

BRADLEY D. BILLHIMER
Ocean County Prosecutor

JOSEPH F. MITCHELL
Chief of Detectives



MICHAEL T. NOLAN, JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR

Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027

March 23, 2021

Via OPRA Machine: opra+request-21038-1c1c1350@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request

Dear Mr. Hayes:

Enclosed please find the emails pursuant to your request made under the New Jersey Open Public Records Act (OPRA).

Please be advised that there are no additional documents responsive to your request.

If I can be of further assistance, please contact me at 732-929-2027, x3135.

Yours very truly,
Dina R. Khajezadeh
Assistant Prosecutor

DRK/dp

Enclosures

Prestia , Donna

From: Khajezadeh, Dina
Sent: Friday, March 12, 2021 11:03 AM
To: Prestia , Donna
Subject: FW: OPRA request - documents related to email from sent to M Gibbons on Jan 17, 2021

-----Original Message-----

From: Hayes <opra+request-21038-1c1c1350@requests.opramachine.com>
Sent: Friday, March 12, 2021 10:28 AM
To: Khajezadeh, Dina <DKhajezadeh@co.ocean.nj.us>
Subject: OPRA request - documents related to email from sent to M Gibbons on Jan 17, 2021

Dear Ocean County Prosecutor's Office,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

All documents related to the email sent on January 17, 2021 by B Hayes regarding Michael R Burns. Documents should include any reports, inquiries and emails sent to and from Marjorie Gibbons, B Adams, Michael Burns, Donna Prestia, Shiraz Deen, and Bradley Billhimer that include any reference to the email sent by B Hayes.

Yours faithfully,

Hayes

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-21038-1c1c1350@requests.opramachine.com

Is DKhajezadeh@co.ocean.nj.us the wrong address for OPRA requests to Ocean County Prosecutor's Office? If so, please contact us using this form:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3docean_county_prosecutors_office&c=E,1,MB0ze_mbLFzPnxYMG1WryjKxonwVob3sFIF6HF6E8zME3N1TnpiPnQYC4i0ccuS-4B_t4Ac6F780Rxamer9vXr3Gc4LmRflf9WeqoqO9Rlct8A,,&typo=1

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fhelp%2fofficers&c=E,1,7xP0m6ACjtJh1ohtRjrUYUIEF0QZlaZp1WJqCsdr2eZ6LTaAnD_QUr9EYzOAN6p81p-aVxsgYwOMYxuv421EhHeavkTVLwzRnZjo0X4DKZYgA,,&typo=1

View this OPRA request & responses online:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2frequest%2fdocuments_related_to_email_from&c=E,1,du_NajZFBKFmbCsowqYK6Hg7PcAwzDIB1gVCB0lujGI9n7U_WT726xjEQ95pMGY97IW0xiotsIBJ2df6Bg3Nnt86IP3z206bv120OYE-&typo=1

From: Brian Hayes <hayzor16@comcast.net>
Sent time: 01/17/2021 10:31:36 AM
To: Gibbons , Marjorie
Subject: complaint
Attachments: prosecutor office.odt

I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

Brian Hayes

--

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

Arrest number 43208 A
Devorah Rosenberg
Case number 2013-00062967

To Whom It May Concern:

I was the victim of identity theft when two credit cards were opened in my name in 2013. I did some research and found that it was my former wife who had actually committed the crimes. I reported this to the Brick police dept and it was investigated. The investigation lagged for several months, mainly because the person they wanted to interview simply avoided speaking with them. Eventually after an interview the police arrested her and she confessed.

I went to court and the prosecutor informed me that they were lowering the charge from a crime to a misdemeanor. I asked why and was told that the prosecutor was not looking for me input on the decision, they were simply informing me. The trial was the last of the day. The judge called the case and before the prosecutor could say anything the defense attorney spoke and informed the judge that the charge was being lowered from a crime to a misdemeanor. The prosecutor agreed. The defense attorney asked then that the case be dismissed on the grounds that the statute of limitations for a crime was two years but for a misdemeanor it was only one and the time had passed. The judge dismissed the case.

While many may put this down to simple ineptitude, I cannot believe that any prosecutor could be that stupid. I believe that there is undue influence from the Brick Police Dept. This feeling was enhanced when I requested documents regarding this arrest and was told by a Lt. that he *could* get me the documents that I was asking for but *would* not.

Sincerely
Brian Hayes

From: Adams, Bethanie
Sent time: 02/12/2021 10:05:38 AM
To: Tiernan, Tom
Subject: FW: complaint
Attachments: prosecutor office.odt

Good morning Tom,

Mr. Hayes sent me this narrative with his concerns over a municipal prosecutor. Is this something your unit would look into?



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
BAdams@co.ocean.nj.us

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FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

From: Brian Hayes
Sent: Friday, February 12, 2021 9:54 AM
To: Adams, Bethanie
Subject: Fwd: complaint

Please confirm receipt

----- Forwarded Message -----

Subject: complaint
Date: Sun, 17 Jan 2021 10:31:36 -0500
From: Brian Hayes
To: mgibbons@co.ocean.nj.us

I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

Brian Hayes



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Sincerely
Brian Hayes

From: Adams, Bethanie
Sent time: 02/12/2021 10:00:21 AM
To: Gibbons , Marjorie
Subject: FW: complaint
Attachments: prosecutor office.odt

Hey Marge,

Just wanted to check with you if you recall speaking with Mr. Hayes.



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
BAdams@co.ocean.nj.us

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Sincerely
Brian Hayes

From: Brian Hayes <hayzor16@comcast.net>
Sent time: 02/12/2021 09:54:04 AM
To: Adams, Bethanie
Subject: Fwd: complaint
Attachments: prosecutor office.odt

Please confirm receipt

----- Forwarded Message -----

Subject:complaint

Date:Sun, 17 Jan 2021 10:31:36 -0500

From:Brian Hayes

To:mgibbons@co.ocean.nj.us

I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

Brian Hayes



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Sincerely
Brian Hayes

From: Brian Hayes <hayzor16@comcast.net>
Sent time: 02/12/2021 10:26:48 AM
To: Adams, Bethanie
Subject: Fwd: complaint

----- Forwarded Message -----

Subject: Re: complaint
Date: Tue, 19 Jan 2021 09:09:00 -0500
From: Brian Hayes
To: Gibbons , Marjorie

I believe it was Michael R Burns

On 1/19/2021 8:57 AM, Gibbons , Marjorie wrote:

Received.

Do you happen to know the name of the Prosecutor who handled this case?

Thanks.

The only person you are destined to become is the person you decide to be.
Ralph Waldo Emerson

-----Original Message-----

From: Brian Hayes
Sent: Sunday, January 17, 2021 10:32 AM
To: Gibbons , Marjorie
Subject: complaint

I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

Brian Hayes

--

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From: Brian Hayes <hayzor16@comcast.net>
Sent time: 02/09/2021 08:27:43 AM
To: Gibbons , Marjorie
Subject: Fwd: complaint

I'd like to know what, if any, actions have been taken regarding my complaint. This is my second follow up email.

----- Forwarded Message -----

Subject: Re: complaint
Date: Mon, 1 Feb 2021 16:05:00 -0500
From: Brian Hayes
To: Gibbons , Marjorie

I'd like to know what, if any, actions have been undertaken regarding my complaint.

On 1/19/2021 8:57 AM, Gibbons , Marjorie wrote:

Received.

Do you happen to know the name of the Prosecutor who handled this case?

Thanks.

The only person you are destined to become is the person you decide to be.
Ralph Waldo Emerson

-----Original Message-----

From: Brian Hayes
Sent: Sunday, January 17, 2021 10:32 AM
To: Gibbons , Marjorie
Subject: complaint

I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

Brian Hayes

--

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<https://www.avast.com/antivirus>



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From: Adams, Bethanie
Sent time: 02/12/2021 10:25:00 AM
To: Tiernan, Tom
Subject: RE: complaint

Thank you Tom.

I will relay the information to him.



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
BAdams@co.ocean.nj.us

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From: Tiernan, Tom
Sent: Friday, February 12, 2021 10:24 AM
To: Adams, Bethanie
Cc: Scharfenberg, William
Subject: RE: complaint
Bethanie-

I spoke with Scharf about this. This complaint stems from something that is 7-8 years old, so without more information, Mr. Hayes can file a complaint with NJ Courts against the judge, since it was a judicial decision to eventually dismiss the case. Any questions, let me know.

Tom



Lieutenant Thomas Tiernan
Ocean County Prosecutor's Office
119 Hooper Avenue
Toms River, NJ 08754
Office: 732-929-2027, Ext. 3149
ttiernan@co.ocean.nj.us

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From: Adams, Bethanie BAdams@co.ocean.nj.us>
Sent: Friday, February 12, 2021 10:06 AM
To: Tiernan, Tom TTiernan@co.ocean.nj.us>
Subject: FW: complaint

Good morning Tom,

Mr. Hayes sent me this narrative with his concerns over a municipal prosecutor. Is this something your unit would look into?



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
BAdams@co.ocean.nj.us

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From: Brian Hayes hayzor16@comcast.net>
Sent: Friday, February 12, 2021 9:54 AM
To: Adams, Bethanie BAdams@co.ocean.nj.us>
Subject: Fwd: complaint

Please confirm receipt

----- Forwarded Message -----

Subject: complaint
Date: Sun, 17 Jan 2021 10:31:36 -0500
From: Brian Hayes
To: mgibbons@co.ocean.nj.us

I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

Brian Hayes

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From: Adams, Bethanie
Sent time: 02/12/2021 10:27:44 AM
To: Brian Hayes <hayzor16@comcast.net>
Subject: RE: complaint

Mr. Hayes,

I spoke with the IA Unit here after they had a chance to review your information.

Due to the age of the matter, you can file a complaint with NJ Courts against the judge, since it was a judicial decision to eventually dismiss the case. That will be your best course of action.

They would need more information about the case, in order to determine if anything could be done with regard to the municipal prosecutor.



Bethanie L. Adams

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Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
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BAdams@co.ocean.nj.us

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FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

From: Brian Hayes
Sent: Friday, February 12, 2021 9:54 AM
To: Adams, Bethanie
Subject: Fwd: complaint

Please confirm receipt

----- Forwarded Message -----

Subject: complaint
Date: Sun, 17 Jan 2021 10:31:36 -0500
From: Brian Hayes
To: mgibbons@co.ocean.nj.us

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Brian Hayes



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From: Brian Hayes <hayzor16@comcast.net>
Sent time: 01/19/2021 09:09:00 AM
To: Gibbons , Marjorie
Subject: Re: complaint

I believe it was Michael R Burns

On 1/19/2021 8:57 AM, Gibbons , Marjorie wrote:

> Received.

>

> Do you happen to know the name of the Prosecutor who handled this case?

>

> Thanks.

>

>

> The only person you are destined to become is the person you decide to be.

> Ralph Waldo Emerson

>

> -----Original Message-----

> From: Brian Hayes <hayzor16@comcast.net>

> Sent: Sunday, January 17, 2021 10:32 AM

> To: Gibbons , Marjorie <MGibbons@co.ocean.nj.us>

> Subject: complaint

>

> I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

>

> Brian Hayes

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> <https://www.avast.com/antivirus>

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<https://www.avast.com/antivirus>

From: Brian Hayes <hayzor16@comcast.net>
Sent time: 02/01/2021 04:05:00 PM
To: Gibbons , Marjorie
Subject: Re: complaint

I'd like to know what, if any, actions have been undertaken regarding my complaint.

On 1/19/2021 8:57 AM, Gibbons , Marjorie wrote:

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> Thanks.

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> Sent: Sunday, January 17, 2021 10:32 AM

> To: Gibbons , Marjorie <MGibbons@co.ocean.nj.us>

> Subject: complaint

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> <https://www.avast.com/antivirus>

--

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

From: Adams, Bethanie
Sent time: 02/12/2021 10:02:42 AM
To: Gibbons , Marjorie
Subject: RE: complaint

Thank you!



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
BAdams@co.ocean.nj.us

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From: Gibbons , Marjorie
Sent: Friday, February 12, 2021 10:01 AM
To: Adams, Bethanie
Subject: RE: complaint
Nope!!!



Marjorie Gibbons

Secretary to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2525
MGibbons@co.ocean.nj.us

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*The only person you are destined to become is the person you decide to be.
Ralph Waldo Emerson*

From: Adams, Bethanie BAdams@co.ocean.nj.us>
Sent: Friday, February 12, 2021 10:00 AM
To: Gibbons , Marjorie MGibbons@co.ocean.nj.us>
Subject: FW: complaint

Hey Marge,

Just wanted to check with you if you recall speaking with Mr. Hayes.



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
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Sent: Friday, February 12, 2021 9:54 AM
To: Adams, Bethanie BAdams@co.ocean.nj.us>

Subject: Fwd: complaint

Please confirm receipt

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Subject:complaint

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From:Brian Hayes

To:mgibbons@co.ocean.nj.us

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Brian Hayes



Virus-free. www.avast.com

From: Adams, Bethanie
Sent time: 02/12/2021 09:59:46 AM
To: Brian Hayes <hayzor16@comcast.net>
Subject: RE: complaint

Thank you Mr. Hayes.

I will see what I can learn about the matter.



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
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Brian Hayes



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From: Brian Hayes <hayzor16@comcast.net>
Sent time: 03/10/2021 09:13:36 PM
To: Adams, Bethanie
Subject: Re: complaint

I'd like to know who investigated this complaint and what the results of the investigation were.

On 2/12/2021 10:27 AM, Adams, Bethanie wrote:

Mr. Hayes,

I spoke with the IA Unit here after they had a chance to review your information.

Due to the age of the matter, you can file a complaint with NJ Courts against the judge, since it was a judicial decision to eventually dismiss the case. That will be your best course of action.

They would need more information about the case, in order to determine if anything could be done with regard to the municipal prosecutor.



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
BAdams@co.ocean.nj.us

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FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

From: Brian Hayes
Sent: Friday, February 12, 2021 9:54 AM
To: Adams, Bethanie
Subject: Fwd: complaint

Please confirm receipt

----- Forwarded Message -----

Subject: complaint
Date: Sun, 17 Jan 2021 10:31:36 -0500
From: Brian Hayes
To: mgibbons@co.ocean.nj.us

I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

Brian Hayes

From: Brian Hayes <hayzor16@comcast.net>
Sent time: 02/01/2021 04:04:09 PM
To: Gibbons , Marjorie
Subject: Re: complaint

I'd like to know what, if any, actions have been undertaken regarding my complaint.

On 1/19/2021 8:57 AM, Gibbons , Marjorie wrote:

> Received.

>

> Do you happen to know the name of the Prosecutor who handled this case?

>

> Thanks.

>

>

> The only person you are destined to become is the person you decide to be.

> Ralph Waldo Emerson

>

> -----Original Message-----

> From: Brian Hayes <hayzor16@comcast.net>

> Sent: Sunday, January 17, 2021 10:32 AM

> To: Gibbons , Marjorie <MGibbons@co.ocean.nj.us>

> Subject: complaint

>

> I requested a means to make a complaint regarding the prosecution of a crime and was told simply to write my complaint and email it here. It seems a bit informal so if there are any additional steps needed please let me know

>

> Brian Hayes

>

>

>

> --

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> <https://www.avast.com/antivirus>

--

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

From: Gibbons , Marjorie
Sent time: 02/12/2021 10:01:18 AM
To: Adams, Bethanie
Subject: RE: complaint

Nope!!!



Marjorie Gibbons

Secretary to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2525
MGibbons@co.ocean.nj.us

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*The only person you are destined to become is the person you decide to be.
Ralph Waldo Emerson*

From: Adams, Bethanie
Sent: Friday, February 12, 2021 10:00 AM
To: Gibbons , Marjorie
Subject: FW: complaint

Hey Marge,

Just wanted to check with you if you recall speaking with Mr. Hayes.



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
BAdams@co.ocean.nj.us

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FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

From: Brian Hayes hayzor16@comcast.net>
Sent: Friday, February 12, 2021 9:54 AM
To: Adams, Bethanie BAdams@co.ocean.nj.us>
Subject: Fwd: complaint

Please confirm receipt

----- Forwarded Message -----

Subject: complaint
Date: Sun, 17 Jan 2021 10:31:36 -0500
From: Brian Hayes
To: mgibbons@co.ocean.nj.us

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Brian Hayes



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From: Gibbons , Marjorie
Sent time: 01/19/2021 08:57:45 AM
To: Brian Hayes <hayzor16@comcast.net>
Subject: RE: complaint

Received.

Do you happen to know the name of the Prosecutor who handled this case?

Thanks.

The only person you are destined to become is the person you decide to be.
Ralph Waldo Emerson

-----Original Message-----

From: Brian Hayes <hayzor16@comcast.net>
Sent: Sunday, January 17, 2021 10:32 AM
To: Gibbons , Marjorie <MGibbons@co.ocean.nj.us>
Subject: complaint

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Brian Hayes

--

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<https://www.avast.com/antivirus>

From: Tiernan, Tom
Sent time: 02/12/2021 10:23:50 AM
To: Adams, Bethanie
Cc: Scharfenberg, William
Subject: RE: complaint

Bethanie-

I spoke with Scharf about this. This complaint stems from something that is 7-8 years old, so without more information, Mr. Hayes can file a complaint with NJ Courts against the judge, since it was a judicial decision to eventually dismiss the case. Any questions, let me know.

Tom



Lieutenant Thomas Tiernan
Ocean County Prosecutor's Office
119 Hooper Avenue
Toms River, NJ 08754
Office: 732-929-2027, Ext. 3149
tтиernan@co.ocean.nj.us

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From: Adams, Bethanie

Sent: Friday, February 12, 2021 10:06 AM

To: Tiernan, Tom

Subject: FW: complaint

Good morning Tom,

Mr. Hayes sent me this narrative with his concerns over a municipal prosecutor. Is this something your unit would look into?



Bethanie L. Adams

Confidential Assistant to Prosecutor Bradley D. Billhimer
Ocean County Prosecutor's Office
Office: 732-929-2027 Ext. 2093
Cell: 732-575-4308
BAdams@co.ocean.nj.us

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FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

From: Brian Hayes hayzor16@comcast.net>

Sent: Friday, February 12, 2021 9:54 AM

To: Adams, Bethanie BAdams@co.ocean.nj.us>

Subject: Fwd: complaint

Please confirm receipt

----- Forwarded Message -----

Subject:complaint

Date:Sun, 17 Jan 2021 10:31:36 -0500

From:Brian Hayes

To:mgibbons@co.ocean.nj.us

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Brian Hayes



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