

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

**DEVON TYLER BARBER,**  
*Plaintiff, Pro Se,*

v.

**TOWNSHIP OF HAMILTON;**  
**OFFICER EDWARD RUIZ;**  
**OFFICER BRYAN MERRITT;**  
**OFFICER CRISTIAN MARTIN;**  
**OFFICER KYLE MCKNIGHT;**  
**OFFICER RACHEL HARE;**  
**SERGEANT DENNIS BAKKER;**  
**SERGEANT GARY CLUNE;**  
**OFFICER NIJON ISOM,**

Defendants.

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

**SUPPLEMENTAL CERTIFICATION OF**  
**DEVON TYLER BARBER**

*(Re: Body Worn Camera Footage)*

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

1. I am the Plaintiff in the above-captioned matter. I submit this **Supplemental Certification** pursuant to **Rule 1:6-6**, based upon my personal review of **one specific item of discovery only**, as described below.
2. This certification is **strictly limited** to my review of **Officer Edward Ruiz's body-worn camera recording**, and **only those portions that I have personally watched to date**.
3. I have **not yet reviewed**:
  - Officer Ruiz's patrol-vehicle (dash) camera;

- Any footage depicting how Officer Ruiz first observed me, followed me, or positioned his vehicle prior to the stop;
  - Any footage depicting the Wawa location or Officer Ruiz's movements there;
  - Any other officers' body-worn cameras beyond those already separately certified.
4. I expressly **reserve all rights** with respect to:
- Pending discovery requests;
  - Outstanding OPRA and Rule 4:10 discovery;
  - Any future supplemental certifications based on additional footage once reviewed.

## **A. Initiation and Prolongation of the Stop (Ruiz BWC)**

5. On Officer Ruiz's body-worn camera, the **initiating action of the stop** appears at approximately **00:30** into the recording.
6. After initial contact, Officer Ruiz states words to the effect of "**I'll be back in two seconds.**"
7. Contrary to that statement, Officer Ruiz does **not** return within seconds. Instead, approximately **eighteen (18) minutes** elapse before officers re-approach my vehicle.
8. During that interval, I remain seated in my vehicle without being advised that I am under arrest, detained for any extended investigation, or the subject of any community-caretaking concern.

## **B. Return to the Vehicle with Backup Officers**

9. At approximately **18:15** on Officer Ruiz's body-worn camera, **multiple officers** approach my vehicle simultaneously.
10. As this occurs, Officer Ruiz instructs Officer Merritt **not to speak with me**, stating words to the effect of "**No, don't go talk to him.**"

11. This instruction affirmatively **forecloses any alternative interaction**, explanation, or de-escalatory communication with me at that time.
12. Based on my observation, no officer attempts to ask where I am going, whether I need assistance, or whether less intrusive alternatives are available.

### **C. Door Opening and Use of Force**

13. At approximately **18:17**, Edward Ruiz **opens the driver-side door** of my vehicle **without first issuing any verbal command, warning, or explanation**.
14. Only **after** opening the door does Officer Ruiz state words to the effect of "**Do me a favor, step out of the vehicle.**"
15. I respond by asking "**For what?**", seeking an explanation.
16. Edward Ruiz does not provide an explanation and instead initiates **physical contact**.
17. I state words to the effect of "**Ask nicely and I will,**" and repeatedly state that I will comply if released and allowed to exit on my own.
18. Despite these statements, Edward Ruiz places a hand behind my neck and force escalates.
19. At approximately **18:30**, multiple officers are pulling on me simultaneously. I state repeatedly that my clothing is being ripped and ask them to stop.
20. During this time, I am holding the steering wheel with both hands while being pulled, and a vehicle horn sounds.
21. Commands such as "**Stand up**" are issued without any explanation of arrest status or lawful basis.
22. At no point prior to or during this sequence am I told that I am under arrest.

#### D. Post-Force Statements and Admissions

23. After I am forcibly removed, searched, and placed into a patrol vehicle, Officer Ruiz closes the door and states words to the effect of "**I yanked him out.**"
24. Officer Merritt responds words to the effect of "**Yeah, you're good.**"
25. At approximately **22:14**, Officer Ruiz states "**He was gonna go.**"  
Officer Merritt responds "**Yeah.**"
26. At approximately **22:23**, Officer Ruiz states "**I knew he was gonna drive off on me.**"
27. These statements occur **after** I am already restrained and secured.

#### E. Scope Limitation and Reservation

28. This certification makes **no assertion** regarding:
  - Officer Ruiz's decision to follow me;
  - Any observations at the Wawa location;
  - Any alleged driving conduct prior to the stop.
29. Those matters are the subject of **pending discovery**, including requests for:
  - Wawa surveillance footage;
  - Additional body-worn camera footage;
  - Dash-camera recordings;
  - CAD and dispatch materials.
30. I submit this certification solely to memorialize what is plainly visible and audible on **Officer Edward Ruiz's body-worn camera**, without speculation and without prejudice to future filings.

**31.** Attached hereto as **Exhibits A, B, and C**, and incorporated by reference for contextual and analytical purposes only, are **(A)** a true and accurate summary of material statements captured on Officer Edward Ruiz's body-worn camera as personally reviewed by me, **(B)** a non-testimonial analytical addendum addressing failure-to-intervene issues, and **(C)** a supplemental excessive-force argument based solely on the observations certified herein.

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.

Date: December 27, 2025

**/s/ Devon Tyler Barber**

Plaintiff, Pro Se.

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**EXHIBIT A**  
**KEY ADMISSIONS – OFFICER**  
**EDWARD RUIZ**

(Body-Worn Camera Only)

**Attached to:** Supplemental Certification of Devon Tyler Barber (Ruiz BWC)

This exhibit identifies **material admissions and omissions** captured on **Officer Edward Ruiz's body-worn camera**, as certified by Plaintiff. All timestamps refer to the Ruiz BWC recording.

**A. Prolongation and Foreclosure of Alternatives**

- **00:30** – Initiating action of the stop appears on BWC.
- Officer Ruiz states: “**I'll be back in two seconds.**”
- **~18 minutes elapse** before officers return to the vehicle.
- **18:15** – Multiple officers approach simultaneously.

- Officer Ruiz instructs Officer Merritt: “**No, don’t go talk to him.**”

**Admission:** Ruiz affirmatively prevents any alternative communication or de-escalatory contact.

## B. Force Preceding Explanation or Arrest

- **18:17** – Ruiz opens the driver-side door **without any prior command or warning**.
- Only after opening the door does Ruiz say: “**Do me a favor, step out of the vehicle.**”
- Plaintiff asks: “**For what?**”
- Ruiz initiates **physical contact without answering**.

**Admission:** Force begins **before explanation, arrest advisement, or lawful basis is stated**.

## C. Escalation Despite Verbal Compliance

- Plaintiff repeatedly states he will comply if released.
- Ruiz places a hand behind Plaintiff’s neck.
- **18:30** – Multiple officers pull simultaneously.
- Plaintiff states his clothing is being ripped.
- Commands such as “**Stand up**” are issued **without arrest advisement**.

**Admission:** Officers continue force despite verbal compliance and absence of arrest notice.

## D. Flight-Risk Assertions and Post-Hoc Justification

*(Ruiz BWC, informed by prior discussion on Hare BWC)*

- Prior to any use of force, officers briefly **speculated** about whether Plaintiff *might* leave, as reflected on Rachel Hare’s body-worn camera.
- During that discussion, Officer Merritt proposes **parking a patrol vehicle in front of Plaintiff’s car** as a containment measure.
- Officer Ruiz rejects that option, stating words to the effect of: “**Why risk the damage over a traffic infraction?**”
- Despite this discussion, officers do **not**:
  - Announce an arrest;
  - Issue a command to exit the vehicle at that time;

- Implement any containment or less intrusive alternative;
  - Advise Plaintiff that flight was a concern.
- Instead, force is later initiated without warning.
  - **After Plaintiff is forcibly removed, searched, and secured in a patrol vehicle**, Officer Ruiz states:  
**“I yanked him out.”**
  - Officer Merritt responds:  
**“Yeah, you’re good.”**
  - At approximately **22:14**, Officer Ruiz states:  
**“He was gonna go.”**
  - At approximately **22:23**, Officer Ruiz further states:  
**“I knew he was gonna drive off on me.”**

**Admission:**

Although officers engaged in **brief speculative discussion** about the possibility of flight earlier, **no contemporaneous operational decision or command was made on that basis**. Assertions that Plaintiff “was gonna go” or “was gonna drive off” are articulated **only after Plaintiff was already restrained**, and therefore operate as **post-hoc justification**, not a real-time basis for force.

**Relevance:**

These admissions are material to unlawful prolongation, excessive force, failure to intervene, and post-hoc rationalization.

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**EXHIBIT B**

**FAILURE TO INTERVENE**

**(Officers Merritt and McKnight)**

Incorporated by reference: Ruiz BWC

Supplemental Certification

**Legal Standard (Brief)**

An officer who observes another officer using force **without lawful justification** and has a **realistic opportunity to intervene**, but fails to do so, is independently liable.

**Officer Bryan Merritt**

- Present during:
  - The 18-minute prolongation;
  - The door opening without command;
  - The initiation and escalation of force;

- The tearing of Plaintiff's clothing;
- The forced removal and placement into the patrol car.
- Verbally acknowledges force:
  - Responds "**Yeah, you're good**" to Ruiz's admission "**I yanked him out.**"
- Echoes post-hoc justification:
  - Responds "**Yeah**" to "He was gonna go."

**Failure:**

Merritt observed escalating force, heard verbal compliance, and **affirmatively validated the conduct instead of intervening.**

**Officer Kyle McKnight (Senior Officer)**

- Identifies himself as **senior officer on scene.**
- Is present after force has begun.
- Declines supervisory intervention when requested.
- States arrest rationale ("disorderly conduct") **only after force is complete.**

**Failure:**

As senior officer, McKnight had authority and opportunity to stop or correct unlawful force and **did not do so.**

**Conclusion**

Both Merritt and McKnight:

- Observed unlawful force;
- Had time and authority to intervene;
- Failed to act.

Their liability is **independent** of Ruiz's.

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**EXHIBIT C**  
**SUPPLEMENTAL EXCESSIVE-FORCE**  
**ARGUMENT**

(Ruiz BWC Only – Narrow and Surgical)

**Evidence Cited:** Ruiz BWC Supplemental Certification only

**I. Severity of the Alleged Offense**

- No arrest was announced prior to force.
- No explanation or offense was stated before physical contact.
- “Disorderly conduct” is articulated **only after custody**.

**This factor weighs strongly against force.**

**II. Immediate Threat**

- Plaintiff is in a vehicle.

- Stationary, not attempting to flee.
- Verbally compliant and requesting explanation.

**No articulable threat appears prior to force.**

### **III. Resistance vs. Non-Compliance**

- Plaintiff verbally states willingness to comply if released.
- Plaintiff holds steering wheel while being pulled — a defensive response to force, not aggression.
- Commands are issued **after force has begun**, not before.

**Passive non-compliance does not justify escalated force.**

### **IV. Timing of Justification**

- Statements about “going to drive off” occur **after restraint**.
- No contemporaneous flight warning or command precedes force.

**Post-hoc justification cannot retroactively legitimize force.**

### **V. Objective Reasonableness**

Under the totality of circumstances visible on Ruiz’s BWC:

- Force precedes explanation;
- Arrest rationale follows custody;
- Threat is asserted after the fact;
- Alternatives are deliberately foreclosed.

**The force used was objectively unreasonable.**

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**CERTIFICATION OF SERVICE**

I, **Devon Tyler Barber**, certify that on **December 27, 2025**, I served a true and correct copy of the following document(s):

- Supplemental Certification of Devon Tyler Barber (Re: Body-Worn Camera Footage), including Exhibits A, B, and C,

upon counsel for Defendants, **Mr. Warren**, by electronic mail to the address customarily used by counsel for service in this matter.

Service was made contemporaneously with filing through the **New Jersey Judiciary Electronic Document Submission (JEDS)** system, in compliance with the New Jersey Court Rules.

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

/s/ **Devon Tyler Barber**

Plaintiff, Pro Se. Dated: **December 27, 2025**