

**Barber, Devon Tyler**, Pro Se, in proper person.  
c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,  
Galloway, New Jersey, Atlantic County.  
(609) 665-9350 | dTb33@ProtonMail.com

**Date:** October 7, 2025

**Via JEDS Filing System**  
Superior Court of New Jersey  
Atlantic County Vicinage  
Civil Division

**RE:** *Devon Tyler Barber v. John Tumelty, Esq., et al.*

**Docket No.:** L-002794-25

**Subject:** Submission of Subpoenas and Exhibit A in Support of Discovery

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**To the Honorable Court Clerk,**

Please accept for electronic filing via the Judiciary Electronic Document Submission (JEDS) system the attached documents in connection with the above-captioned matter. Included herein are:

1. Subpoenas directed to relevant parties and agencies, including:
  - o Warden, Gerard L. Gormley Justice Facility
  - o Atlantic County Public Defender's Office
  - o John Tumelty, Esq. (Former Counsel)
  - o Atlantic County Prosecutor's Office
  - o Jail Medical Records Department
  - o Criminal Records Division
  - o Apple Inc. (for iCloud account access)
2. **Exhibit A – Statement of Facts and Justification**, detailing the factual and legal basis for the requested materials.

These documents are being filed to facilitate the preservation and production of critical evidence necessary to substantiate claims and ensure a full and fair adjudication of the matter.

Respectfully submitted,

*/s/ Devon Tyler Barber*  
Devon Tyler Barber  
Plaintiff, Pro Se

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## CERTIFICATION OF FILING AND SERVICE

I, **Devon Tyler Barber**, certify that on this date, **October 7, 2025**, in Atlantic County, New Jersey, I electronically submitted the foregoing subpoenas and Exhibit A through the **New Jersey Judiciary Electronic Document Submission (JEDS)** system for filing with the Superior Court of New Jersey.

I further certify that copies will be served upon all parties and recipients identified within the subpoenas in accordance with **Rule 1:5-2** and **Rule 4:14-7** of the New Jersey Court Rules.

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

*/s/ Devon Tyler Barber*

Date: October 7, 2025

**Plaintiff or Filing Attorney Information:**Name Barber, Devon TylerNJ Attorney ID Number Pro Se, in proper person.Address c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,  
Galloway, New Jersey, Atlantic County.Email Address dTb33@ProtonMail.comTelephone Number (609) 665-9350

Superior Court of New Jersey  
Law Division Atlantic County  
Civil Part  
Docket Number L-002794-25

Barber, Devon (Tyler),  
Plaintiff,

v.

John Tumelty, ESQ., et al.,

Defendant. Michael R. Kelly, Warden / Custodian of Records  
Gerard L. Gormley Justice Facility (Atlantic County Jail),  
5060 Atlantic Avenue, Mays Landing, NJ 08330,  
Email: Kelly\_Mike@actlink.org

STATE OF NEW JERSEY TO: \_\_\_\_\_

**YOU ARE HEREBY COMMANDED** to appear in person before the Superior Court of New Jersey, Law Division, Atlantic County, Civil Part, at the Court House located at Atlantic County Civil Courthouse, 1201 Bacharach Boulevard, Atlantic City, NJ on \_\_\_\_\_ at \_\_\_\_\_  a.m./  p.m. and there to testify as a witness in the above-captioned matter.

**YOU ARE ALSO COMMANDED** to bring with you and to produce at that time the following described books, papers, documents and other tangible things: **See Attached Exhibit**

1. **Video Footage:** Please preserve and produce all video from the admissions/booking area during July 11-12, 2022, especially showing the farthest admissions cell near the phones (with a toilet) when I stepped out during tray service with my arms crossed over my chest. If needed, search between 10:00 p.m. July 11 and 8:00 a.m. July 12, 2022.
2. \_\_\_\_\_
3. \_\_\_\_\_

Provided that if you are notified that a motion to quash the subpoena has been filed, the subpoenaed evidence shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action.

Failure to appear or comply with the command of this Subpoena will subject you to the penalties provided by law.

Dated \_\_\_\_\_

Michelle M. Smith, Clerk of the Superior Court

## Proof of Service

I, \_\_\_\_\_, being over the age of 18, served the attached subpoena by delivering a copy to \_\_\_\_\_ at \_\_\_\_\_ and by handing them the fee of \$2.00 for one day's attendance and, if applicable, a mileage fee of \$ \_\_\_\_\_, as allowed by law.

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

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Date

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Signature

1 Barber, Devon Tyler, Pro Se, in proper person.  
2 c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,  
3 Galloway, New Jersey, Atlantic County.  
4 (609) 665-9350 | dTb33@ProtonMail.com

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

DEVON TYLER BARBER,

Docket No. ATL-L-002794-25

Plaintiff,

vs.

EXHIBIT A (DETAILED DESCRIPTION OF  
REQUESTED EVIDENCE)

*JOHN TUMELTY, ET AL.,*

Defendant

6  
7 **Exhibit A – Statement of Relevance and Justification**

8 **Re: Subpoena Duces Tecum to the Warden, Gerard L. Gormley Justice Facility (Atlantic**  
9 **County Jail) For: Devon Tyler Barber v. John W. Tumelty, Esq., et al.**  
10 **Docket No.: ATL-L-002794-25**

11 **Requested Evidence**

12 This subpoena commands the production of all materials for the period **July 10–14, 2022**,  
13 concerning the detention and treatment of **Devon Tyler Barber** at the **Gerard L. Gormley**  
14 **Justice Facility (Atlantic County Jail)**, including all interactions with correctional staff during  
15 **intake, booking, and admissions**.

16 **A. Video / Surveillance Footage**

- 17 • All surveillance or video recordings from the **admissions / booking / intake area**,  
18 including hallways, cell blocks, medical observation units, or officer vantage points.  
19 • Specific focus on **the far admissions cell (with toilet) located near the telephones**,  
20 where I was housed.

- The precise moments during **tray/trash service** when I stepped out of the cell with **arms crossed across my chest**, and any subsequent **physical restraint, assault, or use of force** by correctional officers.
  - Any associated **audio, body camera, fixed camera, or corridor camera recordings** capturing movement before, during, or after the incident.

### **B. Incident / Disciplinary Records & Reports**

- All **incident, disciplinary, or use-of-force reports**, internal investigations, or complaints referencing **Devon Tyler Barber** during July 2022.
  - All **in-house charge forms, internal charge sheets, or officer statements** describing alleged misconduct or restraint.
  - **Officer shift logs, guard rosters, and movement logs** for the admissions area during that week.
  - **Medical or mental health screening records** from intake or post-incident, including any notes of **headaches, confusion, or trauma** symptoms.
  - **Inmate request forms, grievance slips, or communication logs** submitted by or concerning me during the same period.

### **C. Custodial & Retention Information**

- A written certification stating whether the requested video footage and reports are **still preserved, archived, or destroyed**, and if destroyed, the **date and reason**.
  - A copy of the **facility's video and record retention policy** in effect as of **July 2022**.
  - The **name, title, and contact information** of the **records custodian or officer** responsible for maintaining and supervising video and disciplinary records.

## 44 Legal Context and Justification

45 **Relevance and Authority:** Under **R. 1:9-2** and **R. 4:18-1** of the *New Jersey Rules of Court*, a  
46 **subpoena duces tecum** may compel the production of documents and electronically stored  
47 information relevant to pending litigation. The materials requested are directly material to my  
48 civil action, which concerns alleged misconduct, coercion, and resulting harm.

49 **Scope and Reasonableness:** The request is narrowly tailored to a **specific 4-day window** (July  
50 10–14, 2022) and a **defined location** (admissions unit near phones). This meets the standard of  
51 reasonable particularity established in *In re Grand Jury Subpoena Duces Tecum*, 241 N.J. Super.  
52 18 (App. Div. 1990).

53 **Public Officer Compliance:** As the records are held by a public facility, **Rule 1:9-6** authorizes  
54 court enforcement of compliance by the Warden or Custodian of Records. These materials are  
55 not privileged and pertain to official acts within public duties.

56 **Due Process and Preservation Duty:** Video or written records documenting alleged **use of**  
57 **force or inmate injury** implicate due process under the **Fourteenth Amendment** and **Article I,**  
58 **Paragraph 1** of the *New Jersey Constitution*. The **spoliation doctrine** (see *Rosenblit v.*  
59 *Zimmerman*, 166 N.J. 391 (2001)) allows an adverse inference if evidence was destroyed or  
60 withheld after a duty to preserve arose.

61 **Materiality to Claims:** The footage and reports are critical to establishing whether correctional  
62 officers used excessive force or coercion during intake, and whether my **head trauma and**  
63 **impaired cognition** affected subsequent decisions, including a **coerced guilty plea**. These  
64 materials will substantiate claims under *Ziegelheim v. Apollo*, 128 N.J. 250 (1992), recognizing  
65 that negligent or coercive advice during plea negotiations can constitute **legal malpractice**.

66 **Common Knowledge Exception:** To the extent this civil matter involves clear misconduct or  
67 coercion observable to any reasonable person, expert testimony may not be required under the  
68 “common knowledge” doctrine (see *Hubbard v. Reed*, 168 N.J. 387 (2001)).

69 **Supporting Narrative**

70 At the time of these events, I was detained in the admissions unit of the **Gerard L. Gormley**  
71 **Justice Facility**. After requesting to make a phone call, I was **assaulted and restrained by**  
72 **correctional officers**, resulting in **head trauma, disorientation, and physical vulnerability**.  
73 I was housed in the **cell nearest the telephones**, equipped with a toilet. During a tray or trash  
74 service, I **stepped out peacefully with my arms crossed across my chest**, demonstrating  
75 compliance. Despite my non-threatening posture, officers **used excessive and unnecessary**  
76 **force**.

77 This incident — and the moments immediately before and after — were likely **captured by the**  
78 **facility’s surveillance system**. The requested video and reports are **vital to confirm the facts,**  
79 **identify the officers involved, and document the injuries sustained**.

80 These materials are essential to **prove that my mental and physical state was compromised** as  
81 a result of official misconduct, and that **Attorney John Tumelty’s representation occurred**  
82 **within and relied upon a coercive and abusive environment from which he materially**  
83 **benefited**. Without this evidence, I cannot fully or fairly pursue the claims now before the Court.

84 **Respectfully Submitted,**

85 *X(t)X, dtb, Devon Tyler, in Good Faith.*

86  
87 /s/ Barber, Devon Tyler, Pro Se, in proper person.  
88 c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,  
89 Galloway, New Jersey, Atlantic County.  
90 (609) 665-9350 | dtb33@ProtonMail.com

**Plaintiff or Filing Attorney Information:**Name Barber, Devon TylerNJ Attorney ID Number Pro Se, in proper person.Address c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,  
Galloway, New Jersey, Atlantic County.Email Address dTb33@ProtonMail.comTelephone Number (609) 665-9350

Superior Court of New Jersey  
Law Division Atlantic County  
Civil Part  
Docket Number L-002794-25

Barber, Devon (Tyler),  
Plaintiff,

v.

John Tumelty, ESQ., et al.,  
Defendant.

***Subpoena Duces Tecum***

**Atlantic County Public Defender's Office**  
1325 Atlantic Ave, Atlantic City NJ 08401

STATE OF NEW JERSEY TO: \_\_\_\_\_

**YOU ARE HEREBY COMMANDED** to appear in person before the Superior Court of New Jersey, \_\_\_\_\_ Division, \_\_\_\_\_ Atlantic \_\_\_\_\_ County, \_\_\_\_\_ Civil \_\_\_\_\_ Part, at the Court House located at **Atlantic County Civil Courthouse, 1201 Bacharach Boulevard, Atlantic City, NJ** on \_\_\_\_\_ at \_\_\_\_\_  a.m./  p.m. and there to testify as a witness in the above-captioned matter.

**YOU ARE ALSO COMMANDED** to bring with you and to produce at that time the following described books, papers, documents and other tangible things: **See Attached Exhibit**

1. Client file, wet-ink signed agreement for representation / retainer and all notes before Tumelty was retained.
2. \_\_\_\_\_
3. \_\_\_\_\_

Provided that if you are notified that a motion to quash the subpoena has been filed, the subpoenaed evidence shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action.

Failure to appear or comply with the command of this Subpoena will subject you to the penalties provided by law.

Dated \_\_\_\_\_

Michelle M. Smith, Clerk of the Superior Court

## Proof of Service

I, \_\_\_\_\_, being over the age of 18, served the attached subpoena by delivering a copy to \_\_\_\_\_ at \_\_\_\_\_ and by handing them the fee of \$2.00 for one day's attendance and, if applicable, a mileage fee of \$ \_\_\_\_\_, as allowed by law.

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

---

Date

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Signature

**Plaintiff or Filing Attorney Information:**Name Barber, Devon TylerNJ Attorney ID Number Pro Se, in proper person.Address c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,  
Galloway, New Jersey, Atlantic County.Email Address dTb33@ProtonMail.comTelephone Number (609) 665-9350

Superior Court of New Jersey  
Law Division Atlantic County  
Civil Part  
Docket Number L-002794-25

Barber, Devon (Tyler),  
Plaintiff,  
v.

John Tumelty, ESQ., et al.,  
Defendant.

Civil Action  
***Subpoena Duces Tecum***

**Law Office of John W. Tumelty**

539 US Route 9 South, Marmora, NJ 08223

STATE OF NEW JERSEY TO: \_\_\_\_\_

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**YOU ARE ALSO COMMANDED** to bring with you and to produce at that time the following described books, papers, documents and other tangible things: **See Attached Exhibit**

1. Entire client file, including all emails, notes, and communications with prosecutors or courts.  
Copies of retainer, correspondence, and discovery received from the State.
2. \_\_\_\_\_
3. \_\_\_\_\_

Provided that if you are notified that a motion to quash the subpoena has been filed, the subpoenaed evidence shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action.

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Date

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Signature

**Plaintiff or Filing Attorney Information:**Name Barber, Devon TylerNJ Attorney ID Number Pro Se, in proper person.Address c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,  
Galloway, New Jersey, Atlantic County.Email Address dTb33@ProtonMail.comTelephone Number (609) 665-9350

Superior Court of New Jersey  
Law Division Atlantic County  
Civil Part  
Docket Number L-002794-25

Barber, Devon (Tyler),  
Plaintiff,

v.

John Tumelty, ESQ., et al.,  
Defendant.

Atlantic County Prosecutor's Office

4997 Unami Blvd, Mays Landing, NJ 08330

***Subpoena Duces Tecum*****STATE OF NEW JERSEY TO:**

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**YOU ARE ALSO COMMANDED** to bring with you and to produce at that time the following described books, papers, documents and other tangible things: **See Attached Exhibit**

1. All incident or investigative materials referencing, Devon Tyler Barber, July 10–14 2022.
2. Any correspondence with jail regarding use-of-force event in admissions holding cell area.  
Any discovery or case materials later used in plea negotiations.
3. \_\_\_\_\_

Provided that if you are notified that a motion to quash the subpoena has been filed, the subpoenaed evidence shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action.

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DatedMichelle M. Smith, Clerk of the Superior Court

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Date

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Signature

**Plaintiff or Filing Attorney Information:**

Name Barber, Devon Tyler  
 NJ Attorney ID Number Pro Se, in proper person.  
 Address c/o: 325 E. Jimmie Leeds Rd., Suite 7-333,  
Galloway, New Jersey, Atlantic County.  
 Email Address dTb33@ProtonMail.com  
 Telephone Number (609) 665-9350

Superior Court of New Jersey  
Law Division Atlantic County  
Civil Part  
 Docket Number L-002794-25

Barber, Devon (Tyler),  
 Plaintiff,  
 v.

John Tumelty, ESQ., et al.,  
 Defendant.  
 Medical Records Department  
 c/o Gerard L. Gormley Justice Facility  
 5060 Atlantic Ave, Mays Landing NJ 08330

**STATE OF NEW JERSEY TO:**

***Subpoena Duces Tecum***

**YOU ARE HEREBY COMMANDED** to appear in person before the Superior Court of New Jersey, Law Division, Atlantic County, Civil Part, at the Court House located at Atlantic County Civil Courthouse, 1201 Bacharach Boulevard, Atlantic City, NJ on \_\_\_\_\_ at \_\_\_\_\_  a.m./  p.m. and there to testify as a witness in the above-captioned matter.

**YOU ARE ALSO COMMANDED** to bring with you and to produce at that time the following described books, papers, documents and other tangible things: **See Attached Exhibit**

1. All medical and mental-health records July 10 through October 30, 2022.
2. Incident-related assessments, treatment notes, or nurse/EMT logs.
3. \_\_\_\_\_

Provided that if you are notified that a motion to quash the subpoena has been filed, the subpoenaed evidence shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action.

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Dated \_\_\_\_\_

Michelle M. Smith, Clerk of the Superior Court

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Signature

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Galloway, New Jersey, Atlantic County.Email Address dTb33@ProtonMail.comTelephone Number (609) 665-9350

Superior Court of New Jersey  
Law Division Atlantic County  
Civil Part  
Docket Number L-002794-25

Civil Action

***Subpoena Duces Tecum***

Criminal Records Custodian

4997 Unami Blvd, Mays Landing NJ 08330

**STATE OF NEW JERSEY TO:**

**YOU ARE HEREBY COMMANDED** to appear in person before the Superior Court of New Jersey, Law Division, Atlantic County, Civil Part, at the Court House located at Atlantic County Civil Courthouse, 1201 Bacharach Boulevard, Atlantic City, NJ on \_\_\_\_\_ at \_\_\_\_\_  a.m./  p.m. and there to testify as a witness in the above-captioned matter.

**YOU ARE ALSO COMMANDED** to bring with you and to produce at that time the following described books, papers, documents and other tangible things: **See Attached Exhibit**

1. \_\_\_\_\_ Audio and transcript of plea and sentencing hearings.
2. \_\_\_\_\_ Complete docket entries and minute sheets.
3. \_\_\_\_\_

Provided that if you are notified that a motion to quash the subpoena has been filed, the subpoenaed evidence shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action.

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Superior Court of New Jersey  
Law Division Atlantic County  
Civil Part  
 Docket Number L-002794-25

Barber, Devon (Tyler),  
 Plaintiff,  
 v.

John Tumelty, ESQ., et al.,  
 Defendant.

***Subpoena Duces Tecum***

**iCloud / Apple, Inc., et. al, in care of:  
 lawenforcement@apple.com**

STATE OF NEW JERSEY TO: \_\_\_\_\_

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**YOU ARE ALSO COMMANDED** to bring with you and to produce at that time the following described books, papers, documents and other tangible things: **See Attached Exhibit**

1. Access records and data for Apple ID associated with email xtx@divine-tiller.com and
2. phone (312) 550-1338, including login history, recovery activity, and stored or deleted
3. iCloud messages. I am the original account holder but cannot access due to two-factor
- authentication lockout.

Provided that if you are notified that a motion to quash the subpoena has been filed, the subpoenaed evidence shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action.

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