

BRADLEY D. BILLHIMER
Ocean County Prosecutor

ANTHONY U. CARRINGTON
Chief of Detectives



MICHAEL T. NOLAN, JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027
www.OCPONJ.gov

January 19, 2024

Mr. Richard Hone
opra+request-56932-f76af224@requests.opramachine.com

Re: Open Public Records Act (OPRA) request – Emails

Dear Mr. Hone:

This Office is in receipt of your request made under the New Jersey Open Public Records Act (OPRA). Enclosed please find the documents that are responsive to your request. Please be advised that personal identifying information has been redacted pursuant to N.J.S.A. 47:1A-1.1, et seq. Please be further advised that emails consisting of confidential or privileged information, attorney work product and/or intra-agency/inter-agency advisory, consultative or deliberative material have not been included as they are exempt from disclosure under OPRA, pursuant to N.J.S.A. 47:1A-1.1, et seq. Additionally, various emails consisting of duplicates have not been included.

Should you disagree with our decision, please contact us in writing with your concerns so that we may consider them. If I can be of further assistance, please contact me at (732) 929-2027, ext. 3135.

Yours very truly,
Dina R. Khajezadeh
Dina R. Khajezadeh
Assistant Prosecutor

DRK/dk
Enclosures

From: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Sent: Thursday, September 7, 2023 4:14 PM
To: Heisler, Christopher <CHeisler@co.ocean.nj.us>
Subject: [EXTERNAL] RE: Richard Hone Google Subpoena

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Mr. Heisler: I checked with my investigator and we had already done this. See attachment.

From: Heisler, Christopher <CHeisler@co.ocean.nj.us>
Sent: Thursday, September 7, 2023 3:46 PM
To: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Subject: [EXTERNAL] Richard Hone Google Subpoena

Mr. Lane,

Thank you for taking my call this afternoon. Attached please find the order from Judge Rahill in Hone's Ocean County matter wherein a subpoena to Google was quashed. As we discussed, I believe your subpoena should be withdrawn, as (1) I don't believe there is a post-conviction right to send a trial subpoena out in hopes of generating new evidence to support a motion to withdraw a plea, and (2) the present subpoena appears to be an end run by Mr. Hone around Judge Rahill's order. Google has given the victim a deadline of next Thursday to file an objection with the Court, so please let me know by Monday (9/11) whether the subpoena is withdrawn so that we may file a motion to quash if it is not withdrawn.

Thank you,
Chris



Christopher P. Heisler
Senior Assistant Prosecutor
Ocean County Prosecutor's Office
732-929-2027 Ext. 4397
CHeisler@co.ocean.nj.us

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PREPARED BY THE COURT

STATE of NEW JERSEY	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	OCEAN COUNTY
	:	Law Division- Criminal Part
v.	:	
	:	Case No.: 20-000532
RICHARD HONE	:	ORDER GRANTING MOTION
Defendant.	:	TO QUASH

THIS MATTER having been opened to the court by motion of an interested party, Neven Tadros; and Andrew Hannwacker, Esq., appearing on behalf of Defendant, and Assistant Prosecutor Taylor Toscano appearing on behalf of the State; and the parties taking no position on the Motion; and for good cause having been shown;

IT IS on this 30th day of August, 2023, **ORDERED** as follows:

1. Defendant's motion to quash the subpoena issued by Andrew Hannwacker, Esq. upon Google, LLC concerning incoming and outgoing email messages from the email account associated with the filing party [REDACTED] is hereby **GRANTED**.



HON. Kimarie Rahill J.S.C.

Mullen, John [OPD]

From: google-legal-support@google.com
Sent: Saturday, September 2, 2023 4:44 PM
To: Mullen, John [OPD]; TheDefenders, [OPD]
Subject: RE: [EXTERNAL] Re: The People of the State of New Jersey v. Richard Hone (Internal Ref. No. 39775270)

Dear John Mullen:

Thank you for your email. Therefore, Google considers this matter closed.

Regards,
Ra Bacchus
Google Legal Investigations Support

On Mon, Aug 28, 2023 at 15:03 UTC john.mullen@opd.nj.gov wrote:

Mr. Bacchus,

We are interested in withdrawing our request for the records listed on the subpoena. Thank you for your prompt response.

John Mullen

Investigator

Monmouth County - Office of the Public Defender

Ph - [REDACTED]

From: google-legal-support@google.com <google-legal-support@google.com>
Sent: Friday, August 25, 2023 5:32 PM
To: TheDefenders, [OPD] <TheDefenders@opd.nj.gov>
Cc: Mullen, John [OPD] <John.Mullen@opd.nj.gov>
Subject: [EXTERNAL] Re: The People of the State of New Jersey v. Richard Hone (Internal Ref. No. 39775270)

Dear Van W. Lane:

Please see the attached letter regarding the above-captioned matter.

Regards,
Ra Bacchus
Google Legal Investigations Support

From: Heisler,Christopher <CHeisler@co.ocean.nj.us>
Sent: Thursday, September 7, 2023 4:22 PM
To: Lane, Van [OPD]
Subject: RE: [EXTERNAL] RE: Richard Hone Google Subpoena

Thank you very much.

From: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Sent: Thursday, September 7, 2023 4:14 PM
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Carey, Erin

From: Heisler,Christopher <CHeisler@co.ocean.nj.us>
Sent: Wednesday, September 13, 2023 9:05 AM
To: Lane, Van [OPD]
Subject: RE: [EXTERNAL] RE: Richard Hone Google Subpoena

Van,

Thank you for confirming that. The victim also states that defendant has said in a family court filing that your office sent a subpoena to T-Mobile for 8 years of her phone records? Can you confirm whether that is true or not?

Thank you,
Chris

From: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Sent: Thursday, September 7, 2023 4:14 PM
To: Heisler,Christopher <CHeisler@co.ocean.nj.us>
Subject: [EXTERNAL] RE: Richard Hone Google Subpoena

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Hello Mr. Heisler: I checked with my investigator and we had already done this. See attachment.

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Thank you,
Chris



Christopher P. Heisler

Senior Assistant Prosecutor

Ocean County Prosecutor's Office

732-929-2027 Ext. 4397

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Carey, Erin

From: Andrew Hannwacker <achannwacker@gmail.com>
Sent: Wednesday, September 13, 2023 4:18 PM
To: Heisler, Christopher
Subject: Re: Richard Hone
Attachments: image003.jpg

The Judge had asked her Law Clerk to check the status. To the best of my knowledge it has not been resolved yet,
We normally just appear and then adjourn.

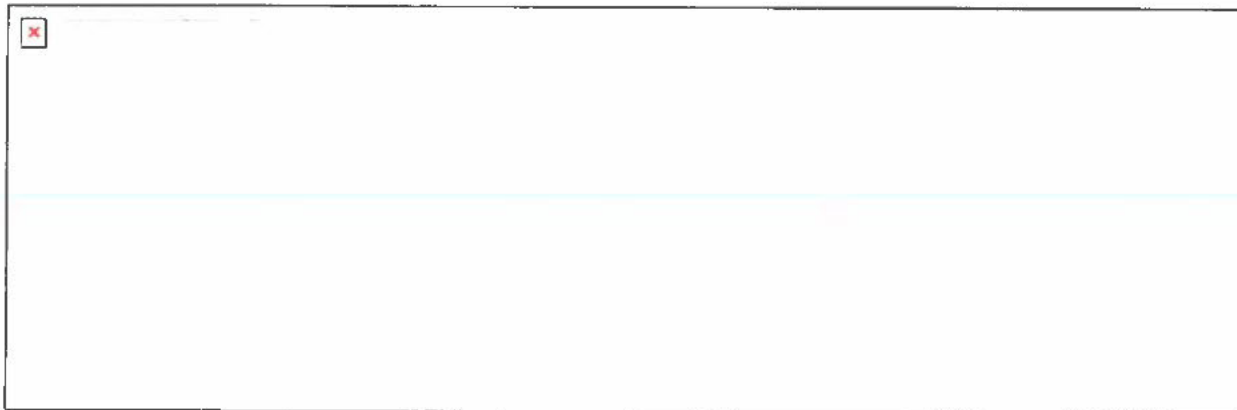
On Wed, Sep 13, 2023 at 2:15 PM Heisler, Christopher <CHeisler@co.ocean.nj.us> wrote:

Andy,

I'm taking over this matter while Taylor is out on leave. Are we still waiting on the Supreme Court to rule?
Just checking whether we should ask for an adjournment or appear on Monday.

Thanks!

Chris



--
Andrew C. Hannwacker, Esq.

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From: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Sent: Friday, September 22, 2023 11:25 AM
To: Heisler,Christopher
Subject: RE: [EXTERNAL] RE: Richard Hone

Agreed.

From: Heisler,Christopher <CHeisler@co.ocean.nj.us>
Sent: Friday, September 22, 2023 11:23 AM
To: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Subject: RE: [EXTERNAL] RE: Richard Hone

In the interim I would expect that if you do receive any documents from these subpoenas, that you will not share them with the defendant, as he is clearly attempting to use your subpoenas to gain an advantage in a family court proceeding.

From: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Sent: Friday, September 22, 2023 11:16 AM
To: Heisler,Christopher <CHeisler@co.ocean.nj.us>
Subject: RE: [EXTERNAL] RE: Richard Hone

I will evaluate your request.

From: Heisler,Christopher <CHeisler@co.ocean.nj.us>
Sent: Friday, September 22, 2023 11:14 AM
To: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Subject: RE: [EXTERNAL] RE: Richard Hone

Respectfully, your office opening a file has no legal effect, and does not change the fact that there is no pending indictment against Mr. Hone. Thus, there is no legal basis for sending out a subpoena issued in the name of the Court for the purpose of compelling documents for a trial that does not exist. Post-Conviction discovery is only available after a showing of good cause with the court, and it defies logic that even though you're not entitled to discovery, you are attempting to seek records belonging to a crime victim via legal process. Please advise if you will withdraw all subpoenas, or if a motion to quash will be necessary.

Thanks,
Chris

From: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Sent: Friday, September 22, 2023 10:47 AM
To: Heisler,Christopher <CHeisler@co.ocean.nj.us>
Subject: [EXTERNAL] RE: Richard Hone

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This office does have an open file for Mr. Hone for the purpose of investigating and filing a motion to withdraw his plea. Pursuant to this effort we are reviewing his case and have subpoena'd records. We have no interest in assisting Mr. Hone in getting around a court order. The investigator I have working on the case is out of the office and I will work on identifying any information re requested when he returns.

From: Heisler, Christopher <CHeisler@co.ocean.nj.us>
Sent: Friday, September 22, 2023 10:38 AM
To: Lane, Van [OPD] <Van.LANE@opd.nj.gov>
Subject: [EXTERNAL] Richard Hone

Good Morning Mr. Lane,

This morning I spoke with the victim in Mr. Hone's matter, who informed me that defendant keeps stating in family court filings that he is using your office to subpoena a bunch of the victim's records, including records related to her cell phone and other private matters. I would once again like to assert that it is our office's position that all such subpoenas are in violation of court rules, as there is no active indictment with Mr. Hone in Monmouth County. Additionally, Mr. Hone has been determined to be a vexatious litigant, and is not permitted to make filings directly with the Court without permission from the assignment judge in Ocean County. It is important that he is not able to use your office to get around the Court's order. Please advise if there are any outstanding subpoenas related to the victim's personal records, so that our office may file a motion to quash.

Thanks,
Chris



Christopher P. Heisler
Senior Assistant Prosecutor
Ocean County Prosecutor's Office
732-929-2027 Ext. 4397
CHeisler@co.ocean.nj.us

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From: Andrew Hannwacker <achannwacker@gmail.com>
Sent: Wednesday, November 29, 2023 8:43 PM
To: Melissa Rolseth
Cc: cheisler@co.ocean.nj.us
Subject: Re: Richard Hone, OCN 20-532

Melissa,

I had the following information:

NJ Sup Ct docketed filings:

088507 (A-1524-21 Appellate)

088296 (A-2508-21 Appellate) filing confirmed by memo from the Supreme Court June 12, 2023.

I do not have access to the Supreme Court filings for these two matters. They were not criminal but appeals of Civil / Family matters but could have implications on the criminal venue decision.

On Tue, Nov 28, 2023 at 4:03 PM Melissa Rolseth <melissa.rolseth@njcourts.gov> wrote:

Good afternoon,

At the last appearance on 11/13, it was discussed that we are still waiting on the cert request to the Supreme Court. I have followed up with the Supreme Court Clerk's Office regarding this matter and they do not have any information regarding an appeal to them. All they can see is the appellate level matter, but no request for cert. If this is incorrect, please provide me some receipt of filing or docket number. Otherwise, we will move forward on this matter at the next appearance on 12/18 and not wait for the appeal any further.

Thank you,

Missy Rolseth

Law Clerk to the Honorable Kimarie Rahill, J.S.C.
Superior Court of New Jersey – Ocean Vicinage, Criminal Division

120 Hooper Ave, Courtroom 7

Toms River, N.J. 08753

Telephone: (732) 504-0700, ext. 64108

E-mail: melissa.rolseth@njcourts.gov

****Please send courtesy copies of all motions, cross-motions, oppositions, and replies directly to Judge Rahill at Rahill.mbx@njcourts.gov.****

Andrew C. Hannwacker, Esq.

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