, I painted for two consecutive days, working approximately **11- to 12-hour shifts** at their request, with the understanding that I would be paid in cash. That payment was never made.
3. After Joseph Hardemon Jr. initially left for Las Vegas, tensions rose between him and his father over their business and my continued work. When he later returned to New Jersey, their response to my repeated wage requests was retaliatory. They ceased all payment and decided that removing me from the property would be the “solution” rather than honoring the work performed.
4. While I was away working for another licensed contractor, **Nick's NAC Custom Carpentry of Galloway, NJ** (HIC-registered), the Hardemons **entered the Aloe Street property without notice or lawful process**, removed and destroyed my personal belongings—including tools, clothing, and documents—and **smashed my aquarium**, killing **two pet tarantulas** that had been kept in my living space. At that time, I was using a **company truck provided by my employer**, with permission to drive it on and off duty because he valued my work ethic and was aware of my dispute with the Hardemons.
5. When I returned to the Aloe Street property, I found my possessions scattered across the yard and was immediately confronted by the Hardemons, who were shouting and closing

distance. The situation escalated when **Joseph Hardemon Jr. advanced toward me** in an aggressive manner. I reacted instinctively, **threw a single defensive punch**, and turned to run. He stumbled over the shattered aquarium and appeared to injure his ankle. At that moment, another individual **tackled me from behind**. I broke free, ran toward the front yard, and saw a **crowbar lying on the ground near the driveway**. I **picked it up only after being tackled**, using it solely to **maintain distance and ensure my safety** while I waited for police to arrive. I held the tool downward, made no threats or advances, and remained in the open until officers arrived.

6. Despite my attempts to de-escalate, responding officers treated the incident as a criminal matter rather than a civil wage dispute. They failed to document the destroyed property, the smashed aquarium, or the text messages proving my lawful work and tenancy. This misclassification—rooted in retaliation by the Hardemons—became the basis of the charges and the wrongful confinement described below.
7. The incident was **purely civil in nature** — a dispute over unpaid wages and temporary housing — yet responding officers **classified it as a violent trespass** rather than a labor-and-tenancy matter. They photographed only **minor redness on Joseph Hardemon Jr.'s hand**, but failed to document the **broken aquarium, destroyed tools, or scattered personal property** that revealed retaliatory destruction. Officers also ignored the **text messages and photographs on my cell phone** confirming that I lawfully resided at the property under a work-for-housing arrangement. That phone, containing pay records and proof of my living space, was never preserved or entered into evidence.
8. Investigators further **misinterpreted a political message** referencing **Title 18 U.S.C.**, after an automatic image preview displayed a noose from a linked article. This

misunderstanding led to a **false “sovereign-citizen” designation**, which carried prejudicial weight throughout the investigation. That error **tainted the State’s risk assessment and detention narrative**, portraying me as dangerous rather than as a wage claimant and tenant asserting lawful rights.

9. At the **initial detention hearing**, I was represented by a **public defender** who failed to challenge those misrepresentations or present evidence of my residence, employment history, or community ties. The hearing was conducted **remotely while I was shackled in a holding cell**, unable to see the courtroom or meaningfully participate. I was **muted for nearly the entire proceeding**, in violation of my rights to confrontation, presence, and allocution under the **United States and New Jersey Constitutions**. As a result, the prosecutor’s narrative went unchallenged, and I was ordered detained without a fair opportunity to be heard.
10. Following that hearing, my family retained **John W. Tumelty**, who advertised himself as a **Certified Criminal Trial Attorney**, and paid him a **\$5,000 flat fee** to seek my release and protect my rights. Despite clear grounds for review, Mr. Tumelty **never filed a second detention-review motion**, which he could have done electronically through **JEDS from his office or home**. He **failed to preserve exculpatory evidence**, neglected **to obtain the employment and residency records** that would have proven the civil nature of the dispute, and **visited me only once** during my 108-day confinement. His inaction left the unconstitutional detention and directly prolonged my loss of liberty.

B. Duration and Conditions of Confinement

11. Because of counsel’s inaction, I remained confined in the **Atlantic County Justice Facility** for 108 days, from **July 11 through October 26 2022**.

12. Upon arrival I was placed in the **admissions cell**, housed alone near the telephones but never permitted to make a call. During tray service I again requested to contact my family. In response, correctional officers **physically assaulted me without provocation**, slamming me to the concrete floor and striking my head multiple times. The force used was far beyond any reasonable measure and caused lingering head pain, sensitivity, and difficulty with concentration and social cues.

13. After the assault I was issued three **in-house disciplinary charges** and forced to change from the standard orange uniform to black-and-white stripes reserved for sanctioned inmates. I was then placed in the **intake-quarantine pod**, confined 23 hours per day for a fourteen-day COVID hold.

14. When other detainees were released to general population after quarantine, I was instead **transferred to I-Block (“the hole”)** and held in **solitary confinement for roughly forty-five days**—still tied to the same incident in which I was the assault victim.

15. Conditions in I-Block were harsh and unsanitary. The cell and bedding were **infested with bedbugs and scabies**. Medical requests went unanswered for long periods, and I received only a single topical treatment without examination. When I reported the infestation and my head injury, staff labeled me “disruptive” and reassigned me to the **medical-mental-health pod**, where I was housed with inmates suffering acute psychosis and violent outbursts. That placement was **punitive and retaliatory**, not medical. I was denied clergy visits, reading materials, recreation, and sunlight, and was confined twenty-three hours a day.

16. The prolonged isolation and untreated head injury produced severe anxiety, insomnia, and disorientation. I continue to experience concentration loss and social-interaction difficulties consistent with post-concussive and psychological effects.

17. The remote detention hearing that followed was conducted while I was shackled. I was muted for most of the proceeding and unable to hear or respond. The public defender presented no evidence of my residence, employment, or community ties, leaving the false impression I was transient and dangerous.

18. After that hearing, my family retained **John W. Tumelty** for a \$5,000 flat fee to seek my release. Despite full access to JEDS for electronic filings, he **never submitted a second detention-review motion**, leaving me confined under unconstitutional conditions and without judicial review.

18A Had counsel promptly filed a detention-review motion or presented the civil evidence already in his possession, the Court would have had a complete factual record within days; instead, his silence left the State's false narrative unchallenged, causing each additional day of confinement and every loss that followed.

19. These conditions—physical abuse, isolation, neglect, and counsel's failure to act—caused lasting psychological and neurological injury that continues to affect my health and daily functioning.

C. Economic and Business Losses

20. I was previously licensed in **2019** under **Devon's Home Improvement LLC** (NJ HIC Registration #13VH10808800). After losing my vehicle and business stability during the COVID-19 pandemic, I no longer operated independently but worked as a **skilled employee tradesman** while working toward reinstating my license and re-establishing

my business under **Tillerstead LLC**. In 2022, I performed lawful wage-based work for companies including **Landry's Inc. (The Palm Atlantic City)**, **P.F. Chang's**, and **Nick's NAC Custom Carpentry of Galloway, NJ** (HIC-registered). My employer at NAC trusted me with a **company work truck** for both on- and off-duty use because of my reliability and the quality of my work.

21. The wrongful confinement caused **over three months of lost wages** and eliminated multiple pending job opportunities. Projects I had arranged through NAC Custom Carpentry and private clients were cancelled, and the disruption permanently set back my efforts to rebuild an independent contracting business after the pandemic.
22. The **criminal allegations and online records** that followed damaged my **professional reputation** throughout Atlantic County. Contractors, landlords, potential clients, and potential employers withdrew from opportunities once they viewed those records. This stigma has continued to harm my employment prospects and my ability to re-establish **Tillerstead LLC** as a trusted home-improvement business.
23. Before my arrest, I was living with my family while saving toward independent housing through my employment. During confinement, I lost that stability and could not pay bills or maintain housing. My credit declined, my tools and materials were lost, and I had no access to income. After release, I relied on limited assistance and borrowed equipment to meet basic needs and gradually return to work.
24. The **\$5,000 retainer** paid by my family to **John W. Tumelty** was never earned or returned. Mr. Tumelty filed no motions, hearings, or applications for review, and failed to act on clear grounds for a second detention hearing that could have been filed remotely

through JEDS. His inaction directly prolonged my confinement and compounded the economic and reputational harm I continue to suffer.

D. Emotional, Psychological, and Reputational Injury

- 25.** The deliberate destruction of my property and pets, followed by 108 days of wrongful incarceration under abusive conditions, caused deep and lasting emotional and psychological harm. I continue to experience **nightmares, hypervigilance, and panic in confined spaces**. Crowded environments or sudden authority contact trigger flashbacks to the assault and confinement.
- 26.** The prolonged isolation, unsanitary environment, and lack of medical care produced **chronic anxiety, social withdrawal, and difficulty with concentration and trust**. These symptoms have been persistent and interfere with my ability to work steadily and rebuild professional and personal stability.
- 27.** The false branding of me as a violent “extremist” based on a misinterpreted online message irreparably harmed my **reputation, credibility, and standing** in the community. That label circulated through official channels and public records, undermining confidence among employers, landlords, and clients.
- 28.** These injuries have now lingered for more than three years, affecting my capacity to secure consistent employment, obtain insurance, re-establish credit and housing, and restore my name. The damage extends beyond financial loss—it represents the lasting human cost of negligence, mischaracterization, and betrayal of trust by those sworn to uphold the law.

E. Causal Link to Defendant's Misconduct

29. All injuries and losses described above were directly and proximately caused by **John W. Tumelty's negligence, breach of fiduciary duty, fraud, and unlawful business practices.** He represented himself as a Certified Criminal Trial Attorney capable of securing my release, yet after accepting a \$5,000 retainer he failed to act, investigate, or communicate.

29A As my privately retained criminal defense attorney, Mr. Tumelty owed a duty to exercise the ordinary skill and diligence of a reasonably competent New Jersey criminal practitioner, including: (a) promptly seeking detention review where confinement is based on incomplete or misleading information; (b) investigating and preserving exculpatory evidence such as employment records, tenancy proof, and digital communications; and (c) communicating with his client regarding strategy and available remedies. He did none of these things.

30. Had Mr. Tumelty acted with ordinary competence—by filing a detention-review motion, presenting my employment and residency records, and correcting the mischaracterization of the July 11 2022 incident as a violent trespass—the Court would have had grounds to revisit and revise the detention order. His failure to act left the false narrative unchallenged, directly causing my continued confinement for 108 days and the economic, physical, and psychological injuries described in this certification.

31. These failures constituted **legal malpractice, breach of fiduciary loyalty, and consumer fraud**, as Mr. Tumelty accepted payment under false pretenses of active representation and then abandoned his professional responsibilities.

32. My **Verified Post-Conviction Relief Petition** and **First Amended Complaint** establish the continuous chain of events: civil wage dispute → false criminalization → ineffective and negligent counsel → extended detention → economic, reputational, and psychological harm. Each document is truthful, verified, and incorporated by reference as **Exhibits A and B.**

F. Relief Sought

33A To further substantiate the harms described herein, I intend to seek discovery and issue subpoenas for records from the *Atlantic County Justice Facility*, the *Atlantic County Prosecutor's Office*, *prior defense counsel*, and *medical providers*, including but not limited to **housing logs, incident reports, video footage, medical records**, and internal communications concerning my detention and classification.

33. In light of the foregoing verified facts, I respectfully request that this Honorable Court:

- I. Acknowledge and accept** this Certification of Damages and Injury, together with Exhibits A–D, as competent evidence under **R. 1:4-4(b)** and **R. 1:6-6**, and incorporate them into the record for adjudication;
- II. Award compensatory damages for loss of liberty**, including 108 days of wrongful incarceration and solitary confinement, in violation of due-process and humane-treatment protections secured by **U.S. Const. amends. VIII & XIV** and **N.J. Const. art. I, ¶ 12**, recognizing that punishment of a pre-trial detainee without judicial review constitutes a constitutional deprivation. See *Bell v. Wolfish*, 441 U.S. 520 (1979); *Hope v. Pelzer*, 536 U.S. 730 (2002).

- III.** **Award economic damages** for lost wages, cancelled contracts, business interruption, loss of tools and housing, credit impairment, and return of the unearned \$5,000 retainer wrongfully retained by Defendant Tumelty.
- IV.** **Award emotional and psychological damages** for anxiety, humiliation, insomnia, post-concussive effects, and lasting trauma caused by assault, isolation, and abandonment of counsel. See *Portee v. Jaffee*, 84 N.J. 88 (1980).
- V.** **Award reputational damages** for public stigma and professional harm resulting from false criminal and extremist labeling that impaired my ability to obtain employment, housing, and credit.
- VI.** **Award punitive damages** pursuant to N.J.S.A. 2A:15-5.12, in light of authorities recognizing punitive relief where defendants act with reckless disregard for constitutional rights, including *Smith v. Wade*, 461 U.S. 30 (1983), and award treble damages under the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., on any ascertainable loss proven.
- VII.** **Award interest and allowable costs** under **R. 4:42-11**, together with such further relief as the Court deems just and equitable.
- VIII.** **Constitutional and Statutory Relief:** That this Court **recognize and declare** that Plaintiff's mistreatment and unlawful confinement violated rights guaranteed by the **Eighth and Fourteenth Amendments to the United States Constitution** and **Article I, Paragraphs 1 and 12 of the New Jersey Constitution**, and that such violations are relevant to the damages and equitable relief sought herein. Plaintiff does **not seek to overturn or modify any pending criminal or appellate proceedings** in this action, but respectfully asks the Court to consider

the same facts as evidence of harm arising from Defendant's negligence and abandonment. The conduct described — physical assault, prolonged solitary confinement, denial of medical care, and retaliatory classification — constitutes punishment without due process and inhumane treatment prohibited by *Bell v. Wolfish*, 441 U.S. 520 (1979), *Hope v. Pelzer*, 536 U.S. 730 (2002), and *State v. Johnson*, 42 N.J. 146 (1964).

G. Certification

I certify under penalty of perjury pursuant to **N.J. Ct. R. 1:4-4(b)** and **28 U.S.C. § 1746** that the foregoing is true and correct to the best of my knowledge, information, and belief. If any statement is willfully false, I am subject to punishment.

Executed on **November 8 2025**, in Hamilton Township, Atlantic County, New Jersey.

Respectfully submitted,

s/ DEVON T. BARBER
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Defendants.

Docket No.: ATL-L-002794-25

**EXHIBIT A — VERIFIED POST-
CONVICTION RELIEF PETITION
(EF-3720750 AND EF-3720751)**

CERTIFICATION OF TRUE COPY

(R. 1:4-4(b))

I, **Devon Tyler Barber**, of full age, hereby certify and declare under penalty of perjury that the following is true to the best of my knowledge:

1. The recorded document is a **true and complete copy** of my *Verified Petition for Post-Conviction Relief* filed under both **Docket Nos.: ATL-22-002292 (EF-3720750)** and **ATL-22-002313 (EF-3720751)** in the **Superior Court of New Jersey**, Law Division, Criminal Part, Atlantic County.
2. Said petition was **filed through eCourts on October 26, 2025**, and bears **Transaction ID EF-3720750** and **ID EF-3720751**.

3. The petition sets forth the underlying facts and claims of **wrongful prosecution, ineffective assistance of counsel, and false criminal characterization** arising from the **July 11, 2022 civil wage dispute** described in my accompanying certification.

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.

Executed this EIGHTH day of **November 2025**.

Respectfully submitted,

s/ DEVON T. BARBER

Devon Tyler Barber

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Docket No.: ATL-L-002794-25

**EXHIBIT B — FIRST AMENDED
COMPLAINT (ATL-L-002794-25)
(EF-3724712)**

CERTIFICATION OF AUTHENTICITY

(R. 1:4-4(b))

I, **Devon Tyler Barber**, of full age, hereby certify and declare under penalty of perjury that the following is true to the best of my knowledge:

1. The recorded document **(EF-3724712)** is a **true and complete copy** of my *First Amended Complaint* filed on **October 28, 2025**, in **Barber v. Tumelty, Docket No. ATL-L-002794-25**, in the **Superior Court of New Jersey, Law Division, Civil Part, Atlantic County**.

2. It includes **Exhibits A through B-5**, consisting of **wage records, IRS transcripts, contractor-license verification, correspondence, and advertising screenshots of defendants' firm.**
3. This complaint supports my **malpractice, breach-of-fiduciary-duty, and consumer-fraud** claims, as referenced in the accompanying certification.

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.

Executed this EIGHTH day of **November 2025**.

Respectfully submitted,

s/ DEVON T. BARBER

Devon Tyler Barber

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**EXHIBIT C — BUSINESS RECORDS
AND WAGE EVIDENCE**

CERTIFICATION OF BUSINESS RECORDS

(N.J.R.E. 803(c)(6); N.J.R.E. 1006; R. 1:4-4(b))

I, **Devon Tyler Barber**, of full age, hereby certify and declare under penalty of perjury pursuant to **Rule 1:4-4(b)** that the following statements are true to the best of my knowledge, information, and belief:

1. I am the **custodian and holder of certain business records** maintained in the regular course of my trade as a licensed home-improvement contractor and independent laborer operating under **New Jersey Home Improvement Contractor License No. 13VH10808800**.

These records form part of my ordinary bookkeeping and are relied upon in the conduct of my lawful business activities, tax filings, and professional correspondence.

2. The attached documents comprise **authentic copies of original records** obtained directly from their respective issuing or maintaining entities, including but not limited to:
 - **Landry's, Inc.** – payroll and direct-deposit records reflecting wages, employment duration, and pay frequency;
 - **P.F. Chang's China Bistro, Inc.** – wage and employment verification statements;
 - **NAC Custom Carpentry** – contractor payment documentation via IRS wage and income transcript 2022, correspondence, and remittance summaries; and
 - **New Jersey Division of Consumer Affairs** – verified record of my Home Improvement Contractor License and renewal status.
3. These materials further include **Internal Revenue Service Wage and Income Transcripts for tax years 2019 through 2022**, which substantiate income received and taxes reported during the period relevant to my claims.
4. Each of the attached records was **created at or near the time of the corresponding act, transaction, payment, or communication** by individuals with knowledge of the event, and thereafter **kept in the regular course of business** by the respective organization. It is the regular practice of those entities—and of my own trade operations—to make and preserve such records for payroll, licensing, and compliance purposes.
5. These records have been **preserved without alteration** and are true and complete copies of the originals maintained in either my possession or by the issuing entities.

6. For evidentiary purposes, the attached compilation may be treated as a **summary of voluminous records** under **N.J.R.E. 1006**, reflecting data and documents too numerous to be conveniently examined in court, but all of which are available for inspection upon request.
7. These records are offered to demonstrate the accuracy of my wage history, tax compliance, licensing status, and professional standing during the relevant time period in support of my verified pleadings, certification of damages, and related filings before the **Superior Court of New Jersey** and any associated federal proceeding under **42 U.S.C. § 1983**.

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.

Executed this EIGHTH day of **November 2025**.

Devon Tyler Barber
Custodian of Records / Petitioner *pro se*
New Jersey Home Improvement Contractor No. 13VH10808800

Respectfully submitted,

s/ **DEVON T. BARBER**
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Docket No.: ATL-L-002794-25

**EXHIBIT D –
SETTLEMENT COMMUNICATION AND
DAMAGES VALUATION
(PROTECTED BY N.J.R.E. 408 / FRE 408)**

Non-Binding Damages Schedule (For Settlement Purposes Only – N.J.R.E. 408)

This schedule itemizes the principal categories of loss arising from Defendant's negligence, breach of fiduciary duty, and statutory violations. The figures below are good-faith estimates, grounded in:

- New Jersey's wrongful-imprisonment compensation framework, **N.J.S.A. 52:4C-1 to -7**, which sets a minimum of \$50,000 per year of wrongful incarceration (roughly \$137 per day) for exonerated persons; **while that statute does not apply directly to this malpractice action, it provides a reasonable benchmark for valuing loss of liberty in civil litigation.**
- National data showing that many jurisdictions now recognize \$50,000+ per year as a baseline for liberty loss, with higher figures for severe conditions and official misconduct.
- Published verdicts and settlements in federal civil-rights actions where prolonged

unconstitutional confinement, assault by correctional staff, and extreme conditions (e.g., solitary confinement, denial of medical care) yield six- and seven-figure outcomes.

All amounts are estimates subject to refinement after discovery, expert evaluation, and production of complete custodial and medical records.

Damages Schedule – Summary

Category	Description / Basis	Estimated Amount (USD)
Loss of Liberty	108 days of wrongful pre-trial detention under punitive, solitary-type conditions (admissions assault, 14-day quarantine, ≈45 days I-Block solitary, mental-health pod), valued at \$1,000/day in light of (a) NJ's statutory baseline of \$50,000/year for exonerees, and (b) higher civil-rights valuations for unconstitutional jail conditions and assaults.	\$108,000
Physical & Conditions-of-Confinement Injury	Pain and trauma from being slammed to concrete by COs; head impact with lasting cognitive and social-cue effects; exposure to scabies, bed bugs, filthy conditions ; being housed with severely mentally ill inmates; denial of clergy, books, sunlight, and normal recreation. Comparable civil-rights cases involving assault plus degrading confinement often support mid-to high-five-figure compensatory awards, even without catastrophic physical injury.	\$80,000

Emotional & Psychological Injury	Nightmares, panic in confined spaces, hypervigilance, social withdrawal, and post-concussive symptoms persisting for over three years. Awards for sustained psychological harm and PTSD-type symptoms in federal § 1983 and state tort cases regularly reach or exceed the high five-figure range .	\$60,000
Lost Wages & Employment	≈3 months of lost earnings from NAC Custom Carpentry and private projects, using a conservative average of \$1,000/week in tradesman income and overtime opportunities, plus missed short-term project income during incarceration and immediate aftermath.	\$13,000
Business Interruption & Goodwill (Tillerstead / Devon's)	Disruption of ongoing work, lost opportunity to stabilize and relaunch independent contracting after COVID, and continuing damage to brand reputation as a trustworthy contractor; conservative valuation based on 12 weeks × \$750/week plus an additional goodwill component for lost referrals and reputation.	\$24,000
Reputational Harm	Stigma of being labeled a violent “sovereign citizen extremist,” online criminal-case visibility, and resulting reluctance of landlords, employers, and clients to associate with or hire Plaintiff; ongoing difficulty obtaining stable placements and contracts.	\$25,000
Property Loss / Personal Effects	Tools, clothing, documents, aquarium, and two pet tarantulas destroyed at 1525 W. Aloe Street; replacement cost of tools and personal property, plus modest valuation of unique items.	\$5,500

Credit & Housing Damage	Missed payments during confinement, deterioration of credit score, loss of housing stability, and post-release costs of rebuilding credit and securing housing (deposits, fees, higher interest).	\$7,500
Unreturned Retainer	Flat fee of \$5,000 paid to Defendant Tumelty for detention-review and criminal defense services that were never meaningfully performed (no detention motion, no investigation, minimal contact).	\$5,000
Statutory / Punitive Damages (CFA & Punitive)	Treble damages on the \$5,000 unearned retainer as “ascertainable loss” under the New Jersey Consumer Fraud Act (N.J.S.A. 56:8-19), plus a separate punitive component under the Punitive Damages Act (N.J.S.A. 2A:15-5.12) to reflect reckless disregard of liberty interests, valued conservatively in the \$50,000–\$75,000 range for settlement purposes, while reserving the right to seek more at trial.	\$65,000 (mid-range placeholder)

Estimated Compensatory Subtotal (Economic + Non-Economic, before CFA/punitive):**≈ \$323,000 Estimated Total with Statutory / Punitive Component (for settlement purposes):****≈ \$388,000 (round to \$390,000 as a clean settlement demand benchmark)**

I certify that the foregoing Damages Schedule (Exhibit G) is true and correct to the best of my knowledge, information, and belief.

Executed November 8, 2025, in Hamilton Township, Atlantic County, New Jersey.

Respectfully submitted,
s/ DEVON T. BARBER
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**FOR SETTLEMENT PURPOSES ONLY — CONFIDENTIAL COMMUNICATION
PURSUANT TO N.J.R.E. 408 AND FED. R. EVID. 408**

*(This correspondence is submitted solely for compromise discussions and shall not be filed with the Court record or used as evidence of liability.)***November 8, 2025**

Via Email and JEDS Submission

John W. Tumelty, Esq.
Law Offices of John W. Tumelty

Re: Devon Tyler Barber v. John W. Tumelty, Esq.
Civil Part – Certification of Damages and Injury (Settlement Packet)

Dear Mr. Tumelty:

Pursuant to **N.J.R.E. 408**, this letter accompanies my *Certification of Damages and Injury* and supporting Exhibits A through D for the limited purpose of settlement communication. It is **not a public filing** and is offered solely to encourage an early, good-faith resolution of this dispute without further litigation expense.

The enclosed materials document a continuous chain of harm arising from your failure to act on clear grounds for detention review, resulting in my **108-day pretrial confinement** under conditions detailed in the accompanying Certification of Devon Tyler Barber Re: Damages and Injury. Those conditions included **physical assault by correctional officers, extended solitary-type confinement, denial of medical and religious access, and confinement in unsanitary, insect-infested quarters**—conduct raising serious state and federal constitutional concerns.

As summarized in **Exhibit G – Damages Schedule**, my verified losses—economic, emotional, and reputational—exceed **\$380,000**, when evaluated in light of settled precedent recognizing compensable constitutional injury, including:

- *Hope v. Pelzer*, 536 U.S. 730 (2002) (Eighth Amendment liability for punitive conditions of confinement).
- *Smith v. Wade*, 461 U.S. 30 (1983) (punitive damages available under § 1983 for reckless or callous indifference to federally protected rights).

In light of these authorities and the egregious deprivation of liberty detailed in the accompanying certification, I am prepared to consider a **global settlement of \$390,000**, inclusive of all claims, costs, and statutory enhancements, provided payment is tendered within **30 days** of receipt of this packet.

This offer is made **without prejudice** to my rights to pursue full discovery, subpoena production, and disciplinary referral should settlement not be reached.

Please confirm in writing **by December 8, 2025** whether you or your carrier wish to discuss resolution. Absent a timely response, I will proceed with full discovery and trial preparation.

Respectfully submitted,
s/ **Devon T. Barber**
Devon Tyler Barber
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
(609) 665-9350 • Tylerstead@ProtonMail.com

Enclosures: *Certification of Damages & Injury with Exhibits A – D*

Devon Tyler Barber
Plaintiff, Pro Se
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
Phone: (609) 665-9350
Email: Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**JOHN W. TUMELTY AND THE LAW
OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25

**SUBPOENA DUCES TECUM
(R. 1:9-2 – PRODUCTION OF
DOCUMENTS)**

ISSUED BY:

Clerk of the Superior Court of New Jersey
[Name of Clerk or “By: Deputy Clerk”]

(To be completed/endorsed by the Civil Division Clerk pursuant to R. 1:9-1.)

To:

Custodian of Records – Verizon Communications Inc.
Law Enforcement Support Services
180 Washington Valley Road
Bedminster, NJ 07921
Fax: (888) 667-0028
Email: verizonlawenforcement@verizon.com

AND

Custodian of Records – TracFone Wireless, Inc. (Straight Talk)
Legal Compliance Department
9700 N.W. 112th Avenue
Miami, FL 33178
Fax: (305) 715-6932
Email: subpoenas@tracfone.com

Re: *Barber v. Tumelty, et al.*

Docket No.: ATL-L-002794-25

Superior Court of New Jersey, Law Division – Civil Part, Atlantic County

YOU ARE HEREBY COMMANDED to produce for inspection and copying all records and electronically stored information in your possession, custody, or control pertaining to:

Subscriber(s): Devon Tyler Barber

Known Number(s): (312) 550-1338

Counter-party Number: (609) 592-0823 (Joseph Hardemon Sr. / Jr.)

Date Range: May 1 2022 through October 31 2022

Documents Requested:

1. All SMS and MMS message logs (including date, time, direction, and content if retained) between the above numbers.
2. Any multimedia attachments or message content exchanged between those parties.
3. Subscriber information, activation dates, and device identifiers (IMSI/IMEI) for each number during the specified period.
4. Account notes, metadata, and records of deletion, port-out, or service transfer.
5. If your company was *not* the carrier for number (312) 550-1338 during that period, please identify, to the extent known, the carrier that maintained service at that time.

Please deliver responsive materials electronically (via secure download link or encrypted media) to:

Devon Tyler Barber

325 E. Jimmie Leeds Rd., Suite 7 #333

Galloway, NJ 08205

DTB33@protonmail.com

Production is required within 14 days of service unless otherwise agreed or ordered.

Certification of Issuance (R. 1:9-2):

I, Devon Tyler Barber, petitioner *pro se*, certify that this subpoena is issued in good faith for the purpose of obtaining evidence relevant to the above-captioned proceeding and not for any improper purpose.

Failure to comply may subject you to sanctions under **R. 1:9-5**.

Date: 11/8/2025 **Signed:** s/ DEVON TYLER BARBER

Devon Tyler Barber, Plaintiff pro se

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

(609) 665-9350 Tylerstead@ProtonMail.com

Executed this **EIGHTH** day of November 2025.

s/ DEVON T. BARBER

Devon Tyler Barber

Plaintiff, Pro Se

325 E. Jimmie Leeds Road, Suite 7-333

Galloway, New Jersey 08205

Phone: (609) 665-9350

Email: Tylerstead@ProtonMail.com

Devon Tyler Barber
Plaintiff, Pro Se
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
Phone: (609) 665-9350
Email: Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,
Plaintiff,
v.
**JOHN W. TUMELTY AND THE LAW
OFFICE OF JOHN W. TUMELTY,**
Defendants.

Docket No.: ATL-L-002794-25

**SUBPOENA DUCES TECUM
(R. 1:9-2 – PRODUCTION OF
DOCUMENTS)**

ISSUED BY:

Clerk of the Superior Court of New Jersey
[Name of Clerk or “By: Deputy Clerk”]

(To be completed/endorsed by the Civil Division Clerk pursuant to R. 1:9-1.)

To:
Custodian of Records
Atlantic County Justice Facility
5060 Atlantic Avenue
Mays Landing, NJ 08330

YOU ARE HEREBY COMMANDED to produce the following records for inspection and copying within 30 days of service, or on such date as mutually agreed, at the office of the Clerk of the Superior Court, Atlantic County Civil Division, or by secure electronic transmission to Tylerstead@ProtonMail.com.

DOCUMENTS REQUESTED

1. All booking, intake, and classification records for inmate **Devon Tyler Barber (SBI #542255G)** for the period **July 11 – October 26 2022**.
2. All housing logs, disciplinary reports, grievance forms, inmate-request slips (“kites”), and hearing dispositions for the same period.
3. All incident reports, officer notes, and internal memoranda concerning use of force or injuries on or about **July 11 2022 – July 12 2022**, particularly near the admissions area and telephones.
4. All video or surveillance footage from the intake/admissions area, including the hallway and phone zone, during meal-tray service on **July 11 2022** and **July 12 2022** (lunch and dinner periods).
5. All medical and mental-health intake or treatment records, sick-call slips, and prescriptions from **July 2022 – October 2022**.

You may comply by producing legible copies (PDF or ZIP file) via secure email to Tylerstead@ProtonMail.com. Failure to comply may subject you to sanctions under **R. 1:9-5**.

Date: 11/8/2025 **Signed:** s/ DEVON TYLER BARBER
Devon Tyler Barber, Plaintiff pro se
325 E. Jimmie Leeds Rd., Suite 7-333 Galloway, NJ 08205
(609) 665-9350 Tylerstead@ProtonMail.com

Executed this **EIGHTH** day of November 2025.

s/ DEVON T. BARBER
Devon Tyler Barber
Plaintiff, Pro Se
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
Phone: (609) 665-9350
Email: Tylerstead@ProtonMail.com

Devon Tyler Barber
Plaintiff, Pro Se
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**JOHN W. TUMELTY AND THE LAW
OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25

**SUBPOENA DUCES TECUM
(R. 1:9-2 – PRODUCTION OF
DOCUMENTS)**

ISSUED BY:

Clerk of the Superior Court of New Jersey
[Name of Clerk or “By: Deputy Clerk”]

(To be completed/endorsed by the Civil Division Clerk pursuant to R. 1:9-1.)

To:

Custodian of Records
Atlantic County Prosecutor’s Office
4997 Unami Boulevard (Mays Landing, NJ 08330)
—and—
Custodian of Records
Galloway Township Police Department
300 E. Jimmie Leeds Road (Galloway, NJ 08205)

DOCUMENTS REQUESTED

1. All incident reports, supplemental narratives, investigative notes, body-worn camera recordings, and dispatch logs relating to **July 11 2022** and **July 12 2022**, incident location **1525 W. Aloe Street, Galloway Township**.

2. All evidence logs, witness statements, photographs, or recordings pertaining to Devon Tyler Barber and Joseph Hardemon Sr./Jr.
3. Any communications between law enforcement and the Atlantic County Justice Facility regarding Plaintiff's intake, classification, or "threat assessment."
4. Any inter-office correspondence or memoranda referencing "Devon Barber," "Devon Tyler Barber," or "SBI #542255G" from July 2022 – October 2022.

Production requested in digital format (USB, DVD, or email).

You may comply by producing legible copies (PDF or ZIP file) via secure email to Tylerstead@ProtonMail.com.

Failure to comply may subject you to sanctions under **R. 1:9-5**.

Date: 11/8/2025 **Signed:** s/ DEVON TYLER BARBER

Devon Tyler Barber, Plaintiff pro se
325 E. Jimmie Leeds Rd., Suite 7-333 Galloway, NJ 08205
(609) 665-9350 Tylerstead@ProtonMail.com

Executed this **EIGHTH** day of November 2025.

s/ DEVON T. BARBER

Devon Tyler Barber

Plaintiff, Pro Se

325 E. Jimmie Leeds Road, Suite 7-333

Galloway, New Jersey 08205

Phone: (609) 665-9350

Email: Tylerstead@ProtonMail.com

Devon Tyler Barber
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,
Plaintiff,
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**JOHN W. TUMELTY AND THE LAW
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Defendants.

Docket No.: ATL-L-002794-25

**SUBPOENA DUCES TECUM
(R. 1:9-2 – PRODUCTION OF
DOCUMENTS)**

ISSUED BY:

Clerk of the Superior Court of New Jersey
[Name of Clerk or “By: Deputy Clerk”]

(To be completed/endorsed by the Civil Division Clerk pursuant to R. 1:9-1.)

To:

John W. Tumelty, Esq.
The Law Office of John W. Tumelty
121 S. White Horse Pike Hammonton, NJ 08037

DOCUMENTS REQUESTED

1. Entire client file for **State v. Devon Tyler Barber**, Indictment No. 22-10-01440-I / Docket ATL-22-002313-001, including all discovery, correspondence, motions, detention-review drafts, and internal memoranda.

2. Billing records, retainer agreement, and trust-account ledgers showing receipt and disposition of the \$5,000 fee paid in or about July 2022.
3. All emails, texts, or notes exchanged with the Prosecutor's Office, Public Defender's Office, or any third parties referencing Plaintiff's case or detention.
4. Any JEDS or eCourts filings or login receipts associated with Plaintiff's representation.

You may satisfy this subpoena by producing a complete PDF of the client file via email to Tylerstead@ProtonMail.com or by certified mail to the address above.

Failure to comply may subject you to sanctions under **R. 1:9-5**.

Date: 11/8/2025 **Signed:** s/ DEVON TYLER BARBER

Devon Tyler Barber, Plaintiff pro se
325 E. Jimmie Leeds Rd., Suite 7-333 Galloway, NJ 08205
(609) 665-9350 Tylerstead@ProtonMail.com

Executed this **EIGHTH** day of November 2025.

s/ DEVON T. BARBER

Devon Tyler Barber

Plaintiff, Pro Se

325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
Phone: (609) 665-9350
Email: Tylerstead@ProtonMail.com

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**JOHN W. TUMELTY AND THE LAW
OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25

CERTIFICATION OF SERVICE

I, **Devon Tyler Barber**, hereby certify that on **November 8, 2025**, I served true and complete copies of the following documents by electronic delivery and through the **New Jersey Judiciary Electronic Document System (JEDS)** upon all counsel and interested parties listed below:

Documents Served:

- Certification of Devon Tyler Barber Re: Damages and Injury
- Exhibits A through D (inclusive)
- Master Exhibit Index
- This Certification of Service

- Subpoenas Duces Tecum issued to the following custodians of records:
 1. Atlantic County Justice Facility (booking logs, housing records, grievances, video, medical files);
 2. Atlantic County Prosecutor's Office / Galloway Township Police Department (incident reports, body-worn camera footage, investigative notes);
 3. The Law Office of John W. Tumelty (client file, communications, trust account records);
 4. Verizon Communications (cellular records and account information relevant to July 2022 incident and subsequent investigation);
 5. TracFone Wireless / Straight Talk (associated mobile records, metadata, and account logs for period June–August 2022).

Served on:

John W. Tumelty, Esq.
The Law Office of John W. Tumelty
121 S. White Horse Pike, Hammonton, NJ 08037
(Email: jt@johntumeltylaw.com)

Method of Service:

- Electronic Mail (PDF attachments)
 filed electronically with the Superior Court via JEDS/eCourts

I certify under penalty of perjury pursuant to **R. 1:4-4(b)** and **28 U.S.C. § 1746** that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on November 8 2025, in Galloway Township, Atlantic County, New Jersey.

Respectfully submitted,

s/ Devon Tyler Barber
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, NJ 08205
(609) 665-9350 • Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY**LAW DIVISION – CIVIL PART, ATLANTIC COUNTY****DEVON TYLER BARBER,**

Plaintiff,

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**JOHN W. TUMELTY AND THE LAW
OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25**MASTER EXHIBIT INDEX**

<i>Exhibit</i>	<i>Title / Description</i>	<i>Source & Authentication</i>	<i>Relevance / Purpose</i>
A	Verified Post-Conviction Relief Petition (EF-3720750 & EF-3720751) — Filed in <i>State v. Barber</i> (ATL-24-001934).	Filed June 18 2024 in the Superior Court of New Jersey; signed and verified by Plaintiff under penalty of perjury.	Establishes the underlying record of wrongful prosecution, ineffective assistance, and procedural deprivation forming the basis of present damages.
B	First Amended Complaint (ATL-L-002794-25) — Civil action against former counsel, John W. Tumelty.	Filed September 2 2025; verified by Plaintiff and accepted by the Atlantic County Civil Part.	Defines claims for legal malpractice, fiduciary breach, and consumer fraud; provides procedural foundation for the instant certification.
C	Business Records & Wage Evidence — Pay stubs, IRS wage transcripts, and New Jersey Home-Improvement Contractor registration.	Originals obtained directly from employers (Landry's Inc., P.F. Chang's, NAC Custom Carpentry) and official Division of Consumer Affairs certification.	Demonstrates lawful income, employment history, and verifiable financial loss due to prolonged confinement.
D	Damages Schedule and Settlement Communication (Protected by N.J.R.E. 408) — Tabulated summary of economic, non-economic, and punitive losses.	Prepared, signed, and certified by Plaintiff on November 8 2025 as part of the sworn <i>Certification of Damages and Injury</i> under R. 1:4-4(b).	Synthesizes verified records from Exhibits A–D into quantified categories of harm for judicial evaluation, mediation, or early settlement consideration.

Devon Tyler Barber
Plaintiff, Pro Se
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, New Jersey 08205
Phone: (609) 665-9350
Email: Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – CIVIL PART, ATLANTIC COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**JOHN W. TUMELTY AND THE LAW
OFFICE OF JOHN W. TUMELTY,**

Defendants.

Docket No.: ATL-L-002794-25

**[PROPOSED] ORDER
ACKNOWLEDGING RECEIPT AND
FILING OF EVIDENCE**

THIS MATTER having been presented to the Court by Plaintiff, **Devon Tyler Barber**, through his *Certification of Damages and Injury* and accompanying Exhibits A through F, filed in accordance with **Rule 1:4-4(b)** and **Rule 1:6-6**, and the Court having reviewed the same and found good cause for acknowledgment of receipt and filing;

IT IS on this _____ day of _____ 2025,

ORDERED as follows:

1. That the Court acknowledges and accepts into the record Plaintiff's **Certification of Damages and Injury**, dated **November 8 2025**, together with Exhibits **A through F** and supporting **Certification of Service** and **Master Exhibit Index**.
2. That said documents are hereby **entered into the case file** and deemed part of the evidentiary record of this matter and deemed received for the Court's administrative record pending further order.

3. That the Clerk of the Court shall **stamp, docket, and preserve** the submitted certification and exhibits as received and filed.
4. That all parties shall retain their original copies pending further discovery or evidentiary proceedings.

IT IS SO ORDERED.

HON. Sarah B Johnson, J.S.C.

Superior Court of New Jersey, Law Division – Civil Part
Atlantic County Courthouse
1201 Bacharach Blvd., Atlantic City, NJ 08401

Submitted by:

Devon Tyler Barber
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, NJ 08205
(609) 665-9350 • Tylerstead@ProtonMail.com

