

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Tuesday, August 25, 2020 4:40 PM
To: marlene.ford@njcourts.gov
Cc: Toscano, Taylor; Michelle Tierney; Augustina.Lane@njcourts.gov
Subject: Hone adv. State, Case No. 20000532
Attachments: Richard Hone adv. State, Case No. 2000532, Defendant's Reply Letter Memorandum.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Attorneys' 2nd Supplemental Certification.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit Y.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit Z.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit AA.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit BB.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit CC, Part 1.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit CC, Part 2.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit DD.pdf

Dear Judge Ford,

Please see my attached copied Reply Letter Memorandum, supporting Certification and indicated Exhibits to same, e-filed this date upon the above matter. In this regard, please take particular note of Exhibit DD to my certification, by which the defendant waives his appearance at Friday's hearing.

Please call with any questions.

Respectfully yours,

John Reilly

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August 25, 2020

Hon. Marlene Lynch Ford, A.J.S.C.
Superior Court of New Jersey
Ocean County Superior Court
P.O. Box 2191
Toms River, New Jersey 08754

Via E-Courts & E-mailed to Marlene.Ford@njcourts.gov

Re: State v. Richard Hone
Brick Twp. Complaint/Warrant No. 1506-W-2020-116
O.C. Case No. 20000532

Dear Judge Ford:

Please recall that I represent the defendant, Mr. Richard Hone (defendant), for the above unindicted matter which is the subject of defendants' motion as filed 8/7/2020 seeking an Order **(1)** changing venue, and **(2)** removing/disqualifying the Ocean County Prosecutor's Office from further prosecution of the within matter; and as filed on 8/12/2020 seeking an Order **(1)** Disqualifying Your Honor from sitting in hearing upon said motion, and **(2)** designating another Judge to hear same (defendant's motions). In this regard, I ask that Your Honor please accept the within letter memorandum in observation of events as have since transpired such that further require that defendant's motions be granted and in brief reply to the State's opposition to same filed on 8/14/2020.

STATEMENT OF FACTS

Defendant hereby incorporates by reference the facts as set forth in the pleadings filed upon defendant's motions and as

set forth in my second supplemental attorney's certification filed herewith.

ARGUMENT

I. Your Honor's disqualification from hearing defendant's motions for change of venue and disqualification/removal of the Ocean County prosecutor's Office and naming/designating that judge who shall hear same.

To begin with, it is respectfully submitted that Your Honor must first address defendant's motion for order disqualifying Your Honor and designating another judge to hear defendant's motions for change of venue and disqualification/removal of the Ocean County Prosecutor's Office from office. For it is only if same is denied, that Your Honor will proceed with further hearings. And this is only fitting and proper as it is this motion, most respectfully, which most puts to the test the fine words as have been spoken over the decades. That "'justice must satisfy the appearance of justice." State v. Deutsch, 34 N.J. 190, 206 (1961), quoting Offutt v. United States, 348 U.S. 11, 14 (1954). That said standard requires judges to "refrain ... from sitting in any causes where their objectivity and impartiality may fairly be brought into question." *Ibid.* Or as otherwise stated, that judges must avoid acting in a biased way or in a manner that may be perceived (*emphasis added*) as partial. Denike v. Cupo, 196 N.J. 502, 514-515 (2008). For to demand any less would invite questions about the impartiality of the justice system and thereby "threaten[s] the integrity of our judicial

process." State v. Tucker, 264 N.J. Super.549 (App. Div. 1993),
certif. denied 135 N.J. 468 (1994).

As has been noted, the defendant has brought many civil actions against many judges in many counties. Such as had caused Your Honor, in recognition of the perception of conflict inherent therein, to transfer venue thereof out of Ocean County to one not seen to suffer such perception (**Exhibit I**). Such that have now caused the Monmouth County Court, apparently ignorant of Your Honor's reasons for same, to transfer its pending civil actions from Monmouth County to Ocean County (**Exhibit Z**). But more importantly, such that had, on the very next day following its issuance, rightly caused Your Honor to transfer venue of the within Criminal Complaint out of Ocean County to Burlington County (**Exhibit G**). And although the Criminal Complaint has since inexplicitly been returned to Ocean County (**Exhibit N**), the reasons as once required and now require both a change of venue upon same and Your Honor's disqualification from ruling upon such relief, rather than having abated, have only multiplied. And these most tellingly displayed in the assertive action since taken by Your Honor against the defendant in limiting his access to civil court as founded upon Your Honor's expressed opinion upon the validity of his actions, his behavior, and implicitly, his character (**Exhibits W and AA**).

It cannot be argued but that the parties to actions brought in the Chancery Division, the Family Part or the Law Division most

certainly deserve that same unquestioned sense of fairness and impartiality as does a criminal defendant. But whereas money or family relations are certainly important, and no matter that same be founded in the ongoing on again/off again squabbling of Ms. [REDACTED] and the defendant (**See Exhibits C.J.G. and Y**), the within criminal charges brought against the defendant carry the greatest potent for harm our State Courts have upon its citizens, the wielding of the enormous power to rightly or wrongly deny a man his very liberty.

The Criminal Complaint is the only relevant pending action as having been brought against rather than by the defendant. The Criminal Complaint is the only pending action that the venue for which had not been chosen by the defendant but by the State, then changed by the Court, and now inexplicitly here back again where it started. And most importantly and most respectfully, whereas many judges from many courts may have many opinions on where and how best to handle such pending civil actions while maintaining the essential perception of impartial justice, as things now stand, it is only one Judge and one Court who stand together and alone in offering the very worst chance that such perception may be maintained as the State continues its pursuit of defendant's sole pending criminal charges.

Therefore, and most respectfully, and now recognizing how this matter has proceeded and evolved and the reasonable questions as have been raised upon Your Honor's ability to maintain that

essential appearance of impartial justice that serves as the very foundation of our system of justice, it is now for Your Honor to take that action necessary and Order that Your Honor be disqualified from sitting in hearing upon defendant's motions and designate another Judge to hear same.

II. Removal/Disqualification of the Ocean County Prosecutor's Office from further prosecution of the within matter.

The reasons as support defendant's claims that The Ocean County Prosecutor's Office has gained an appearance of partiality as founded in the actions and allegations as brought against it and its members by Hone have now only been enhanced by the most recent action as specifically names Ms. Taylor Toscano, A.P. and her office as defendants (**Exhibit AA**). But more than that, and most respectfully, and as may be well understood, the tone and content of Ms. Toscano's reply to defendant's motions clearly suggests that as this matter has fought its way from Ocean County to Burlington County and back again, the State's prosecution of Hone as currently pursued by the Ocean County Prosecutor's office has gotten personal. For amid the repeated claims that this Court must not relent to Hone's "forum shopping" (and the as-yet undefined benefits he would thereby gain), in response to the fact that the most **alarming** (emphasis added) alleged harassing text message of 12/28/2019 was neither sent from nor received in Ocean County, Ms. Toscano asserts, and I quote:

"First, with regard to defense counsel's argument that Ocean County is not the proper venue, the State would disagree. Defense counsel is merely speculating as to the location that the victim received numerous text messages from the defendant. It is quite **alarming** (*emphasis added*) that the defendant was in New York, NY yet claims to know the exact location of the victim despite a permanent restraining order in effect. This is merely another attempt to delay prosecution in this case and another attempt by the defendant to show the victim that he is still keeping tabs on her.'

'Despite defendant's allegations that the victim was in Monmouth County, NJ, the State would submit to this Court that the victim was in Brick, NJ at the time of receiving harassing text messages from the defendant, but is not at liberty to discuss the exact location nor the situation surrounding same due to safety concerns for the victim. If Your Honor is inclined to hear the circumstances surrounding the victims location, I would divulge same in a private conference with only attorneys present.'

Two things. First, said restraining order specifically allowed for contact as related to their child and as controlled under the still pending Family Court matter (**Exhibit B**). But more importantly, as demonstrated in the full text message exchanges between Hone and ████████ as transpired between 12/26/2019 and 12/29/2019 (**Exhibit CC**), whatever claimed concern expressed by the State for revealing her location it was ████████ who on 12/26/2019 advised that her planned surgery previously discussed with the defendant was to be conducted at BayShore Medical Center in Monmouth County and that it was in Bayshore Medical Center that she remained upon receiving the alleged most alarming "Thinking of you lol" text message. If Ms. Toscano wished to know whether or not this question of venue was valid, all she had to do was have an investigator from her office reach out to

██████ and ask. Rather than blindly submitting to this Court that ██████ was in Brick within her assertion that all- concerned should be all-the-more alarmed by this defendant's conduct, all Ms. Toscano had to do was have an investigator from her office reach out to ██████ and gain a full reading and flavor of the communications then exchanged.

The record well reflects that this defendant has not made it easy either for this Court nor this Prosecutor's Office to either manage, rule upon or prosecute these sole criminal charges now pending against him. And like the rest of us, prosecutors are human. And like the rest of us, a given case and/or a given defendant can very well get under your skin to the point where the question becomes no longer one of affording impartial justice to a given defendant nor, and as is equally important, maintaining the appearance of same for him and others, but one of winning, of defeating one who is well now perceived as being no longer just another defendant charged with an offense but as an opponent of the State who must not prevail. For, no matter how this matter has proceeded and evolved, and no matter how justified a given prosecutor or his/her office may feel in their attitude and their actions, they must still be held to perform the difficult task of maintaining that appearance of disinterested, impartial justice.

"The appointment of an interested prosecutor raises such doubts. Prosecution by someone with conflicting loyalties
"calls into question the objectivity of those charged with

bringing a defendant to judgment." *Vasquez, supra*, at 474 U. S. 263. **It is a fundamental premise of our society that the state wield its formidable criminal enforcement powers in a rigorously disinterested fashion, for liberty itself may be at stake in such matters** (*emphasis added*). " *Young v. U.S. ex rel. Vuitton et Fils*, 481 U.S. 787, 810-811 (1987).

This matter currently awaits indictment, one as will some day be submitted to a grand jury for a determination of probable cause to indict. We can assume that this Prosecutor's office will steadfastly assure all concerned that it is up to the job of rigorously so presenting its case and pursuing the prosecution of such indictment in the same disinterested fashion as it would for any other file. But actions speak louder than words, and we must assume that all citizens are watching. And this being the case, based upon what we and the public now know of this Prosecutor's Office's now displayed desire to maintain the prosecution of a matter for which its County lacks venue for its most serious charge, such as would reasonably appear to coincide with and fueled by the numerous civil complaints brought against its members, how can this defendant or the public at large plausibly be assured that a grand jury will be given all the facts, both inculpatory and exculpatory, for its review, or if indicted that the defendant will be dealt with as fairly and impartially as any other defendant, whether in plea negotiations or at trial.

That answer is that such assurance simply cannot be had and consequently it is now for this Court to remove/disqualify the Ocean

County Prosecutor's Office from further prosecution of the Criminal Complaint.

Conclusion

For the reasons set forth above, it is respectfully submitted that Your Honor must grant defendant's motion and enter the forms of Order(s) submitted disqualifying Your Honor from hearing defendant's motions, or should Your Honor deny same, granting defendant's motions for change of venue and removal/disqualification of the Ocean County Prosecutor's Office from further prosecution of the Criminal Complaint.

Thank you for your kind attention.

Respectfully submitted,

S/John P. Reilly

John P. Reilly

JPR/afr
Enclosures

cc (w/encls., via e-courts & e-mail): Ms. Taylor Toscano, A.P.

JOHN P. REILLY, ESQ.
One Hadley Avenue, P.O. Box 4748
Attorney I.D. No. 015041980
Toms River, NJ 08754
(732) 244-5100, john@johnreillylaw.com
Attorney for Defendant, Richard Hone

THE STATE OF NEW JERSEY,

Plaintiff,

vs.

RICHARD HONE,

Defendant.

SUPERIOR COURT OF NEW JERSEY
OCEAN COUNTY
LAW DIVISION / CRIMINAL PART

CASE NO. 20000532

COMPLAINT-WARRANT NO. 1506-W-2020-116

Criminal Action

DEFENDANT'S ATTORNEY'S SECOND
SUPPLEMENTAL CERTIFICATION IN SUPPORT OF
DEFENDANT'S MOTION PURSUANT TO R. 1:12-2
AND R. 1:12-3 FOR ORDER (1)
DISQUALIFYING THE HONORABLE MARLENE
LYNCH FORD, A.J.S.C. FROM SITTING IN
HEARING UPON DEFENDANT'S PENDING MOTION
FOR ORDER TRANSFERRING VENUE OF THE
PROSECUTION OF THE CRIMINAL COMPLAINT
OUT OF OCEAN COUNTY TO A VENUE DEEMED
MOST APPROPRIATE IN KEEPING WITH THE
RULES OF COURT, AND REMOVING/
DISQUALIFYING THE OCEAN COUNTY
PROSECUTOR'S OFFICE FROM FURTHER
PROSECUTION OF THE CRIMINAL COMPLAINT,
AND (2) DESIGNATING ANOTHER JUDGE TO
HEAR SAME.

I, JOHN P. REILLY, ESQ., do hereby certify to the following:

1. I am an Attorney at Law of the State of New Jersey
representing the defendant, RICHARD HONE (hereafter the defendant), for
the above captioned matter and as such am fully familiar with the
substance of this Certification.

2. In effort to provide a complete record in this matter, please
see the attached additional lettered Exhibits as relate to this matter:

Y. 9/13/2019 Order of Dismissal of FRO entered on 9/28/2017 in the
matter of [REDACTED] v. Hone, Docket No. MON-FV-13-1267-17 as requested
by Plaintiff, [REDACTED].

Z. 8/13/2020 Order of Monmouth County Assignment Judge Lisa P. Thornton transferring venue of the captioned matters from Monmouth County to Ocean County for the reasons given.

AA. 8/15/2020 forms of Order to Show Cause and Verified Complaint as brought by Hone against Taylor Toscano, A.P. and the Ocean County Prosecutor's Office which I am advised has been assigned Monmouth County Docket No. MPON-L-2573-20.

BB. 8/21/2020 Order of the Honorable Marlene Lynch Ford, A.J.S.C. as entered upon her Honor's own motion for Order to Show Cause dated 8/6/2020.

CC. Defendants Supplemental Certification dated 8/25/2020.

DD. Defendant's correspondence of 8/23/2020 waiving his appearance at hearing.

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.

Respectfully submitted,

S/John P. Reilly

Dated: August 25, 2020

JOHN P. REILLY, ESQ.
Attorney for defendant,
Richard Hone

ORDER PREPARED BY THE COURT

SUPERIOR COURT OF NEW JERSEY
MONMOUTH VICINAGE

ORDER TO CHANGE VENUE

Richard Hone

Plaintiff

vs.

DOCKET NO.: C-8-20

[REDACTED]

Defendant

[REDACTED]

Plaintiff

vs.

DOCKET NO.: FD-13-186-20

Richard Hone

Defendant

Richard Hone

Plaintiff

vs.

DOCKET NO.: L-2353-20

Gregory Acquaviva

Defendant

Richard Hone

Plaintiff

vs.

DOCKET NO. L-2527-20

Richard English, Lisa Thornton,
Gregory Acquaviva

Defendant(s)

Richard Hone

Plaintiff

vs.

DOCKET NO. L-2528-20

Richard English, Lisa Thornton,
Gregory Acquaviva, et al.

Defendant(s)

-Z-

Richard Hone

Plaintiff

vs.

Docket No. L-2529-20

Christopher Gramiccioni, Donna Morgan,
Lisa Thornton, et al.

Defendants(s)

These matters come before the court, sua sponte; and the court having found that venue was improperly laid pursuant to Rule 5:2-1 in the Family Part matters under docket numbers C-8-20 and FD-13-186-20 as the parties and child reside in Ocean County and the plaintiff Richard Hone has filed multiple lawsuits against the Honorable Gregory Acquaviva, J.S.C. who is presiding over those matters; and the court having further found that venue is improper in the Law Division matters under docket numbers L-2353-20, L-2527-20, L-2528-20¹ and L-2529-20 because named defendants in these matters include Judges in the Monmouth Vicinage;

IT IS on this 13th day of August 2020,

ORDERED that the venue in the above-captioned matters (C-8-20, FD-13-186-20, L-2353-20, L-2527-20, L-2528-20, and L-2529-20) is hereby transferred to Ocean County for disposition by a judge to be designated by the Honorable Marlene Lynch Ford, A.J.S.C.; and it is further

ORDERED that a copy of this Order be served on all parties of interest via ECourts or regular mail within seven (7) days of the date herein.

/s/ Lisa P. Thornton

LISA P. THORNTON, A.J.S.C.

¹ Plaintiff attempted to file docket L-2528-20 in the Chancery Division, General Equity Part, however, the complaint sets forth a cause of action for violation of civil rights, case type 005, and seeks monetary damages. Consequently, the complaint is not cognizable in Chancery.

OTSC

Richard Hone

557 AS ORIGINAL PROCESS
SUBMITTED WITH NEW COMPLAINT
PRELIMINARY INJUNCTIVE RELIEF AND
TEMPORARY RESTRAINING ORDER
PURSUANT TO RULE 4:52

Richard Hone

(Insert the plaintiff's name),
Plaintiff(s).

Taylor Toscano

(Insert the defendant's name),
Defendant(s).

Law Superior Court of New Jersey
Division Monmouth County
CIVIL Part

Docket No.:

CIVIL ACTION

ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINTS
PURSUANT TO RULE 4:52

THIS MATTER being brought before the court by Richard Hone, attorney for
plaintiff, RICHARD HONE, seeking relief by way of temporary restraints pursuant to
R. 4:52, based upon the facts set forth in the verified complaint filed herewith; and it appearing
that (the defendant has notice of this application) or [defendant consent's to plaintiff's
application] or [immediate and irreparable damage will probably result before notice can be
given and a hearing held] and for good cause shown

It is on this 18 day of August, 2012 ORDERED that defendant, Taylor Toscano
[insert the defendant's name], appear and show cause before the Superior Court at the Monmouth County Courthouse in
Freehold, New Jersey at 9 o'clock in the AM noon or as soon thereafter as counsel
can be heard, on the 18 day of August, 2012 why an order should not be issued
preliminarily enjoining and restraining defendant, [insert the defendant's name], from

- A. [Set forth with specificity the return date relief for the plaintiff is seeking]. August 18th
B. Making Defamatory, Libelous, Slandorous Statements
C. Violating HONE'S CIVIL RIGHTS in Retaliation.
D. Granting such other relief as the court deems equitable and just. Plaintiff

And it is further ORDERED that pending the return date herein, the defendant is
[temporarily] enjoined and restrained from:

- A. [Set forth with specificity the temporary restraint that the plaintiff is seeking].
Preventing "Toscano" from making any Defamatory
Libelous, or Slandorous Statements

-AA-

- B. Continuing to Violate P.H.R. Civil Rights
C. Maliciously Prosecuting P.H.R.

And it is further ORDERED that:

1. The defendant may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to the [plaintiff's attorney or alternate, plaintiff].
2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendant [personally or otherwise: describe form of substituted service] within 1 SAME DAY days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.
3. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant no later than three ^{days} before the return date.
4. Defendant shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by 8/17/2020. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/cvuse/10153_doprvcclerklawref.pdf. You must send a copy of your opposition papers directly to Judge _____, whose address is 71 Monument Park, New Jersey. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ 250 and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.
5. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by 8/17, 2020. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.
6. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default.

provided that the plaintiff files a proof of service and a proposed form of order at ~~least three days~~ ^{ATTACHED} prior to the return date.

7 If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8 Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause, not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at:

http://www.judiciary.state.nj.us/prose/10153_deprvcclerklawref.pdf. Include a ^{\$250} filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

9 If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-578-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deprvcclerklawref.pdf.

10. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than 45 days before the return date.

15C

Richard Hone
24 Johnston Ave.
Brick NJ 08724

RICHARD HONE
Plaintiff, Pro-Se

v.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH COUNTY
Docket No. L-

Civil Action
PROPOSED ORDER

TAYLOR TOSCANO, JOHN/JANE DOE(S)
OC PROS as individuals (#5) ET AL
Defendant

THIS MATTER having come before the court upon motion (OTSC) of plaintiff, Richard Hone and after having considered the pleadings filed and oral argument of plaintiff and for good cause appearing to exist:

1. DEFENDANT IS RESTRAINED FROM AKING DEFAMATORY, LIBELOUS AND SLANDEROUS STATEMENTS IS GRANTED.
2. DEFENDANT IS RESTRAINED FROM CONTINUING TO VIOLATE PLAINTIFF'S CIVIL RIGHTS AND TO MALICIOUSLY PROSECUTE PLAINTIFF IS GRANTED
3. _____ IS GRANTED
4. Any other remedy or relief the court deems fit after reading the complaint and hearing oral argument IS GRANTED.

IT IS HEREBY ORDERED on this _____ day of August, 2020 that plaintiff's Proposed Order IS HEREBY GRANTED;

J.S.C.

Date: _____

Richard Hone, PH [REDACTED]
24 Johnston Ave.
Brick, NJ 08724
[REDACTED]

RICHARD HONE
Plaintiff, Pro Se

SUPERIOR COURT OF NEW JERSEY
MONMOUTH COUNTY
LAW DIVISION
Docket No. _____

V.

CIVIL ACTION
Complaint

TAYLOR TOSCANO, OC PROSECUTORS OFFICE as individuals,
JOHN and JANE DOE(S) 1-60
Defendants

Verified Complaint

Plaintiff, Richard Hone, residing at c/o above address, 24 Johnston Ave., Brick NJ 08724, County of Ocean, State of New Jersey, complaining of defendants, states as follows:

Preliminary Statement

I am applying Erickson v. Pardus 551 US 89, 94 which states that a "document filed pro-se must be liberally construed by the court" and a "pro-se complaint, however inartfully pleaded, must be held to a less stringent standard than formal pleadings drafted by attorneys".

The defendants are being sued in their Individual Capacity under Hafer v. Melo 502 US 21 and therefore can be sued under the 1964 Civil Rights Act, as well as the Immunity Exception, which states in NJSA 59:3-14 Public Employees Immunity Exception; a. Nothing in this act shall exonerate a public employee from liability if it is established that his conduct was outside the scope of his employment or constituted a crime, actual fraud, actual malice or willful misconduct.

I am citing, among other landmark and seminal cases for Defamation (which is joined here with the Civil Rights Violations) JOBS V. EVANGELISTA 369 N.J. Super. 384, (2004) 849 A.2d 186 and NY TIMES V. SULLIVAN 376 US 254 (1964) as they apply to this "bleached filthy blond clown masquerading as an upstanding government employee"

It is alleged defendant(s) (again) violated Mr. Hone and his daughter [REDACTED] Civil Rights, the 1st, 9th, and 14th Amendments and DEFAMATION, with malice, willful misconduct, purposely, maliciously and in conspiracy with each other on or about 8-14-20 to current by:

1. On August 14, 2020 plaintiff, while in Monmouth County received an email from his attorney John Reilly telling him to review a filing from DEFENDANT TAYLOR TOSCANO,

which contained numerous Civil Rights Violations as well as so many DEFAMATORY, LIBELOUS AND SLANDEROUS MISSTATEMENTS IT SHOCKED THE CONSCIENCE.

2. Defendant Toscano, with the blessing of her cohorts, and with actual malice, willful misconduct, did make statements like "he has filed multiple frivolous and meritless lawsuits", even though this low-life KNOWS there are at least 5 lawsuits PENDING AGAINST HER. Including one in FEDERAL COURT for Violating my and my 5-year-old daughter's Civil Rights. This PROVES SHE HAS A VENDETTA and is CLEARLY OUT TO MALICIOUSLY PROSECUTE ME in the "contempt" of court matter, which she is so insane about it's causing her to go so far over the Legal Bounds of her JOB that she needs to seek employment elsewhere.
3. Made false and defamatory, libelous and slanderous false statements regarding the whereabouts of the mother of my child (Monmouth County in the hospital) on the alleged date of a "harassing" text message over 2 MONTHS earlier she CLEARLY KNOWS IS A LIE (even though there is a massive, over 2 month long text message chain that never talks about anything harassing, which DEFENDANT Toscano is clearly aware of).
4. Made defamatory statements regarding the massive Civil Rights violations we had had to ENDURE for over 5 YEARS at the hands of CORRUPT PROSECUTORS AND JUDGES IN OCEAN COUNTY, calling it "Forum Shopping", which is malicious, NOT TRUE, defamatory, and a pure violation of our CIVIL RIGHTS, it's would be comical if it wasn't so pathetic. Coming from a _____ it's almost a compliment.
5. Other massive Civil Rights violations and Defamatory misstatements I will bring in Amended complaints moving forward.

The defendants reside/work at 119 Hooper Ave. Toms River, NJ 08754, in the county of Ocean, State of New Jersey.

1. Plaintiff is entitled to relief from defendant under the above facts.
3. The harm that occurred as a result of defendant's acts include:
 1. Plaintiff has suffered severe emotional harm from the actions of defendant that plaintiff may never recover from.
 2. Plaintiff has again had his civil rights violated by more Ocean County employees and has suffered immense emotional damage that can never be made whole by money alone. I'm seeking the removal of this prosecutor(s) so they can't hurt anyone else by her despicable and corrupt actions and acts.

3. Plaintiff has been shamed and embarrassed this egregious act and fears he will never have Justice for him and his daughter so long as the prosecutors are the actual violators of his and [REDACTED] Civil Rights.
4. Plaintiff fears for his safety and will be forced to move
5. Plaintiff seeks an \$50,000,000.00 million dollars in damages, both compensatory and punitive.

Wherefore, plaintiff requests judgment against defendant for \$50,000,000.00 in damages, together with attorney's fees, cost of suit, and any other relief as the court may deem proper.

Richard Hone

Richard Hone, Plaintiff, Pro-Se

8/15/20

Date:

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending proceeding to the best of my knowledge and belief except for the Family Court matters, which only effect the possessions inside storage, not the storage facility on which the lien is placed. Also, to the best of my knowledge or belief Further, other than the parties set forth in this complaint, I know of no other parties at this point be made a party to this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Richard Hone

Richard Hone, Pro-Se

8/15/20

Date:

JURY DEMAND:

The plaintiff demands trial by jury on all triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a)

Richard Hone

Richard Hone, Pro-Se

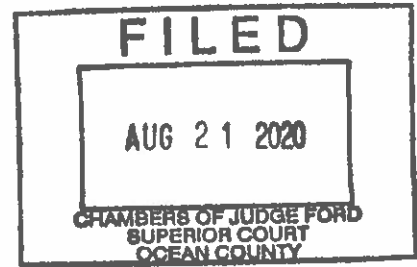
8/15/20

Date:

I swear the Above Statements made by me are true. If any of the above Statements made by me are false, I am subject to perjury.

Richard Hone
(FATHER to SERENITY)

8/15/20
DATE



ORDER PREPARED BY THE COURT

In the Matter of Richard Hone

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: OCEAN COUNTY

Docket No.: OCN-L-1803-20

CIVIL ACTION

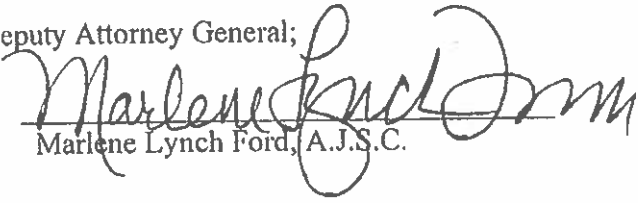
ORDER

This matter came before the court on its own motion, *sua sponte*, for the purpose of considering whether restraints authorized under Rosenblum v. Borough of Closter, 333 N.J. Super. 385 (App. Div. 2000) should be imposed against Richard Hone, a resident of Brick Township, Ocean County, New Jersey; and it appearing that since at least 2018 Richard Hone has filed an extraordinary number of civil complaints, most of which complaints are of little if any merit; that as appears from the attached printout from the Automated Case Management System, Richard Hone has filed at least fifty-seven civil complaints, most of which have been filed since the 2018 court year; that these complaints have been filed in the Ocean, Middlesex, Essex, Monmouth, Union, Burlington, Camden, Cumberland, Atlantic, Mercer court vicinages; that the office of the Attorney General, Division of Law, has been compelled to represent Superior Court Judges and other employees of the New Jersey Judiciary in these actions; that the OAG has been assigned representation in approximately 40 cases mostly filed since 2018; and that 24 of those cases were dismissed with prejudice and six were dismissed without prejudice; that Richard Hone is a serial filer of civil lawsuits, which unfairly burdens the court system and which are even in a light viewed most favorable to the Plaintiff, Richard Hone, to be without merit and frivolous; that this court has been obligated to impose restraints upon Richard Hone due to his vulgar, insulting and inappropriate telephonic contacts with court staff; that it appears that the imposition of restraining orders have not been successful in curtailing Richard Hone's weaponizing the litigation process; and it further appearing that meaningful monetary sanctions cannot be imposed because of his indigency status; and the court having conducted a hearing on this application on August 21, 2020; Richard Hone appearing self represented; and Peter Sosinski, Deputy Attorney General appearing

on behalf of the Office of Attorney General, Division of Law; and the cross motion of Richard Hone to recuse the court and to transfer venue of this application to another Assignment Judge; and for good cause shown and for the reasons set forth on the record,

It is on this 21st day of August, 2020 Ordered:

1. This court finds Richard Hone to be a vexatious litigant and abusive of the legal process; that it is appropriate and it is required that any pending or future civil filings in any court vicinage throughout the Judiciary of the State of New Jersey shall first be reviewed as to merit by an Assignment Judge of the Superior Court, after the complaint is filed and is given a docket number, but before service is effectuated on any party, and that the Assignment Judge shall determine for good cause whether the filing should be dismissed as patently frivolous or non-meritorious, or whether it shall be permitted to proceed as a civil action complaint;
2. That the motion of Richard Hone to recuse the court and to transfer venue to another county is denied.
3. That the court shall provide a copy of this order to all vicinages within the state of New Jersey;
4. That a copy of this order shall be mailed by regular mail to Richard Hone at his last known address in Brick Township, NJ, and a copy shall be provided to the Office of the Attorney General, Peter Sosinski, Deputy Attorney General;


Marlene Lynch Ford, A.J.S.C.

JOHN P. REILLY, ESQ.
One Hadley Avenue, P.O. Box 4748
Attorney I.D. No. 0150419800
Toms River, NJ 08754
1732 244-5100, john@johnreillylaw.com
Attorney for Defendant, Richard Hone

THE STATE OF NEW JERSEY,
Plaintiff,
vs.
RICHARD HONE,
Defendant.

SUPERIOR COURT OF NEW JERSEY
OCEAN COUNTY
LAW DIVISION / CRIMINAL PART
CASE NO. 20060532
COMPLAINT-WARRANT NO. 1506-W-2020-116
Criminal Action
DEFENDANT'S CERTIFICATION

I, RICHARD HONE, do hereby certify to the following:

1. I am the defendant in the above captioned matter in which I am charged with having committed offenses on/about December 28, 2019 in Brick Township, Ocean County, NJ. I deny having committed these offenses. Attached hereto please find the following lettered Exhibits as relate to the only such offense which I am advised is alleged to have been committed on the date of December 28, 2019:

A. My text message exchange with [REDACTED] 12/26/2019 wherein she told me that the surgery that she had planned was being performed at Bayshore Medical Center, Holmdel, Monmouth County, New Jersey (Bayshore Hospital).

B. The subject text message of 12/28/2019 sent at 7:59 a.m. when [REDACTED] was admitted to Bayshore Hospital.

C. Text message of 12/28/2019 received from [REDACTED] at 5:37 p.m. when she was admitted to Bayshore Hospital.

D. My text message exchange with [REDACTED] 12/29/2019 when she remained admitted to Bayshore Hospital before going home.

12/14/20
2/25/20

-CC-

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.

Dated: August 25, 2020


RICHARD HONE

< [redacted]
Phone # JPM



Thursday, December 26, 2019

Good
luck with
surgery

4:31 AM



Thank you

4:32 AM

You'll be
fine piece



-A-

< [redacted]
Phone #
JVR



You'll be
fine piece
of cake
and maybe
it will turn
you into
a Nice
person too
lolol



1:26 AM

[redacted]

Phone #
JPR



veena



[Redacted]

lolol

4:36 AM



I'll be nice
when you
are nice
Bayshore
Medical
Center
Holmdel

4:



1

<
Phonetic
JRM

VOCHA
[REDACTED]



Holmdel

4:46 AM

I'm always
nice ex-
cept when
anyone
keeps

[REDACTED]
from me
and why



< [redacted]
Phone #
JPD



and why
are you
telling
me where
you'll be?
Is that
a hint
to send
flowers or
candy or



[redacted]

Phonetic
JPR



VCCN



flowers or
candy or
better yet
"Not forget
to hold the
door for
you"

4:49 AM



No just

.

From



Phone #
JPK

4:49 AM

you



No just
in case
you get
the urge
to check
on your 4
million

4:50 AM



Listen

< phone

JAN

VCCRD

[REDACTED]



million

4:50 AM

Oh yeah
good think-
ing I gotta
protect my
investment

4:51 AM

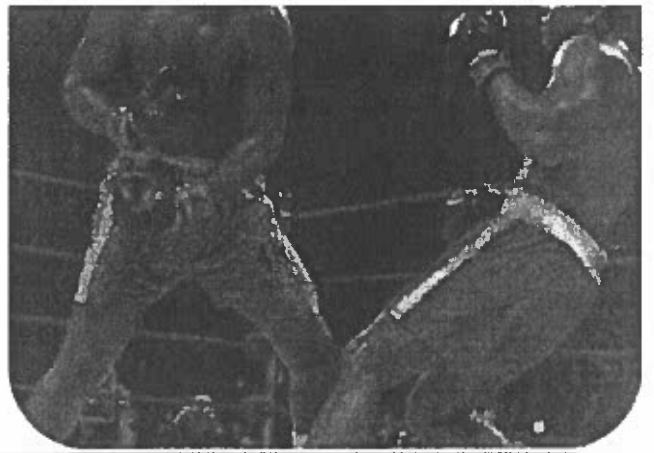


Right

4:52 AM



Enter



Thinking of
you lol

MMS
7:53 AM

I am
missing



so much



-B-

persistent
lol

4:20 PM



I am
highly
medicated
right
now very
-C- drowsy



5:37 PM

phone #
Jill



VOUCHA

[REDACTED]



Sunday, December 29, 2019

It looks
like they
approved
Family
wizard for
me just got
an email

1:13 PM



-D-

[REDACTED]

< [redacted]
Photo
JIA

[redacted]



wizard for
me just got
an email

1:13 PM



Ok when I
get home
I'll look

1:14 PM



(1/6) As
you are



[redacted]

Richard Hone [REDACTED]
C/O 24 Johnston Ave.
Brick NJ 08724
[REDACTED]

NOTICE TO WAIVE APPEARANCE AT MOTION HEARING 8-28-20

Case number 20000532 state of nj v. Hone

I, Richard Hone, hereby give Notice that I will waive my appearance at the August 28, 2020 hearing in Ocean County for obvious reasons known to all.

Richard Hone E-signature

8-23-20

Richard Hone

Date:

-DD-

Khajezadeh, Dina

From: Agustina Lane <agustina.lane@njcourts.gov>
Sent: Thursday, August 27, 2020 11:52 AM
To: John@johnreillylaw.com
Cc: Michelle Tierney; Toscano, Taylor
Subject: RE: [External]RE: Richard Hone Motions - Aug 28th at 11 am

Hello,

No further information is needed – thank you Mr. Reilly. You should be receiving a Zoom invitation prior to the end of the day, so just be on the lookout for that.

Thanks,
Agustina

Agustina Lane, Esq.

Assistant Criminal Division Manager
Superior Court, Ocean Vicinage
Office: (732) 504-0700, ext. 64218
Mobile: (732) 507-0450

From: John@johnreillylaw.com <John@johnreillylaw.com>
Sent: Thursday, August 27, 2020 11:46 AM
To: Agustina Lane <agustina.lane@njcourts.gov>
Cc: Michelle Tierney <Michelle.Tierney@njcourts.gov>; TToscano@co.ocean.nj.us
Subject: [External]RE: Richard Hone Motions - Aug 28th at 11 am

CAUTION: This email originated from outside the Judiciary organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Lane,

Please see my correspondence of Tuesday wherein I pointed to my certification Exhibit DD by which Mr. Hone has waived his appearance at this hearing. Please advise should you require any further information in this regard.

Thank you,

John Reilly

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

Subject: Richard Hone Motions - Aug 28th at 11 am
From: Agustina Lane <agustina.lane@njcourts.gov>
Date: Thu, August 27, 2020 10:25 am
To: "John@johnreillylaw.com" <John@johnreillylaw.com>
Cc: Michelle Tierney <Michelle.Tierney@njcourts.gov>, "TToscano@co.ocean.nj.us" <TToscano@co.ocean.nj.us>

Good Morning,

I am in the process of having a Zoom invitation sent out for these matters scheduled for tomorrow, at 11 AM before Judge Ford.

Mr. Reilly, can you please provide your client's email address or cell phone number so that he can either receive the invite or be called into the proceeding?

If anyone else needs to receive this invitation besides Mr. Hone and counsel copied on this email, please advise.

Thank you,

Agustina

Agustina Lane, Esq.

Assistant Criminal Division Manager

Superior Court, Ocean Vicinage

Office: (732) 504-0700, ext. 64218

Mobile: (732) 507-0450

Khajezadeh, Dina

From: Toscano, Taylor <TToscano@co.ocean.nj.us>
Sent: Friday, September 4, 2020 11:56 AM
To: Maria Derosé; john reilly
Cc: Alicia Cook; Jennifer Cosentino
Subject: RE: richard hone #20000532-001
Attachments: Hone Aug 12 response.pdf

Hi Alicia,

I've attached my previously submitted brief, which was also filed on eCourts. Please let me know if you need anything further from me. Thank you!



Taylor Toscano
Assistant Prosecutor
119 Hooper Avenue P.O. Box 2191
Toms River, NJ 08754-2191
Phone: (732) 929-2027 Ext. 2741
Email: ttoscano@co.ocean.nj.us

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From: Maria Derosé <Maria.Derosé@njcourts.gov>
Sent: Friday, September 4, 2020 11:24 AM
To: john reilly (John@johnreillylaw.com) <John@johnreillylaw.com>; Toscano, Taylor <TToscano@co.ocean.nj.us>
Cc: Alicia Cook <alicia.cook@njcourts.gov>; Jennifer Cosentino <jennifer.cosentino@njcourts.gov>
Subject: richard hone #20000532-001

Hi John & Taylor,

Judge Baxter will be handling the motions pending in Criminal regarding the above case. The motion is going to be scheduled for 10/21/20 @ 3:00pm via Zoom. Law Clerk, Alicia Cook will be assisting Judge Baxter with the motion, so please reach out to her with any questions/concerns or forward her any relevant documentation for the motion. Alicia will be sending out briefing schedules, etc... in the next few days.

John-please give me Mr. Hone's email address so an invite for the Zoom can be sent to him.

We are going to push the EDC date out a couple of weeks so the motions can be heard. Please watch for a new court date in the mail.

Maria DeRose
Team Leader for the Hon. Michael T. Collins
Team Leader for the Hon. Linda G. Baxter
Room 221-120 Hooper Ave

Toms River, NJ 08753
732-504-0700 ext 64279
maria.derosa@njcourts.gov

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Tuesday, September 29, 2020 10:31 AM
To: Maria.Derose@njcourts.gov
Cc: Toscano, Taylor; Jennifer Cosentino; alicia.cook@njcourts.gov
Subject: Richard Hone adv. State, Case No, 20000532
Attachments: Richard Hone adv. State, Case No. 20000532, 9-29-2020 Judge Baxter Letter.pdf

Dear All,

Please see my attached copied correspondence e-filed this date which is self explanatory.

Thank you,

John Reilly

John P. Reilly, Esq.

One Hadley Avenue

P.O. Box 4748

Toms River, NJ 08754

Tele: (732) 244-5100

Fax: (732) 244-0420

E-mail: john@johnreillylaw.com

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John P. Reilly

Attorney at Law

One Hadley Avenue, P.O. Box 4748

Toms River, NJ 08754

Telephone: (732) 244-5100 • Facsimile: (732) 244-0420

e-mail: john@johnreillylaw.com

September 29, 2020

Hon. Linda G. Baxter, J.S.C.
Superior Court of New Jersey
Ocean County Superior Court
P.O. Box 2191

Toms River, New Jersey 08754

Via E-Courts & E-mailed to Maria.DeRose@njcourts.gov

Re: State v. Richard Hone
Brick Twp. Complaint/Warrant No. 1506-W-2020-116
O.C. Case No. 20000532
Motions Hearing: Wednesday, 10/21/2020, 3:00 p.m.

Dear Judge Baxter:

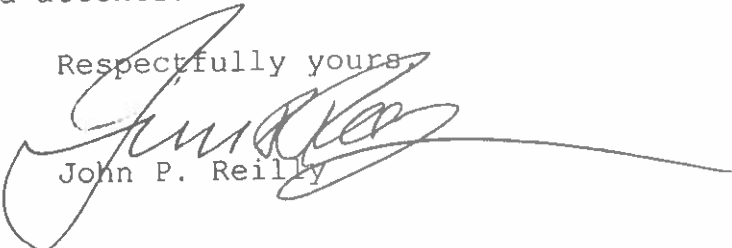
I represent the defendant, Mr. Richard Hone (defendant), for the above unindicted matter, currently scheduled for hearing before Your Honor upon defendant's pending motions for (1) Change of Venue and (2) Disqualification of the O.C Prosecutor's Office, on Wednesday, 10/21/2020, 3:00 p.m. Attached hereto, please find copy of correspondence of 9/4/2020 from Your Honor's Team Leader, Ms. Maria DeRose, confirming that the EDC was to be pushed back to a date following determination upon said motions. In this regard, please note that the last notice received by my office upon said EDC, dated 8/14/2020, would indicates same to have been previously scheduled for said date of 10/21/2020, to which I find no correction on e-courts.

Please confirm that said EDC has been rescheduled for a date following the currently scheduled hearing date of 10/21/2020, such as will allow for a sufficient period for Your Honor's consideration of defendant's motions as relate to both the venue and prosecution thereof.

Please give the above Your Honor's earliest attention.

Thank you for your kind attention.

Respectfully yours,


John P. Reilly

JPR/afr
Enclosures

cc (w/encls., via e-courts & e-mail): Ms. Taylor Toscano, A.P.
Ms. Jennifer Cosentino
Ms. Alicia Cook

Subject: richard hone #20000532-001

From: Maria Deroose <Maria.Deroose@njcourts.gov>

Date: Fri, Sep 04, 2020 11:23 am

To: "John reilly (John@johnreillylaw.com)" <John@johnreillylaw.com>, "TToscano@co.ocean.nj.us" <TToscano@co.ocean.nj.us>

Cc: Alicia Cook <alicia.cook@njcourts.gov>, Jennifer Cosentino <jennifer.cosentino@njcourts.gov>

Hi John & Taylor,

Judge Baxter will be handling the motions pending in Criminal regarding the above case. The motion is going to be scheduled for 10/21/20 @ 3:00pm via Zoom. Law Clerk, Alicia Cook will be assisting Judge Baxter with the motion, so please reach out to her with any questions/concerns or forward her any relevant documentation for the motion. Alicia will be sending out briefing schedules, etc... in the next few days.

John-please give me Mr. Hone's email address so an invite for the Zoom can be sent to him.

We are going to push the EDC date out a couple of weeks so the motions can be heard. Please watch for a new court date in the mail.

Maria DeRose

Team Leader for the Hon. Michael T. Collins

Team Leader for the Hon. Linda G. Baxter

Room 221-120 Hooper Ave

Toms River, NJ 08753

732-504-0700 ext 64279

maria.deroose@njcourts.gov

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Tuesday, September 29, 2020 11:27 AM
To: Marlene Ford
Cc: Toscano, Taylor; Jennifer Cosentino; alicia.cook@njcourts.gov
Subject: Richard Hone adv. State, Case No, 20000532

Dear Judge Ford,

Upon review of my file this date, I note that neither have I received a form of Order upon Your Honor's ruling of 8/28/2020 granting defendant's motion that Your Honor be disqualified from sitting in hearing upon defendant's pending motions, nor do I find such Order posted on e-courts.

Please advise regarding the status of such Order.

Thank you,

John Reilly

John P. Reilly, Esq.
One Hadley Avenue
P.O. Box 4748
Toms River, NJ 08754
Tele: (732) 244-5100
Fax: (732) 244-0420
E-mail: john@johnreillylaw.com

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Khajezadeh, Dina

From: Maria Derosé <Maria.Derosé@njcourts.gov>
Sent: Tuesday, October 6, 2020 9:21 AM
To: John@johnreillylaw.com
Cc: Toscano, Taylor; Jennifer Cosentino; Alicia Cook
Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

Hi Everyone,

Just a heads up, I am rescheduling the EDC from 11/4 to 11/18 @ 9:00am based on Judge Baxter's availability. Please mark your calendars.

Maria

From: Maria Derosé
Sent: Tuesday, September 29, 2020 11:55 AM
To: John@johnreillylaw.com
Cc: TToscano@co.ocean.nj.us; Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; Alicia Cook <alicia.cook@njcourts.gov>
Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

The EDC event will be given a date of 11/4 @ 9:00am

From: John@johnreillylaw.com <John@johnreillylaw.com>
Sent: Tuesday, September 29, 2020 10:31 AM
To: Maria Derosé <Maria.Derosé@njcourts.gov>
Cc: TToscano@co.ocean.nj.us; Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; Alicia Cook <alicia.cook@njcourts.gov>
Subject: [External]Richard Hone adv. State, Case No, 20000532

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Dear All,

Please see my attached copied correspondence e-filed this date which is self explanatory.

Thank you,

John Reilly

John P. Reilly, Esq.
One Hadley Avenue
P.O. Box 4748
Toms River, NJ 08754
Tele: (732) 244-5100
Fax: (732) 244-0420
E-mail: john@johnreillylaw.com

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Khajezadeh, Dina

From: Toscano, Taylor <TToscano@co.ocean.nj.us>
Sent: Friday, October 16, 2020 11:20 AM
To: John@johnreillylaw.com; Maria.Derose@njcourts.gov
Cc: Jennifer Cosentino; alicia.cook@njcourts.gov
Subject: RE: Richard Hone adv. State, Case No, 20000532

No objection.



Taylor Toscano
Assistant Prosecutor
119 Hooper Avenue P.O. Box 2191
Toms River, NJ 08754-2191
Phone: (732) 929-2027 Ext. 2741
Email: ttoscano@co.ocean.nj.us

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From: John@johnreillylaw.com <John@johnreillylaw.com>
Sent: Friday, October 16, 2020 11:14 AM
To: Maria.Derose@njcourts.gov
Cc: Toscano, Taylor <TToscano@co.ocean.nj.us>; Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; alicia.cook@njcourts.gov
Subject: Richard Hone adv. State, Case No, 20000532

Dear All,

Please see my attached copied adjournment request e-filed this date which is self explanatory.

Thank you,

John Reilly

John P. Reilly, Esq.
One Hadley Avenue
P.O. Box 4748
Toms River, NJ 08754
Tele: (732) 244-5100
Fax: (732) 244-0420
E-mail: john@johnreillylaw.com

If there are any problems with this transmission, please contact John P. Reilly, Esq. at (732) 244-5100. This transmission may contain confidential and/or privileged information intended only for the review of the intended recipient(s) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this transmission is strictly prohibited. In this regard, should you have received this transmission in error, please

immediately notify this office by telephone at (732) 244-5100, upon which appropriate arrangements will be made/action taken.

John P. Reilly

Attorney at Law

One Hadley Avenue, P.O. Box 4748

Toms River, NJ 08754

Telephone: (732) 244-5100 • Facsimile: (732) 244-0420

e-mail: john@johnreillylaw.com

October 16, 2020

Hon. Linda G. Baxter, J.S.C.
Superior Court of New Jersey
Ocean County Superior Court
P.O. Box 2191
Toms River, New Jersey 08754

Via E-Courts & E-mailed to Maria.DeRose@njcourts.gov

Re: State v. Richard Hone
Brick Twp. Complaint/Warrant No. 1506-W-2020-116
O.C. Case No. 20000532
Motions Hearing: Wednesday, 10/21/2020, 3:00 p.m.

Dear Judge Baxter:

Please recall that I represent the defendant, Mr. Richard Hone (defendant), for the above unindicted matter, currently scheduled for hearing before Your Honor upon defendant's pending motions for (1) Change of Venue and (2) Disqualification of the O.C Prosecutor's Office, on Wednesday, 10/21/2020, 3:00 p.m. In this regard, attached hereto, please find copies of the following: (A) Order of 8/13/2020, by which the indicated matters then pending in Monmouth County, including the captioned Family Division matter, had been transferred from Monmouth County to Ocean County, where same has been assigned consolidated Ocean County Family Division Docket Nos. FD-15-802-15 and C-129-20, (B) defendant's form of motion of 8/25/2020 seeking hearing upon all pending claims/issues arising from/relating to said Family Division matters and defendant's hand written notes outlining the nature of said claims/issues, as provided to me by defendant this date, and (C) form of notice dated 10/1/2020 advising that proceeding upon said Family Division matters has been scheduled before Judge John M. Doran for Wednesday, October 21, 2020 at 9:00 a.m., as provided to me by defendant this date.

As the record developed in this matter will reflect, both the within criminal matter and said Family Division matters have been hotly contested with said Family Division matters having been the subject of numerous lengthily hearings, no matter the County to which they have been transferred. As presented in the pleadings filed, the issue of whether the within criminal matter, once in Ocean County, then in Burlington County, now back in Ocean County, should properly remain in Ocean County gives rise to concerns upon our essential judicial precepts of justice, fairness and the appearance of

cc (w/encls., via e-courts & e-mail): Ms. Taylor Toscano, A.P.
Ms. Jennifer Cosentino
Ms. Alicia Cook

ORDER PREPARED BY THE COURT

SUPERIOR COURT OF NEW JERSEY
MONMOUTH VICINAGE

ORDER TO CHANGE VENUE

Richard Hone

Plaintiff

vs.

DOCKET NO.: C-8-20

[REDACTED]

Defendant

vs.

DOCKET NO.: FD-13-186-20

Richard Hone

Defendant

Richard Hone

Plaintiff

vs.

DOCKET NO.: L-2353-20

Gregory Acquaviva

Defendant

Richard Hone

Plaintiff

vs.

DOCKET NO. L-2527-20

Richard English, Lisa Thornton,
Gregory Acquaviva

Defendant(s)

Richard Hone

Plaintiff

vs.

DOCKET NO. L-2528-20

Richard English, Lisa Thornton,
Gregory Acquaviva, et al.

Defendant(s)

Page 2 of 3

----- -A-

Richard Hone

Plaintiff

vs.

Docket No. L-2529-20

Christopher Gramiccioni, Donna Morgan,
Lisa Thornton, et al.

Defendants(s)

These matters come before the court, sua sponte; and the court having found that venue was improperly laid pursuant to Rule 5:2-1 in the Family Part matters under docket numbers C-8-20 and FD-13-186-20 as the parties and child reside in Ocean County and the plaintiff Richard Hone has filed multiple lawsuits against the Honorable Gregory Acquaviva, J.S.C. who is presiding over those matters; and the court having further found that venue is improper in the Law Division matters under docket numbers L-2353-20, L-2527-20, L-2528-20¹ and L-2529-20 because named defendants in these matters include Judges in the Monmouth Vicinage;

IT IS on this 13th day of August 2020,

ORDERED that the venue in the above-captioned matters (C-8-20, FD-13-186-20, L-2353-20, L-2527-20, L-2528-20, and L-2529-20) is hereby transferred to Ocean County for disposition by a judge to be designated by the Honorable Marlene Lynch Ford, A.J.S.C.; and it is further

ORDERED that a copy of this Order be served on all parties of interest via ECourts or regular mail within seven (7) days of the date herein.

/s/ Lisa P. Thornton

LISA P. THORNTON, A.J.S.C.

¹ Plaintiff attempted to file docket L-2528-20 in the Chancery Division, General Equity Part, however, the complaint sets forth a cause of action for violation of civil rights, case type 005, and seeks monetary damages. Consequently, the complaint is not cognizable in Chancery.

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status information.

Form A - Notice of Motion

Filing Attorney Information or Pro Se Litigant:

Name RICHARD HARRIS
NJ Attorney ID Number 100-16
Address 100-16
Daytime Phone [REDACTED] Cell Phone [REDACTED]
Email Address [REDACTED]
Your Name RICHARD HARRIS (check one) ☐ Plaintiff ☐ Defendant

RICHARD HARRIS
Plaintiff, (Name as it appears in original caption)

v. [REDACTED]
Defendant (Name as it appears in original caption)

Superior Court of New Jersey
Chancery Division-Family Part
County OCCEAN
Docket Number FD-15-002-5

Civil Action
Notice of Motion
(See Below)

TO: (Other party's lawyer or Other Party)
Court must serve defendant
(County Probation Division)

PLEASE TAKE NOTICE that on Friday, September 17th, at 9:00 a.m., or as soon after that as the matter may be heard, RICHARD HARRIS, the (check one) ☒ plaintiff ☐ defendant will apply to whichever judge is hearing matters in the Superior Court, Chancery Division - Family Part, OCCEAN County, at the OCCEAN County Courthouse, New Jersey for an order to:

- | | |
|---|---|
| ☒ Continuation/Termination of Child Support | ☐ Motion for Reconsideration |
| ☐ Increase/Decrease Child Support payments | ☐ Enforce Litigants' Rights |
| ☐ Increase/Decrease Alimony payments | ☐ Emancipate a Child |
| ☒ Change Custody arrangements | ☐ Reimburse Medical Expenses |
| ☒ Change Visitation arrangements | ☒ Change of Venue |
| ☐ Other (specify): <u>Attorney's</u> | |

Exhibit (A1) former marriage license

-B-

(Type or print what you are asking the court to do. Attach additional sheets of 8.5" x 11" white paper, if necessary.)

1. HEAR ALL ATTACHED EXHIBITS A-V
2. SET IMMEDIATE CT DATE f/e)
MONMOUTH 7/27/20
3. UNSUPERVISED VISITS
- 4.

5. Require the DICAP County Probation Division to adjust its records in accordance with this order for Child Support account CS _____, and reissue any orders of income withholding if necessary;
 6. Or such other relief as the Court may deem equitable and just.
 7. I (check one) ☒ do ☐ do not want oral argument.
- s/ [Signature] Date: 8/15/20
(Signature)
(check one) ☒ Plaintiff ☐ Defendant

If you requested oral argument do you need to request:	
An interpreter	☐ Yes ☒ No Language: _____
A disability accommodation	☐ Yes ☒ No Accommodation: _____

Form B – Certification in Support of a Motion

Filing Attorney Information or Pro Se Litigant:

Name Richard Horne

NJ Attorney ID Number Pro Se

Address 10 Stuart Sautage, 307 Cedar ST RAINBOW, NJ 07068

Daytime Phone [REDACTED] Cell Phone [REDACTED]

Email Address [REDACTED]

Your Name Richard Horne (check one) ☒ Plaintiff ☐ Defendant

Richard Horne
Plaintiff, (Name as it appears in original caption)

v. [REDACTED]
Defendant (Name as it appears in original caption)

Superior Court of New Jersey
Chancery Division-Family Part
County Essex
Docket Number FD-15-806-15

Civil Action Certification in Support of a Motion

I, Richard Horne, of full age, hereby certify:

1. I am the (check one) ☒ plaintiff ☐ defendant in this matter and I am filing this Certification in support of my Notice of Motion to:

☒ Continuation/Termination of Child Support

☐ Increase/Decrease Child Support payments

☐ Increase/Decrease Alimony payments

☒ Change Custody arrangements

☒ Change Visitation arrangements

☒ Other (specify): All Exhibits

☐ Motion for Reconsideration

☒ Enforce Litigants' Rights

☐ Emancipate a Child

☐ Reimburse Medical Expenses

☒ Change of Venue

2. Explanation of facts: (Attach additional sheets of 8.5" x 11" white paper, if necessary.)

a. Filed these papers between 7-23-20 and

b. until venue changed 8-13.

EVERYTHING IS PAST DUE, HEAR IMMEDIATELY

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

Signature [Signature]

Date: 8/25/20

(check one) ☒ Plaintiff ☐ Defendant

Remember to attach all copies of exhibits, orders, case information statements, etc., to this form.

Filing Attorney Information or Pro Se Litigant:

Name Richard Hone

NJ Attorney ID Number

Address 100 Street Square, 3070000001

FL41W1A, NG 0706

Daytime Phone

Email Address

Your Name JOHN W. B. TROTT (check one) ☒ Plaintiff ☐ Defendant

RESTRICTED AREA

Plaintiff, (Name as it appears in original caption)

Y.

Superior Court of New Jersey
Chancery Division-Family Part
County 015-21
Docket Number

**Civil Action
Order**
(See Below)

THIS MATTER being opened to the court on Friday, Sept 7th, on a Notice of Motion to:

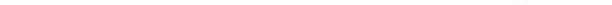
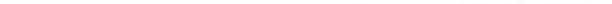
- ☐ Continuation/Termination of Child Support
☐ Increase/Decrease Child Support payments
☐ Increase/Decrease Alimony payments
☒ Change Custody arrangements
☐ Change Visitation arrangements
☒ Other (specify): Att. Exh. b, d, e
- ☐ Motion for Reconsideration
☒ Enforce Litigants' Rights
☐ Emancipate a Child
☐ Reimburse Medical Expenses
☒ Change of Venue

filed by ☒ plaintiff ☐ defendant and

(leave blank, Judge will enter name of other party or their lawyer)

appearing on behalf of the (check one) ☒ plaintiff ☐ defendant; and the court having read and considered the certifications and other papers filed herein and having heard the arguments and considered the arguments of the parties and for good cause shown; It is now this _____ ORDERED THAT:

1. The ☒ plaintiff ☐ defendant is hereby ☐ granted ☐ denied the following relief(s): (See step 5 on page 8)

- a. 
- b. 
- c. 
- d. 

{Attach additional sheets of 8.5" x 11" white paper if necessary}

Additional Relief. (Leave these lines blank for the Judge).

2. The _____ County Probation Division responsible for this matter shall make any adjustments to the account (see Instruction for Form D) CS _____, required by this order and reissue, if necessary, any income withholding orders.

J.S.C.

Form D- Certification of Filing and Service

I hereby certify that the original of the attached Notice of Motion, the original of the attached supporting Certification, and the original and two copies of the Proposed Order are being filed with the Clerk of the Superior Court at the _____ Family Division Manager's Office.

In addition, I certify that I served a copy of this motion (check one)

- ☐ personally on the person(s) or attorney(s) listed below.
- ☐ Notarized acknowledgement of service signed by the other party attached (Form H). (Required if checking the box above.)
- ☐ by process server, courier service or by an adult neutral third party, on the person(s) or attorney(s) listed below.
- ☐ Affidavit/Acknowledgement of service attached. (Required if checking the box above.)
- ☐ by mailing it on this date to the person(s) or attorney(s) listed below by BOTH regular and certified mail.

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.

OCEAN Family CT
(Name) _____ (Name) _____
Must by Court Order / Permanent Restraining
(Certified Mail Number) _____ (Certified Mail Number) _____
Order
(Address) _____ (Address) _____
Serve Defendant
(City, State & Zip Code) _____ (City, State & Zip Code) _____
AT _____
(Name) _____ (Name) _____
(Certified Mail Number) _____ (Certified Mail Number) _____
(Address) _____
(City, State & Zip Code) _____ (City, State & Zip Code) _____

[Signature]
(Signature) _____
Plaintiff
(Type or print your name) _____
(check one) ☒ Plaintiff ☐ Defendant

Date: 2/25/20

EXHIBITS

w/ Affidavit
A. Hurdman

8-25 Motion
Exhibits A-V

EXHIBITS

8-26 1st Amended

SERENITY MOTION EXHIBITS
FD-15-802-15 AND C-129-20

- A. 8/15 COV to MIDDLESEX
- B. 7/23 ORDER - [REDACTED]
- C. Verified Complaint - Mon (New) - UNSUPERVISED / N
CHS
SUF
DE
- D. DEPOSITION DATE - IMMEDIATE 7-25
- E. Skype Make-up Interfere w/ Visits (3rd Circuit)
- F. Cell Calls instead of Skype (7th Amended) Violation Court
- G. 7-28 CONTEMPT - INTERFERING w/ Visits
- H. 2X Visits 1 hour Grace - Same Day - Change to 2-Sep
- I. 7th Degree Black Belt Ceremony (In-Person)
- J. [REDACTED]
- K. 7/23 Amended "Private Time" w/ [REDACTED]
- L. DEMAND FOR DEPOSITION C-129-20
- M. LDA'S - NO PAY GRACE ABOUNDS / UNSUPERVISED PARENTING
- N. CONTEMPT OF COURT ORDER / UNSUPERVISED PARENTING
- O. "Contempt 2nd" " " " UNSUPERVISED PARENTING
- P.
- Q. Levine Contempt (New)
- R. C-129-20 4th Amended Visits / Parenting C-129-20 / No Weekly
updates
- S. C-129-20 3rd Amended - No Weekly Updates
- T. OTSC C-New - Visits - Irreparable Harm
- U. Consent ORDER - EVAL
- V. FD-15-802-15 KINDERGARTEN

OTHERS: (Date filed)



New Jersey Courts

Independence • Integrity • Fairness • Quality Service

Ocean Vicinage

Jill Vito
Trial Court Administrator

MARLENE LYNCH FORD
Assignment Judge

Angie Tracey
Family Division Manager
Lisa Slavick
Assistant Family Division Manager
Jessica Stronbenetti
Assistant Family Division Manager

120 Hooper Ave. • P.O. Box 2191 • Toms River, NJ 08754

njcourts.gov • Tel: 732-504-0700

Richard Hone
c/o Stuart Santiago Esq.
307 Grove Street
Rahway, NJ 07065

Today's Date: 10-1-20

Docket Number FD-15-000802-15: HONE RICHARD v. [REDACTED]

Please be advised your letter to the Honorable Marlene Lynch-Ford, A.J.S.C., dated September 23, 2020, has been received.

The Court proceeding under Docket number FD-15-000802-15 has been scheduled before the Honorable John M. Doran on October 21, 2020 at 9:00 AM for a remote hearing. Further information regarding accessing this remote hearing will be provided to you prior to the hearing date.

S. Subelka, Court Services Supervisor II /s/ Scott Subelka, CSS2
Ocean County Family Court
732-504-0700 Extension: 64537

cc: [REDACTED]

- C -



ADA
Americans with
Disabilities Act

ENSURING
AN OPEN DOOR TO
JUSTICE



Khajezadeh, Dina

From: Toscano, Taylor <TToscano@co.ocean.nj.us>
Sent: Tuesday, October 27, 2020 11:11 AM
To: Maria Derosé; John@johnreillylaw.com
Cc: Jennifer Cosentino; Alicia Cook
Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

Good morning everyone,

I am respectfully requesting an adjournment of the November 6th motion date. I unexpectedly have to take off for a family issue that I just learned of this morning. I am available any other day that week. I apologize for the inconvenience. Please advise if Judge Baxter is willing to grant this request.

Thank you,
Taylor



Taylor Toscano
Assistant Prosecutor
119 Hooper Avenue P.O. Box 2191
Toms River, NJ 08754-2191
Phone: (732) 929-2027 Ext. 2741
Email: ttoscano@co.ocean.nj.us

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FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

From: Maria Derosé <Maria.Derosé@njcourts.gov>
Sent: Monday, October 19, 2020 11:00 AM
To: John@johnreillylaw.com
Cc: Toscano, Taylor <TToscano@co.ocean.nj.us>; Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; Alicia Cook <alicia.cook@njcourts.gov>
Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

Hi Everyone,

Judge Baxter granted the adjournment request. This matter will be given a new date of 11/6/20 @ 10:00am. Please note, however, this matter will be heard **in-person** in courtroom #11 instead of being heard on Zoom.

Maria

From: Maria Derosé
Sent: Friday, October 16, 2020 11:36 AM
To: John@johnreillylaw.com
Cc: TToscano@co.ocean.nj.us; Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; Alicia Cook

<alicia.cook@njcourts.gov>

Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

Hi John,

Your adjournment request has been sent to Judge Baxter. Once I hear back from her, I will let you know.

Maria

From: John@johnreillylaw.com <John@johnreillylaw.com>

Sent: Friday, October 16, 2020 11:14 AM

To: Maria Derose <Maria.Derose@njcourts.gov>

Cc: TToscano@co.ocean.nj.us; Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; Alicia Cook <alicia.cook@njcourts.gov>

Subject: [External]Richard Hone adv. State, Case No, 20000532

CAUTION: This email originated from outside the Judiciary organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear All,

Please see my attached copied adjournment request e-filed this date which is self explanatory.

Thank you,

John Reilly

John P. Reilly, Esq.

One Hadley Avenue

P.O. Box 4748

Toms River, NJ 08754

Tele: (732) 244-5100

Fax: (732) 244-0420

E-mail: john@johnreillylaw.com

If there are any problems with this transmission, please contact John P. Reilly, Esq. at (732) 244-5100. This transmission may contain confidential and/or privileged information intended only for the review of the intended recipient(s) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this transmission is strictly prohibited. In this regard, should you have received this transmission in error, please immediately notify this office by telephone at (732) 244-5100, upon which appropriate arrangements will be made/action taken.

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Tuesday, October 27, 2020 11:53 AM
To: Toscano, Taylor; Maria Derosé
Cc: Jennifer Cosentino; Alicia Cook
Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

Dear All,

I have no objection to such adjournment and would, in fact, welcome same as I am currently scheduled to proceed with the County's first jury trial before Judge Ryan in the matter of State v. Craighead, Case No. 19001695, on 11/12/2020, one for which I will be preparing during said preceding week. Consequently, I ask that Judge Baxter's hearing upon said motions be adjourned to a date some time in December.

Please advise via reply email.

Thank you,

John Reilly

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

Subject: RE: [External]Richard Hone adv. State, Case No, 20000532
From: "Toscano, Taylor" <TToscano@co.ocean.nj.us>
Date: Tue, October 27, 2020 11:11 am
To: Maria Derosé <Maria.Derosé@njcourts.gov>, "John@johnreillylaw.com" <John@johnreillylaw.com>
Cc: Jennifer Cosentino <jennifer.cosentino@njcourts.gov>, Alicia Cook <alicia.cook@njcourts.gov>

Good morning everyone,

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Thank you,
Taylor

Khajezadeh, Dina

From: Maria Derose <Maria.Derose@njcourts.gov>
Sent: Thursday, October 29, 2020 11:53 AM
To: Toscano, Taylor; John@johnreillylaw.com
Cc: Jennifer Cosentino; Alicia Cook
Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

Hi Everyone,

Judge Baxter granted the adjournment request. Jen is out this afternoon & I am out tomorrow, so I will get back to you with a new date early next week.

Maria DeRose
Team Leader for the Hon. Michael T. Collins
Team Leader for the Hon. Linda G. Baxter
Room 221-120 Hooper Ave
Toms River, NJ 08753
732-504-0700 ext 64279
maria.derose@njcourts.gov

From: Toscano, Taylor <TToscano@co.ocean.nj.us>
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Thank you,
Taylor

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Thursday, October 29, 2020 12:24 PM
To: Toscano, Taylor; Maria Derosé
Cc: Jennifer Cosentino; Alicia Cook
Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

Thank you all,

John

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

Subject: RE: [External]Richard Hone adv. State, Case No, 20000532
From: "Toscano, Taylor" <TToscano@co.ocean.nj.us>
Date: Thu, October 29, 2020 11:54 am
To: Maria Derosé <Maria.Derosé@njcourts.gov>, "John@johnreillylaw.com" <John@johnreillylaw.com>
Cc: Jennifer Cosentino <jennifer.cosentino@njcourts.gov>, Alicia Cook <alicia.cook@njcourts.gov>

Thank you everyone.



Taylor Toscano
Assistant Prosecutor
119 Hooper Avenue P.O. Box 2191
Toms River, NJ 08754-2191
Phone: (732) 929-2027 Ext. 2741
Email: ttoscano@co.ocean.nj.us

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Sent: Thursday, October 29, 2020 11:53 AM
To: Toscano, Taylor <TToscano@co.ocean.nj.us>; John@johnreillylaw.com
Cc: Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; Alicia Cook <alicia.cook@njcourts.gov>
Subject: RE: [External]Richard Hone adv. State, Case No, 20000532

Hi Everyone,

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Maria DeRose