

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Friday, August 7, 2020 11:17 AM
To: Jennifer Cosentino; Toscano, Taylor
Subject: Hone adv. State, Case No. 20000532
Attachments: Richard Hone adv. State, Case No. 20000532, Defendant's Notice of Motion.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Brief.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Attorney's Supporting Certification.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Proposed Form of Order.doc

Dear Jennifer and Taylor,

Please recall that the above matter is currently scheduled for an Early Disposition Conference before Judge Baxter on Wednesday, August 26, 2020. In this regard, attached hereto please find copies of defendant's Notice of Motion for Order: (1) Transferring Venue out of Ocean County, and (2) Removing/Disqualifying the Ocean County Prosecutor's Office from further prosecution thereof (in reconsideration of Burlington County Order of 5/8/2020), supporting Brief, supporting Certification (Note the Exhibits to same may be found on e-courts) and proposed form of Order e-filed this date. Due to the nature of this motion, I request that said EDC be carried pending resolution thereof. I ask that Taylor advise of either her consent or any objection to this request via e-mail and that I likewise be so advised of the Court's determination thereon at your first convenience.

Please call with any questions.

Thank you,

John

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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 NOTICE OF MOTION FOR ORDER (1) 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 (2) REMOVING/ DISQUALIFYING THE OCEAN COUNTY PROSECUTOR'S OFFICE FROM FURTHER PROSECUTION OF THE CRIMINAL COMPLAINT.
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TO (Via E-Courts): Clerk, Criminal Division
Ocean County Superior Court
120 Hooper Avenue
Toms River, NJ 08753

Ms. Taylor Toscano, A.P.
Office of the Ocean County Prosecutor
119 Hooper Avenue
Toms River, NJ 08753

SIR/MADAM:

PLEASE TAKE NOTICE that, at a date and time to be determined by the Court, the undersigned attorney for the defendant, RICHARD HONE (hereafter defendant), shall move before the Court for an Order: **(1)** Transferring venue of the prosecution of the Criminal Complaint out of Ocean County to such Venue as deemed most appropriate in keeping with the Rules of Court, and: **(2)** removing/disqualifying the Ocean County Prosecutor's Office from further prosecution of the Criminal Complaint.

Defendant will rely upon such Certification(s), brief(s), letter brief(s) and/or such other documents/pleadings as may be hereafter submitted in support of this motion.

Defendant requests oral argument before the Court upon this motion.

A proposed form of Order is submitted herewith.

Respectfully submitted,

S/John P. Reilly

Dated: August 7, 2020

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

JOHN P. REILLY, ESQ.
One Hadley Avenue, P.O. Box 4748
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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 MOTION FOR ORDER (1)
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 (2) REMOVING/DISQUALIFYING
THE OCEAN COUNTY PROSECUTOR'S OFFICE
FROM FURTHER PROSECUTION OF THE CRIMINAL
COMPLAINT.

**DEFENDANT'S BRIEF IN SUPPORT OF DEFENDANT'S MOTION FOR ORDER (1)
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 (2) REMOVING/DISQUALIFYING THE OCEAN COUNTY
PROSECUTOR'S OFFICE FROM FURTHER PROSECUTION OF THE CRIMINAL
COMPLAINT.**

John P. Reilly, Esq.
On the Brief

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ISSUES PRESENTED

The issues presented in this matter are threefold: (1) Should the Ocean County Assignment Judge, who had once properly and promptly transferred jurisdiction of criminal charges against the defendant to the Burlington County Assignment Judge due to an apparent conflict founded in her prior dealings with the defendant and/or defendant's then/still pending civil actions for damages brought against an Ocean County Judge and an Ocean County Court Official, accept return of jurisdiction from the Burlington County Assignment Judge when said conflict had only been exacerbated by the defendant's since brought/still pending civil actions for damages brought against both herself, her Presiding Criminal Division Judge and others within her staff/administration, and/or; (2) should jurisdiction be placed in Ocean County for a Complaint-Warrant for offenses alleged committed on/about December 28, 2019, when the only offence as claimed to have been committed on said date was not committed in Ocean County, and; (3) can a Prosecutor's Office and its assigned A.P. be both the prosecuting agency/agent of a criminal defendant and civil defendants to his lawsuits seeking damages and maintain the appearance of impartiality essential to our system of justice.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

As demonstrated in the Exhibits to the Attorney's Certification submitted herewith, defendant Richard Hone

(hereafter Hone) and [REDACTED] (hereafter [REDACTED]) have over the past decade carried on what may at best be described as a turbulent relationship, one that, since her birth, has had at its center their now 5 year old daughter (hereafter [REDACTED]). Their most recent outbreak of squabbling has been thus-far marked by a Temporary Restraining Order (TRO) brought by [REDACTED] against Hone, since dismissed as being unsubstantiated (**see Exhibits C and J**); Hone's attempt at gaining a TRO against [REDACTED] which never got off the ground (**see Exhibit D**); seven civil actions since brought by Hone against various judges and administrators of this Court and/or members of this County's Prosecutor's Office (**see Exhibits D, E, H, Q, R, S and T**) which either have been or await transfer from this county to another venue due to their inherent conflict (**see, Exhibit I**); as well as the within remarkably questionable 2/10/2020 criminal complaint as levied by the State against Hone upon charges alleged to have occurred more than a month prior (**Exhibit F, hereafter the Criminal Complaint**), ones which though likewise conflicted and once thus likewise transferred out of Ocean County, have inexplicably found their way back to this Court for prosecution (**see Exhibits G and M**).

And all this when it turns out that Ocean County had lacked subject matter jurisdiction over Hone's alleged "most alarming" offense from the outset. Why? As stated, the Criminal Complaint alleges that Hone had harassed [REDACTED] via communications made on

or about December 28, 2020 in Brick Twp., Ocean County, NJ (**Exhibit F. pg. 1**). In his statement of probable cause, the State's complainant, Brick Twp. P.D. Off. Chase Carter describes the "most alarming" of such communications as being a text message of the picture of two boxers in a ring and the words as accompanied same (**Exhibit F. pg. 5**). However, as stated in Hone's Certification of 8/6/2020 (**Exhibit U**), while denying that any such communications as alleged would support the charges as brought against him, his best recollection, knowledge and belief is that said text message of December 28, 2019 was made when he was in New York City, New York, and received by [REDACTED] when she was in Holmdel Twp., Monmouth County, New Jersey.

Now, and more particularly and most peculiarly, it must be noted that the day following its issuance, Ocean County Assignment Judge Marlene Lynch Ford (hereafter Judge Ford), on her own motion, transferred the Criminal Complaint to Burlington County for disposition by a judge to be designated by Burlington County Assignment Judge Jeanne T. Covert (hereafter Judge Covert) (**Exhibit G**). Although no explanation accompanied said transfer, in that no offence as therein charged was alleged to have been committed in Burlington County, it must be assumed that, whether founded in her past encounters with Hone dating back to 2016 (**Exhibit A**) or the then pending lawsuits brought by Hone, one against her Court's Presiding Civil Division Judge Craig Wellerson

and another against an official of her Court Steven Waters (**Exhibits D and E**), Judge Ford had then rightly concluded that the real and/or perceived conflict of interest as would accompany the prosecution of these alleged offenses in Ocean County (whether having been committed in Ocean County or not, see below) required such transfer (**Exhibit G**). And thereafter, in keeping with this apparent conclusion as founded upon these apparent reasons, on 3/13/2020, three days following the filing of Hone's civil action in which she was named as a defendant (**Exhibit H**), Judge Ford likewise rightly transferred all three then pending civil actions as brought by Hone against judges/officials of the Ocean County Court to Judge Covert for disposition in Burlington County (**Exhibit I**). And yet, the tortured path of this ill-conceived exercise in confusion has now led us back to Ocean County.

And finally, although transferred from Ocean County to Burlington County on 2/11/2020, prosecution of the Criminal Complaint has remained in the hands of the Ocean County Prosecutor's Office throughout. In this regard, Ms. Taylor Toscano, A.P. has been and remains the lead prosecutor upon same. Prior to its transfer back to Ocean County on 5/14/2020 (**Exhibit M**), Hone's then attorney had brought motion to remove the Ocean County Prosecutor's Office as the Prosecuting agency of the Criminal Complaint (see forms of Notice of Motion, supporting Certification and proposed form of Order filed on 4/15/2020

Exhibit K). Hearing upon this motion was conducted before Burlington County Judge Terrance W. Cook (hereafter Judge Cook) on 5/8/2020 (see transcript thereof enclosed as **Exhibit L**). Judge Cook's Order denying said motion, although not signed, was filed on 5/8/2020 (**Exhibit M**). And then, on 5/14/2020, on her own motion and for reasons unexpressed, Judge Covert entered Order transferring the Criminal Complaint back to Ocean County for disposition (**Exhibit N**). And although same provided for a hearing if objection thereto be brought within 10 days thereof and such objection was so filed on 5/14/2020 (**Exhibit O**), no such hearing has since been scheduled/conducted. And now returned to Ocean County, on 5/22/2020 Judge Ford amended her 2/9/2016 Restraining Order upon Hone, apparently so as to allow his interaction with court representatives in compliance with his pre-trial release (**Exhibit P**). And thereafter, on 5/28/2020, 6/1/2020, 7/22/2020 and 7/26/2020, Hone filed additional civil complaints setting forth claims as against Judge Ford, members of her staff and of the Ocean County Criminal Division Managers office, the Ocean County Criminal Division Presiding Judge Wendel E. Daniels and members of the Ocean County Prosecutors Office, ones as now particularly brought against Ms. Taylor Toscano, A.P. (**Exhibits Q,R,S&T**).

Hone now brings the within motions: **(1)** To transfer jurisdiction for the prosecution of the Criminal Complaint out of Ocean County for reason of the previously recognized and still

continuing/nor exacerbated conflict/appearance of conflict; (2) to transfer jurisdiction for the prosecution of the Criminal Complaint out of Ocean County for lack of subject matter jurisdiction as what the State has described as the "most alarming" of the alleged harassing communications was neither sent from nor received in Ocean County, and; (3) for Order removing/disqualifying the Ocean County Prosecutor's Office from further prosecution of the Criminal Complaint for reason as existed prior to Judge Cook's Order of 5/8/2020 but as have now been exacerbated by reason of those civil complaints since brought against its members, including lead Counsel Ms. Toscano Toscano, A.P.

ARGUMENT

I. IN THE HOPE OF RESTORING THIS DEFENDANT'S AND THE PUBLIC'S CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF OUR COURTS, PROSECUTION OF THE CRIMINAL COMPLAINT, OVER WHICH OCEAN COUNTY HAS LACKED SUBJECT MATTER JURISDICTION OF THE MOST ALARMING OFFENCE THEREIN CHARGED FROM THE OUTSET, MUST NOW BE AGAIN PROMPTLY TRANSFERRED OUT OF OCEAN COUNTY.

A) The Integrity and Impartiality of Our Courts.

Motions for change of venue of a criminal matter are as brought beneath R. 3:14-2, which has as its stated goal that a given defendant be assured a fair and impartial trial upon the charges brought against him. In keeping with this goal, as here applied, proper resolution of this matter presents issues of and requires adherence to certain core, ethical precepts of our very system of justice itself. They include the bedrock principle articulated in Canon 1 of the Code of Judicial Conduct that "[a]n

independent and honorable judiciary is indispensable to justice in our society. That, to that end, judges are required to maintain, enforce, and observe "high standards of conduct so that the integrity and independence of the judiciary may be preserved." *Ibid.* Judges are to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2 (A), and "must avoid all impropriety and appearance of impropriety," commentary on Canon 2 (*emphasis added*). As recognized by our Supreme Court over a half century ago, "'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 standard requires judges to "refrain ... from sitting in any causes where their objectivity and impartiality may fairly be brought into question." *Ibid.* In other words, 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). 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). To this end, a judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned,... .. Canon 3.C. (1) of the Code of Judicial Conduct. The standard as must be applied is: "Would a

reasonable, fully informed person have doubts about the judge's impartiality. State v. McCabe, 201 N.J. 34, 44 (2008), citing Denike v. Cupo, *supra.*, at 517.

No lesser standard may be applied to a given County Court, the impartiality of whose Assignment Judge, Presiding Criminal Division Judge, Presiding Civil Division Judge, as well as members of its Criminal Division administration and staff, have so clearly been placed in question by events both preceding and since this matter's return to Ocean County nearly three months ago. Applying the above principles, prosecution of the Criminal Complaint was swiftly and properly transferred out of Ocean County immediately upon its beginning. The reasons as then required such transfer have not changed but have rather only been enhanced since its inexplicable return.

Therefore, for the reasons set forth above, it is respectfully submitted that this Court must promptly enter its Order transferring jurisdiction over the prosecution of the Criminal Complaint out of Ocean County to such County as deemed most appropriate in keeping with the Rules of Court.

B) The Lack of Subject Matter Jurisdiction.

R. 3:14-1, Venue, provides as follows:

An offense shall (*emphasis added*) be prosecuted in the county in which it was committed, except that

(a) If it is uncertain in which one of 2 or more counties the offense has been committed or if an offense is committed in several counties prosecution may be had in any of such counties.

(b) If a person dies in one county as a result of an offense committed in any other county or counties, the prosecution may be had in any of such counties.

c) Whenever the body of any person who died as a result of an offense is found in any county, prosecution may be had in such county, regardless of where the offense was committed.

(d) Whenever a person dies within the jurisdiction of this State as a result of an offense committed outside the jurisdiction of this State, or dies outside the jurisdiction of this State as a result of an offense committed within the jurisdiction of this State, the prosecution shall be had in the county in which the death occurred or the offense was committed.

(e) An accessory may be prosecuted as such either in the county in which the offense to which he or she is an accessory is triable or the county in which he or she became such accessory.

(f) Any person charged with receiving stolen property may be prosecuted in any county in which the stolen property is possessed.

(g) Prosecutions for acts of forgery, fraud, theft by deception, or theft by unlawful disposition may be had either in the county in which such offense was committed or the county in which the offender last resided.

(h) prosecutions for non-support may be had either in the county in which the spouse, statutory [partner or any child resided at the time of the nonsupport or in the county in which the spouse or statutory partner resides when the prosecution is begun.

(i) The county of venue for purposes of trial of indictments returned by a State Grand Jury shall be designated by the Assignment Judge appointed to impanel and supervise the State Grand jury or Grand Juries pursuant to R. 3:6-11(b).

As this matter falls within none of the above listed exceptions, the venue in which it shall/must be prosecuted is the county or counties in which it had allegedly been committed. In this regard, N.J.S.A. 2C:33-4, Harassment, provides as follows:

Except as provided in subsection e., a person commits a petty disorderly persons offense if, with purpose to harass another, he:

a. Makes, or causes to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;

b. Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or

c. Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.

A communication under subsection a. may be deemed to have been made either at the place where it originated or at the place where it was received (emphasis added).

d. (Deleted by amendment P.L. 2001, c. 443).

e. A person commits a crime of the fourth degree if, in committing an offense under this section, he was serving a term of imprisonment or was on parole or probation as the result of a conviction of any indictable offense under the laws of this State, any other state or the United States.

The State alleges that Hone had harassed [REDACTED] via communications made on or about December 28, 2020 in Brick Twp., Ocean County, NJ (**Exhibit F. pg. 1**). In his statement of probable cause, the State's complainant, Brick Twp. P.D. Off. Chase Carter describes as being the "most alarming" of such communications a text message of the picture of two boxers in a ring and the words as accompanied same (**Exhibit F. pg. 5**). In this regard, please see Hone's Certification of 8/6/2020 (**Exhibit U**) where, while denying any such communications as alleged would support the charges as brought against him, provides his best recollection, knowledge and belief that said text message of December 28, 2019 was made when he was in New York City, New York, and received by [REDACTED] when she was in Holmdel Twp., Monmouth County, New Jersey. Should the State dispute Hone's recollection, let it clearly state the nature and basis of its dispute here and now. Otherwise, same must be

accepted by this Court as an undisputed fact. And that being the case, it must be concluded by this Court that the "most alarming" of Hone's alleged transgressions had not been committed in Ocean County, thus requiring that it be promptly transferred out of Ocean County to a venue appropriate to its continued prosecution.

Therefore, for the reasons set forth above, it is respectfully submitted that this Court must promptly enter its Order transferring venue of the prosecution of the Criminal Complaint out of Ocean County to such County as deemed most appropriate in keeping with the Rules of Court.

II. THIS COURT MUST RECONSIDER JUDGE COOK'S ORDER OF 5/8/2020 AND ORDER THAT THE OCEAN COUNTY PROSECUTOR'S OFFICE BE PROMPTLY REMOVED AND DISQUALIFIED FROM FURTHER PROSECUTION OF THE CRIMINAL COMPLAINT AND HOPEFULLY THUS RENEW AND MAINTAIN THE APPEARANCE OF IMPARTIALITY ESSENTIAL TO OUR SYSTEM OF CRIMINAL JUSTICE.

Hone seeks that this Court now reconsider Judge Cook's Order of 5/8/2020 (**Exhibit M**). "Motions for reconsideration in criminal matters are committed to the sound discretion of the trial court and are generally intended 'to correct a court's error or oversight.'" State v. A.S.-M. 444 N.J. Super. 334, 346 (App. Div. 2016), quoting State v. Puryear, 441 N.J. Super. 280, 294 (App. Div. 2015). As will be demonstrated below, as things have since progressed, such error as performed in May by Judge Cook will be only the more egregious if now repeated by this Court.

In the case of Young v. U.S. ex rel. Vuitton et Fils, 481 U.S. 787 (1987), there referencing the role of a United State's

attorney in performance of his role as prosecutor, the United States Supreme Court observed:

"The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the two-fold aim of which is that guilt shall not escape, nor innocence suffer." This distinctive role of the prosecutor is expressed in Ethical Consideration (EC) 7-13 of Canon 7 of the American Bar Association (ABA) Model Code of Professional Responsibility (1982):

The responsibility of a public prosecutor differs from that of the usual advocate; his duty is to seek justice, not merely to convict.

Because of this unique responsibility, federal **prosecutors are prohibited from representing the Government in any matter in which they, their family, or their business associates have any interest** (*emphasis added*). 18 U.S.C. § 208(a). [Footnote 13]" Young, *supra*, at 803'.

There dealing with an appointed prosecutor, the court went on to say:

"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, *supra*, at 810-811.

And New Jersey, particularly in criminal matters where an individual's liberty be at stake, is no less vigilant in protecting such appearance as forming the very backbone of our system of justice, for as it has been stated:

"The guiding principle which governs the administration of justice is integrity in the full sense of the word. The thought was well put in Erwin M. Jennings Co. v. DiGenova, 107 Conn. 491 (1928), where the court wrote: "Integrity is the very breath of justice. Confidence in our law, our courts, and in the administration of justice is our supreme interest. **No practice must be permitted to prevail which invites towards the administration of justice a doubt or distrust of its integrity** (emphasis added)." (107 Conn., at 499). In re Cipriano, 68 N.J. 398, 404 (1975).

It is simply implausible to expect that a Prosecutor's office and its members facing a lawsuit brought by one of whom it is now seeking a conviction can maintain the objective, impartial attitude and outlook in wielding its enormous power that our system of justice demands. More importantly, it is all the more implausible to expect that an objective observer to the circumstances of this matter as they have evolved would not have his or her doubts, such that would surely form to a corrosive suspicion, that the claimed integrity of our system of criminal justice, one that he or she may someday find him or herself subject to, is little more than a fine word from which our courts will look the other way when put to a test such as here presented.

Since Judge Cook's Order of 5/8/2020, additional civil actions have been filed by Hone against the Ocean County Prosecutor's Office and its member for additional alleged transgressions, ones as now include claims upon its lead counsel, Ms. Taylor Toscano, A.P. for her played in this ongoing misadventure (**Exhibits S and T**). Consequently, whatever may have been the claims to prosecutorial impartiality raised back in May,

same have now been rendered only all the more suspect. It is respectfully submitted that so long as the Ocean County Prosecutor's office remains as both a party to the defendant's civil lawsuits and the prosecuting agency of his pending criminal charges, the prosecution of this matter will serve as an open affront to the foundational principle of impartial justice as has well marked our criminal courts and thus serve only to erode the public trust in our system of justice.

Therefore, it is respectfully submitted that the within motion for reconsideration of Judge Cook's 5/8/2020 Order denying Hone's motion be granted, and that this Court now order that the Ocean County Prosecutor's Office be removed and disqualified from further prosecution of the Criminal Complaint.

Conclusion

For the reasons set forth above, it is respectfully submitted that this Court must now grant Hone's motions and enter the form of Order submitted herewith: **(1)** Transferring venue of the prosecution of the Criminal Complaint out of Ocean County to such County as deemed most appropriate in keeping with the Rules of Court, and: **(2)** removing/disqualifying the Ocean County Prosecutor's Office from further prosecution of the Criminal Complaint.

Respectfully submitted,

S/ John P. Reilly

August 7, 2020

By:

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Attorney for defendant,
Richard Hone

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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 CERTIFICATION IN
SUPPORT OF DEFENDANT'S MOTION FOR (1)
CHANGE OF VENUE AND (2) DISQUALIFICATION
OF THE OCEAN COUNTY PROSECUTOR'S OFFICE
FROM FURTHER PROSECUTION OF THE WITHIN
MATTER.

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, RIVCHARD HONE (hereafter the defendant), for
the above captioned matter and as such am fully familiar with the
substance of this Certification.

2. Attached hereto please find the following lettered Exhibits:

- A. 2/9/2016 Order of Ocean County Superior Court Assignment Judge
Marlene Lynch Ford entered under Chancery Div. Docket No. FO-15-
422-15 placing restraints upon defendant's contact with the Court,
Court personnel, or the O.C. Prosecutor's office.
- B. 8/4/2017 Restraining Order against defendant entered under Monmouth
County Case No. 16000548, Indictment No. 16-10-0548.
- C. 1/21/2020 TRO issued by Monmouth County Superior Court Judge Honora
O'Brien Kilgallen.
- D. Defendant's 1/24/2020 Civil Complaint bearing Docket No. OCN-L-326-
20 for damages naming as defendant thereto Ocean County Superior
Court Civil Part, Family Division official Steven Waters, filed
1/24/2020.

- E. Defendant's 1/31/2020 Civil Complaint bearing Docket No. OCN-L-378-20 for damages naming as defendant thereto Ocean County Superior Court Civil Part Presiding Judge Craig Wellerson, filed 1/31/2020.
- F. 2/10/2020 Brick Twp. Complaint Warrant No. 1506-W-2020-000166 (the subject Criminal Complaint), alleging the on/about 12/28/2019 violation of the above 8/4/2017 Restraining Order, assigned Ocean County Case No. 20000532.
- G. 2/11/2020 Order of Hon. Marlene Lynch Ford ordering transfer of venue of the subject Criminal Complaint from Ocean County to Burlington County where matter is assigned Case No. 20000607.
- H. Defendant's 3/1/2020 Civil Complaint bearing Docket No. OCN-L-692-20 for damages naming as defendants thereto Ocean County Superior Court Assignment Judge Marlene Lynch Ford, Ocean County Prosecutor Brad Billhimer, Ms. Masciotti, defendant's Burlington County Prosecutor, and John and Jane Does as including every Ocean County Prosecutor, filed 3/10/2020, 1st Amendment to same filed 4/9/2020 and 2nd Amendment to same filed 4/23/2020.
- I. 3/13/2020 transmittal from Ocean County Superior Court Assignment Judge Marlene Lynch Ford to Burlington County Superior Court Assignment Judge Jeanne T. Covert serving Orders of said date transferring venue of said civil actions bearing Docket Nos. OCN-L-326-20, OCN-L-378-20 and OCN-L-692-20 from Ocean County to Burlington County, where same have now been assigned Docket Nos. BUR-L-489-20. BUR-L-745-20 AND BUR-L-688-20, respectively.
- J. 4/2/2020 Order of Monmouth Co. Superior Court Judge Angela White Dalton Dismissing TRO Docket No. FV-13-923-20 under finding that allegation of domestic violence was not substantiated.
- K. 4/15/2020 defendant's Notice of Motion to Remove Ocean County Prosecutor's Office as Prosecuting Agency in the Case, supporting Certification and proposed form of Order.
- L. Transcript of 5/8/2020 hearing upon Motion to Remove Prosecutor.
- M. 5/8/2020 Order of Monmouth Co. Superior Court Judge Terrance Cook, P.J.Cr. denying defendant's Motion to Remove the Ocean County Prosecutor's Office as Prosecuting agency in the case. (**Note:** No signed copy thereof posted on E-Courts).
- N. 5/14/2020 Order of Monmouth County Superior Court Assignment Judge Jeanne T. Covert as opened on the Court's own motion transferring venue of the subject Criminal Complaint from Burlington County back to Ocean County Where matter is re-assigned Case No. 20000532607 as allowing for objection within 10 days.

- O. Objection dated 5/15/2020 / filed 5/14/2020 to transfer to Ocean County and Supporting Certification. (**Note:** No hearing conducted upon nor response provided to said objection).
- P. 5/22/2020 Order of Ocean County Superior Court Assignment Judge Marlene Lynch Ford entered under Chancery Div. Docket No. FO-15-422-15 modifying restraints upon defendant as ordered on 2/9/2016.
- Q. Defendant's 5/28/2020 Civil Complaint bearing Docket No. OCN-L-1369-20 for damages naming as defendant thereto Ocean County Superior Court Criminal Part Presiding Judge Wendel Daniels, filed 5/28/2020, and 1st amendment to same filed 6/20/2020.
- R. Defendant's 6/11/2020 Civil Complaint bearing Docket No. OCN-L-1396-20 for damages naming as defendants thereto Ocean County Superior Court Assignment Judge Marlene Lynch Ford, Ocean County Criminal Division Manager Michelle Tierney, Ocean County Asst. Criminal Division Manager Agistina Lane (nee Champion), Ocean County Prosecutor's Office, Secretary and Law Clerk to Judge Lynch Ford and John and Jane Does, filed 6/12/2020.
- S. Defendant's 7/22/2020 Amended Complaint upon Monmouth County Chancery Div.-Family Part Docket No. C-8-20 seeking to implead Ocean County Asst. Prosecutor Taylor Toscano, entire Ocean County Prosecutor's Office and John and Jane Does, and thereupon seeking damages, filing date unknown.
- T. Defendant's 7/26/2020 Civil Complaint and proposed Order to Show Cause, Docket No. as yet assigned, filed with the Ocean County Superior Court seeking that relief as set forth therein and damages, naming as defendants thereto Ocean County Superior Court Assignment Judge Marlene Lynch Ford, Ocean County Prosecutor Brad Billhimer, Ocean County Asst. Prosecutor Taylor Toscano, John and Jane Does as including and all Ocean County Prosecutors, filing date unknown.
- U. Defendant's Certification dated 8/6/2020.

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 7, 2020

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

JOHN P. REILLY, ESQ.
One Hadley Avenue, P.O. Box 4748
Attorney I.D. No. 0150419800
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 ORDER GRANTING DEFENDANT'S MOTION FOR ORDER (1) 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 (2) REMOVING/ DISQUALIFYING THE OCEAN COUNTY PROSECUTOR'S OFFICE FROM FURTHER PROSECUTION OF THE CRIMINAL COMPLAINT.
--	--

THIS MATTER, having been presented to the Court upon defendant's, Richard Hone's (hereafter defendant), Notice of Motion for Order: **(1)** Transferring venue of the prosecution of the Criminal Complaint out of Ocean County to such Venue as deemed most appropriate in keeping with the Rules of Court, and: **(2)** removing/disqualifying the Ocean County Prosecutor's Office from further prosecution of the Criminal Complaint, John P. Reilly, Esq. appearing as attorney for defendant and Taylor Toscano, A.P. appearing for the State of New Jersey, and the Court having considered the papers submitted and/or the arguments of counsel, and for good cause shown;

IT IS ON THIS _____ DAY OF _____, 2020;

ORDERED, that venue of the prosecution of Complaint-Warrant No. 1506-W-2020-116, be and hereby is transferred out of the Ocean County

Superior Court and to _____, and;

IT IS FURTHER ORDERED, that the Ocean County Prosecutor's Office be and hereby is removed and disqualified from the further prosecution of said Complaint-Warrant No. 1506-W-2020-116.

, J.S.C.

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Friday, August 7, 2020 11:39 AM
To: Toscano, Taylor
Subject: Hone adv. State, Case No. 20000532
Attachments: Richard Hone adv. State, Case No. 20000532, Defendant's Notice of Motion.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Brief.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Attorney's Supporting Certification.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Proposed Form of Order.doc

Taylor,

Here they are again. Please call me at (732) 244-5100 if you are still having problems with same or confirm that you now have same via reply e-mail.

Thanks,

John

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: Monday, August 10, 2020 9:31 AM
To: marlene.ford@njcourts.gov
Cc: Jennifer Cosentino; Toscano, Taylor; Michelle Tierney; Augustina.Lane@njcourts.gov
Subject: Hone adv. State, Case No. 20000532
Attachments: Richard Hone adv. State, Case No. 20000532, 8-10-2020 Judge Ford Letter.pdf

Dear Judge Ford,

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

Please call with any questions.

Respectfully yours,

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

August 10, 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:

I represent the defendant, Mr. Richard Hone (defendant), for the above unindicted matter. This matter is currently scheduled for E.D.C. before the Honorable Linda G. Baxter on August 26, 2020. E-Courts does not identify this matter as having yet been specifically assigned to a given Ocean County Judge. In this regard, attached hereto please find copy of defendant's motion for Order: (1) Changing Venue, and (2) Removing/Disqualifying the Ocean County Prosecutors Office (defendant's motion), as e-filed this past Friday, 8/7/2020, as was defendant's supporting Brief, supporting Attorney's Certification and proposed form of Order. Due to the nature of defendant's motion, I have requested of Judge Baxter that said E.D.C. be carried pending resolution of same, to which request I await a response. However, in that R. 3:14-2 requires that such motion be made to either the judge assigned to try the case or to Your Honor as Assignment Judge of Ocean County, I now bring this matter to Your Honor's attention and request that Your Honor advise:

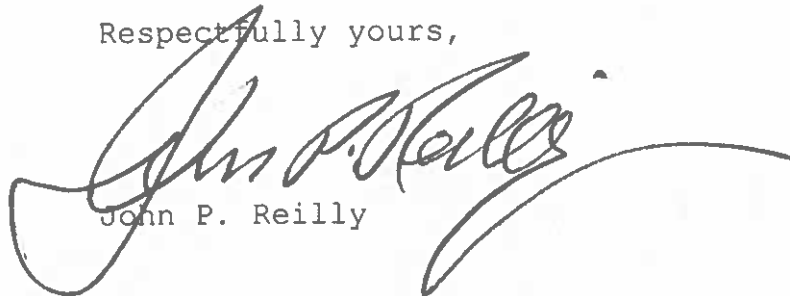
1. When and before whom defendant's motion may be heard.
2. Will the said E.D.C. currently scheduled for 8/26/2020 be carried pending resolution of defendant's motion.

As indicated, defendant's supporting Brief, supporting Attorney's Certification and proposed form of Order are posted on e-courts for Your Honor's review. However, should Your Honor wish, I will also provide copies of same to Your Honor via e-mail if so requested.

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. Michelle Tierney
- Ms. Augustina Lane

JOHN P. REILLY, ESQ.
One Hadley Avenue, P.O. Box 4748
Attorney I.D. No. 0150419800
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 NOTICE OF MOTION FOR ORDER
(1) 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 (2) REMOVING/
DISQUALIFYING THE OCEAN COUNTY
PROSECUTOR'S OFFICE FROM FURTHER
PROSECUTION OF THE CRIMINAL COMPLAINT.

TO (Via E-Courts): Clerk, Criminal Division
Ocean County Superior Court
120 Hooper Avenue
Toms River, NJ 08753

Ms. Taylor Toscano, A.P.
Office of the Ocean County Prosecutor
119 Hooper Avenue
Toms River, NJ 08753

SIR/MADAM:

PLEASE TAKE NOTICE that, at a date and time to be determined by the Court, the undersigned attorney for the defendant, RICHARD HONE (hereafter defendant), shall move before the Court for an Order: **(1)** Transferring venue of the prosecution of the Criminal Complaint out of Ocean County to such Venue as deemed most appropriate in keeping with the Rules of Court, and: **(2)** removing/disqualifying the Ocean County Prosecutor's Office from further prosecution of the Criminal Complaint.

Defendant will rely upon such Certification(s), brief(s), letter brief(s) and/or such other documents/pleadings as may be hereafter submitted in support of this motion.

Defendant requests oral argument before the Court upon this motion.

A proposed form of Order is submitted herewith.

Respectfully submitted,

S/John P. Reilly

Dated: August 7, 2020

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

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Wednesday, August 12, 2020 12:03 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. 20000532, Defendant's Notice of Motion.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Letter Brief.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Attorney's Supporting Certification.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit V.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit W.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Proposed Form of Order.doc

Dear Judge Ford,

Please see my attached copied Notice of Motion, Letter Brief, Attorney' Cert. and Exhibits to same, and proposed form of order e-filed this date, which are self-explanatory.

Please note that I had requested on e-courts that same be scheduled for hearing on 8/28/2020, the same date upon which Your Honor has scheduled hearing upon the previously filed defendant's motion for change of venue/disqualification of the O.C. Prosecutor's Office. Please advise whether or not Your Honor wishes that hearing upon the attached copied motion be also scheduled for hearing on said date.

Respectfully yours,

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, 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 NOTICE OF 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.

TO (Via E-Courts): Clerk, Criminal Division
Ocean County Superior Court
120 Hooper Avenue
Toms River, NJ 08753

Hon. Marlene Lynch Ford, A.J.S.C.
Ocean County Courthouse
P.O. Box 2191
Toms River, NJ 08753

Ms. Taylor Toscano, A.P.
Office of the Ocean County Prosecutor
119 Hooper Avenue
Toms River, NJ 08753

SIR(S)/MADAM(S):

PLEASE TAKE NOTICE that, at a date and time to be determined by the
Court, the undersigned attorney for the defendant, RICHARD HONE

(hereafter defendant), shall move before the Court pursuant to R. 1:12-2 and R. 1:12-3 for an 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 such venue as 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.

Defendant will rely upon such Certification(s), brief(s), letter brief(s) and/or such other documents/pleadings as may be hereafter submitted in support of this motion.

Defendant requests oral argument before the Court upon this motion.

A proposed form of Order is submitted herewith.

Respectfully submitted,

S/John P. Reilly

Dated: August 12, 2020

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

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

August 12, 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 filed this date in keeping with R. 1:12-2 and R. 1:12-3 seeking Order: **(1)** Disqualifying Your Honor 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 such venue as 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. In this regard, I ask that Your Honor please accept the within Letter memorandum in lieu of a more formal brief in support of this motion.

STATEMENT OF FACTS

Defendant hereby incorporates by reference the facts as set forth in the pleadings filed upon defendant's motion for change of

venue and removing/disqualifying the Ocean County Prosecutor's Office from further prosecution of the subject Criminal Complaint on 8/7/2020. In addition thereto, defendant points to facts as have since developed/been revealed in Exhibits to the Attorney's Certification submitted herewith as further reason to conclude that Your Honor simply cannot in good conscience hope to rule upon any issues touching upon the remarkably questionable criminal charges brought against this defendant as threaten his liberty while providing that appearance and promise of impartiality so essential to our system of justice. In this regard, and most respectfully, the reasons why Your Honor must now remove yourself from any further participation in this criminal matter as previously alluded to have now been exacerbated with Your Honor's now clearly and publicly displayed opinion upon this defendant and his cause as set forth in Your Honor's self-initiated Order of 8/6/2020, wherein Your Honor concludes, among other things:

"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." (**Exhibit W**).

In other words, Your Honor has now concluded that the civil actions as once contributed to the conflict as once required Your Honor's immediate transfer of the Criminal Complaint (**Exhibit G**) and subsequent transfer of all then pending civil actions (**Exhibit I**) from Ocean to Burlington are entirely without merit. How then, with Your Honor having now reached such conclusion without benefit

of a hearing upon the merits of such still pending civil actions and the Criminal Complaint having now inexplicably returned to Ocean County for prosecution, could any reasonable, fully informed person but have his/her doubts about Your Honor's impartiality in conducting a hearing upon defendant's pending motions for change of venue and the removal/disqualification of his prosecutor (see below).

ARGUMENT

R. 1:12-2 provides "[a]ny party, on motion made to the judge before trial or argument and stating the reasons therefor, may seek that judge's disqualification." A motion for recusal may be granted for any "reason which might preclude a fair and unbiased hearing and judgment, or which might reasonably lead counsel or the parties to believe so." R. 1:12-1(f). Such a motion must "be made before trial or argument." N.J.S.A. 2A:15-20; Bonnet v. Stewart, 155 N.J. Super. 326, 330 (App. Div.), certif. denied 77 N.J. 468 (1978). The disposition of the motion is, at least in the first instance, entrusted to the "sound discretion" of the trial judge whose recusal is sought. Magill v. Casel, 238 N.J. Super. 57, 63 (App. Div. 1990); Bonnet, supra. 155 N.J. Super at 330.

R. 1:12-2 provides, in pertinent part, that in the event of such disqualification "another judge of the court in which the matter is pending or a judge temporarily assigned to hear the matter shall be designated by the Chief Justice or by the Assignment Judge

of the county where the matter is pending. . .".

In keeping with the principles espoused in the litany of cases cited in defendant's brief seeking change of venue, R. 1:12-1, "Cause for Disqualification; On the Court's Motion provides", in pertinent part, as follows:

"The judge of any court **shall** (*emphasis added*) be disqualified on the court's own motion and shall not sit in any matter, if the judge

(d) has given an opinion upon a matter in question in the action;

(f) when there is any other reason which might preclude a fair and unbiased hearing and judgment, or which might reasonably lead counsel or the parties to believe so."

It is respectfully submitted that, in the first instance, especially now as Your Honor has revealed Your Honor's opinion upon defendant's pending civil actions as claimed to form a basis for the conflict that requires both the change of venue and the removal/disqualification he seeks, such disqualification would properly call for Your Honor's disqualification upon Your Honor's own motion. One founded both in such opinion and such other reasons as would reasonably lead defendant to believe Your Honor unable to provide a fair and unbiased hearing upon his pending motion. But more than that. Now that defendant has clearly and fully set forth the reasons that require Your Honor's disqualification via his motion, it is respectfully submitted that Your Honor must now take that action as required so as to protect, defend and further the principles upon which our system of justice is founded.

For, once again, Judges are to "act at all times in a manner that promotes public confidence," *id.* Canon 2(A), and "must avoid all impropriety and appearance of impropriety," *id.* commentary on Canon 2 (emphasis added). For as recognized by our Supreme Court over a half century ago, "'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 standard requires judges to "refrain ... from sitting in any causes where their objectivity and impartiality may fairly be brought into question." *Ibid.* In other words, 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). 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). To this end, **a judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned** (emphasis added)... Canon 3.C. (1) of the Code of Judicial Conduct.

For the reasons set forth above, it is respectfully submitted the only means by which the above principles may now be honored and applied is with Your Honor's disqualification from hearing defendant's pending motion for change of venue and removal/disqualification of the Ocean County prosecution 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 form of Order submitted disqualifying Your Honor from hearing defendant's pending motion for change of venue and removal/disqualification of the Ocean County Prosecutor's Office from further prosecution of the Criminal Complaint and naming/designating that judge who shall hear same in keeping with the Rules of Court.

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 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. The within motion relates to the hearing as to be conducted
upon defendant's pending motion for Change of Venue and Removing the
Ocean County Prosecutor's Office from further prosecution of the subject
Criminal Complaint and supporting pleadings filed with the Court on

8/7/2020 which shall be relied upon by defendant and are hereby incorporated by reference in support of the within motion.

3. Attached hereto please find the following lettered Exhibits offered in addition to Exhibits A through U as provided beneath defendant's Attorney's Certification dated/filed on 8/7/2020 upon said motion:

V. Copy of e-mails exchanged on 8/10/2020.

W. Copy of defendant's e-mail of 8/11/2010 forwarding to my office the Court's e-mail of 8/10/2020 having as its Subject: Court Initiated Order to Show Cause hearing: 8.21.

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 12, 2020

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

[Print](#) | [Close Window](#)

Subject: RE: [External]Hone adv. State, Case No. 20000532
From: "Toscano, Taylor" <TToscano@co.ocean.nj.us>
Date: Mon, Aug 10, 2020 12:59 pm
To: Marlene Ford <marlene.ford@njcourts.gov>, "John@johnreillylaw.com" <John@johnreillylaw.com>
Cc: Jennifer Cosentino <jennifer.cosentino@njcourts.gov>, Michelle Tierney <Michelle.Tierney@njcourts.gov>, Agustina Lane <agustina.lane@njcourts.gov>
Attach: image002.jpg

Judge Ford,

I am available. I am working on my reply brief and expect to submit it by the end of this week. 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: Marlene Ford <marlene.ford@njcourts.gov>
Sent: Monday, August 10, 2020 11:40 AM
To: John@johnreillylaw.com
Cc: Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; Toscano, Taylor <TToscano@co.ocean.nj.us>; Michelle Tierney <Michelle.Tierney@njcourts.gov>; Agustina Lane <agustina.lane@njcourts.gov>
Subject: RE: [External]Hone adv. State, Case No. 20000532

Mr. Reilly, I will consider your application to transfer venue and to restrain the OCPO from participating on Friday August 28 at 11:00 AM. I am also authorizing the adjournment of the matter before Judge Baxter pending resolution of this motion on the 28th. Thank you.

Marlene Lynch Ford, A.J.S.C. (Ocean)
(732) 504-0700, Ext. 64461

From: John@johnreillylaw.com <John@johnreillylaw.com>
Sent: Monday, August 10, 2020 11:36 AM
To: Marlene Ford <marlene.ford@njcourts.gov>
Cc: Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; TToscano@co.ocean.nj.us; Michelle Tierney <Michelle.Tierney@njcourts.gov>; Agustina.Lane@njcourts.gov
Subject: RE: [External]Hone adv. State, Case No. 20000532

Dear Judge Ford,

-V-

I am on vacation the week of the 17th and would therefore ask that such hearing or conference on this matter proceed no sooner than 8/24/2020. Please advise of what date may be acceptable to Your Honor on/following same. Also, would you please advise as to my request that the scheduled 8/26/2020 EDC be carried pending resolution of defendant's motion.

Respectfully,

John Reilly

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

Subject: RE: [External]Hone adv. State, Case No. 20000532
From: Marlene Ford <marlene.ford@njcourts.gov>
Date: Mon, August 10, 2020 10:59 am
To: "John@johnreillylaw.com" <John@johnreillylaw.com>
Cc: Jennifer Cosentino <jennifer.cosentino@njcourts.gov>, "TToscano@co.ocean.nj.us" <TToscano@co.ocean.nj.us>, Michelle Tierney <Michelle.Tierney@njcourts.gov>, "Augustina.Lane@njcourts.gov" <Augustina.Lane@njcourts.gov>

I presently have a court initiated motion to determine Mr. Hone to be a vexatious litigant based upon his civil filings. We scheduled that before the court for 11:30 on Friday August 21. Perhaps we can consider this motion at 10:30 AM?

Marlene Lynch Ford, A.J.S.C. (Ocean)
(732) 504-0700, Ext. 64461

From: John@johnreillylaw.com <John@johnreillylaw.com>
Sent: Monday, August 10, 2020 9:31 AM
To: Marlene Ford <marlene.ford@njcourts.gov>
Cc: Jennifer Cosentino <jennifer.cosentino@njcourts.gov>; TToscano@co.ocean.nj.us; Michelle Tierney <Michelle.Tierney@njcourts.gov>; Augustina.Lane@njcourts.gov
Subject: [External]Hone adv. State, Case No. 20000532

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Dear Judge Ford,

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

Please call with any questions.

Respectfully yours,

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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[Print](#) | [Close Window](#)

Subject: Fwd: Court Initiated Order to Show Cause Hearing: 08.21
From: RICHARD HONE [REDACTED]
Date: Tue, Aug 11, 2020 3:01 pm
To: John@johnreillylaw.com
Attach: Richard Hone OSC L1803.20.pdf

From: OceanHelp Mailbox <oceanhelp.mailbox@njcourts.gov>
Date: Monday, August 10, 2020
Subject: Court Initiated Order to Show Cause Hearing: 08.21
To: rhone904 [REDACTED]
Cc: Stuart K. Santiago <stuart@sksantiagolaw.com>

Please see attached.

Judiciary web address: www.njcourts.com

 2592214A

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-W-

Superior Court of New Jersey

CHAMBERS OF
JUDGE MARLENE LYNCH FORD
ASSIGNMENT JUDGE



OCEAN COUNTY COURT HOUSE
P.O. BOX 2191
TOMS RIVER, N.J. 08754-2191
(732) 504-0700 ext. 64460

August 6, 2020

Richard Hone
c/o 24 Johnston Avenue
Brick, New Jersey 08724

Re: In the Matter of Richard Hone
Docket No.: OCN-L-1803-20

Dear Mr. Hone:

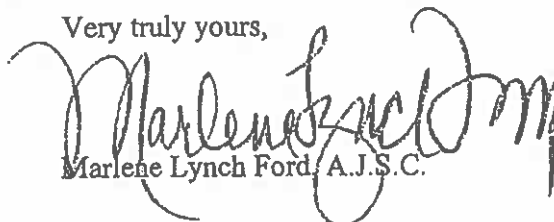
As you know, you have filed an extraordinary number of civil complaints against many individuals associated with the court system and other persons.

I have elected to issue an order to show cause as to why you should not be enjoined from filing civil complaints based upon your status as a vexatious litigant.

The return date of the order to show cause is August 21, 2020 at 11:30 AM. You have a right to participate in this hearing and to set forth your opposition to this motion. In addition, you have a right to be represented by counsel of your own choice.

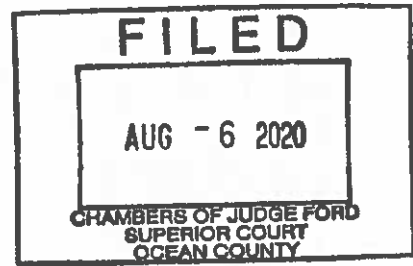
Since this hearing will be conducted by Zoom technology on the record, given the COVID -19 restrictions, please provide us with an email so the invitation to that event can be directed to you.

Very truly yours,



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

MLF/pb
Enclosure
cc Randall B. Weaver (Deputy Attorney General)



ORDER PREPARED BY THE COURT

In the Matter of Richard Hone
Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

Docket No.: OCN-L-1803-20

CIVIL ACTION

ORDER TO SHOW CAUSE

This matter came before the court on its own motion, for the purpose of considering whether or not restraints authorized under Rosenblum v. Borough of Closter, 333 N.J. Super. 385 should be imposed against Richard Hone, a resident of Brick Township in the Court of Ocean, 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 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; that it would be appropriate for this court to consider the imposition of restraints because the Plaintiff Richard Hone has established a pattern of frivolous litigation; that traditional sanctions for frivolous litigation have provided no deterrent and that the Assignment Judge for the County

of Ocean should review any future filings throughout the state of New Jersey as to merit and determine if the Plaintiff should be permitted to proceed;

And for good cause shown, it is on this 6th day of August, 2020 Ordered that Richard Hone shall show cause before this court, on the 21st day of August, 2020 at 11:30 AM in Court Room # 1 at the Ocean County Court House, 118 Washington Street, Toms River New Jersey, why an order should not be entered restraining Richard Hone from filing any frivolous complaints in the Superior Court of New Jersey, without having been reviewed prior to the attempted filing by the undersigned Assignment Judge of the County of Ocean;

That any complaints offered for filing by Richard Hone, pending the return date of this order to show cause, shall be marked "Received not filed" pending a disposition of this court initiated motion;

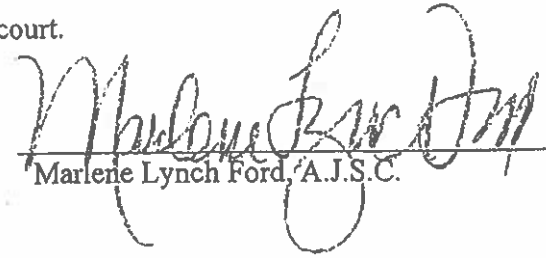
That a copy of this order shall be distributed to all vicinages within the Superior Court of New Jersey;

That a copy of this order to show cause shall be sent to Richard Hone at his last known address, and a copy of this order shall be sent to the Office of the Attorney General, Law Division, since that agency has been given the charge of representing numerous court staff and judges who have been the target of these complaints filed by Richard Hone;

That Richard Hone and any interested party shall have the right to file a written response to this application if there is opposition to this proposed order; that failure to file a written response in opposition to the court by August 17th 2020 shall result in the court entering an order to the relief set forth in this order to show cause;

That the hearing on the return date of this order to show cause shall be conducted by electronic appearance, due to the restrictions set forth under Covid-19 protocols. Therefore, Richard Hone or an attorney appearing on his behalf shall have the right to participate in the hearing on the return date provided contact information is provided to the court. Upon receipt an electronic invitation shall be directed to Richard Hone, and/or to any attorney appearing on his behalf;

That this order to show cause is entered by the Assignment Judge for the Ocean vicinage
as part of the administrative responsibilities of the court.


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

CVM0019

AUTOMATED CASE MANAGEMENT SYSTEM

07/31/20

PARTY LIST ALPHA

13:17

NOTE: PARTY MAY ALSO BE IN ARCHIVED CASE.

NAME: HONE

RICHARD

VENUE:

COURT: LCV DOCKET TYP:

ALT NAME:

SEL

PARTY NAME

PARTY #

VEN DOCKET NUMBER

DATE DISPOSED

HONE	RICHARD	1	MID L	007619 13	05 09 2014
HONE	RICHARD	1	ESX L	007390 18 E	08 30 2019
HONE	RICHARD	1	MON L	004490 18 E	12 21 2018
HONE	RICHARD	1	MON L	000365 19 E	06 13 2019
HONE	RICHARD	1	MID L	001190 19	09 06 2019
HONE	RICHARD	1	MON L	000589 19 E	06 13 2019
HONE	RICHARD	1	MID L	001819 19	09 06 2019
HONE	RICHARD	1	ESX L	002926 19	10 25 2019
HONE	RICHARD	1	MID L	003962 19	07 10 2019
HONE	RICHARD	1	MID L	004519 19 E	09 13 2019
HONE	RICHARD	1	MID L	004529 19 E	08 28 2019
HONE	RICHARD	1	UNN L	002472 19	11 25 2019
HONE	RICHARD	1	ESX L	005823 19 E	02 21 2020
HONE	RICHARD	1	MON L	003022 19 E	08 30 2019

ATTORNEY ID:

P/C/D PUTATIVE/CERTIFIED CLASS/DENIED E ELEC FILER

PF1-PARTY-INQUIRY PF2-CASE-PARTY-LIST PF4-PARTY-PROMPT PF8-NEXT PF22-HELP:

CVM0019

AUTOMATED CASE MANAGEMENT SYSTEM

07/31/20

PARTY LIST ALPHA

13:17

NOTE: PARTY MAY ALSO BE IN ARCHIVED CASE.

NAME: HONE

RICHARD

VENUE:

COURT: LCV DOCKET TYP:

ALT NAME:

SEL

PARTY NAME

PARTY #

VEN. DOCKET NUMBER

DATE DISPOSED

HONE	RICHARD	1	MID L	006206 19 E	11 22 2019
HONE	RICHARD	1	ESX L	007287 19 E	
HONE	RICHARD	1	MON L	000014 20 E	01 03 2020
HONE	RICHARD	1	BUR L	000047 20 E	
HONE	RICHARD	1	OCN L	000326 20 E	03 13 2020
HONE	RICHARD	1	OCN L	000327 20 E	03 16 2020
HONE	RICHARD	1	OCN L	000378 20 E	03 13 2020
HONE	RICHARD	1	OCN L	000692 20 E	03 13 2020
HONE	RICHARD	1	BUR L	000688 20 E	
HONE	RICHARD	1	BUR L	000689 20 E	
HONE	RICHARD	1	BUR L	000745 20 E	
HONE	RICHARD	1	BUR L	000972 20 E	06 05 2020
HONE	RICHARD	1	OCN L	001369 20 E	
HONE	RICHARD	1	OCN L	001396 20 E	

ATTORNEY ID:

P/C/D PUTATIVE/CERTIFIED CLASS/DENIED E ELEC FILER

PF1-PARTY-INQUIRY PF2-CASE-PARTY-LIST PF4-PARTY-PROMPT PF8-NEXT PF22-HELP:

CVM0019

AUTOMATED CASE MANAGEMENT SYSTEM
PARTY LIST ALPHA

07/31/20
13:17

NOTE: PARTY MAY ALSO BE IN ARCHIVED CASE.

NAME: HONE

RICHARD

VENUE:

COURT: LCV DOCKET TYP:

ALT NAME:

SEL

PARTY NAME

PARTY #

VEN DOCKET NUMBER

DATE DISPOSED

HONE	RICHARD	1	CAM L	002040 20 E	
HONE	RICHARD	1	BUR L	001324 20 E	07 27 2020
HONE	RICHARD	1	CAM L	002547 20 E	
HONE	RICHARD	1	MON L	002353 20 E	
HONE	SUGAN	1	SOM L	000180 18 E	05 15 2019
HONE #184895B	RICHARD	1	CUM L	000124 18	12 21 2018
HONE #184895B	RICHARD	1	CUM L	000318 18	05 04 2018
HONE #184895B	RICHARD	1	ATL L	000983 18	03 29 2019
HONE #184895B	RICHARD	1	MER L	002234 18 E	05 01 2019
HONE #184895B	RICHARD	1	CUM L	000776 18	11 13 2018
HONE #184895B	RICHARD	1	ATL L	002840 18	05 31 2019
HONE #184895B	RICHARD	1	MER L	002594 18 E	05 01 2019
HONE SBI #184895B	RICHARD	1	MON L	001676 19 E	06 13 2019
HONE SBI #184895B	RICHARD	1	MID L	004516 19 E	11 22 2019

ATTORNEY ID:

P/C/D PUTATIVE/CERTIFIED CLASS/DENIED

E ELEC FILER

PF1-PARTY-INQUIRY PF2-CASE-PARTY-LIST PF4-PARTY-PROMPT PF8-NEXT PF22-HELP;

CVM0019

AUTOMATED CASE MANAGEMENT SYSTEM
PARTY LIST ALPHA

07/31/20
13:17

NOTE: PARTY MAY ALSO BE IN ARCHIVED CASE.

NAME: HONE

RICHARD

VENUE:

COURT: LCY DOCKET TYP:

ALT NAME:

SEL	PARTY NAME	PARTY #	VEN	DOCKET NUMBER	DATE DISPOSED
	HONE SBI 184895B RICHARD	1	MON L	000941 19 E	06 13 2019
	HONE SBI 184895B RICHARD	1	MID L	004488 19 E	
	HONE SBI# 184895B RICHARD	1	ESX L	001729 19	10 25 2019
	HONE SBI#184895B RICHARD	1	OCN L	003018 17 E	12 18 2017
	HONE SBI#184895B RICHARD	1	MON L	004009 17	01 12 2018
	HONE SBI#184895B RICHARD	1	MID L	000126 18 E	01 25 2019
	HONE SBI#184895B RICHARD	1	MID L	000463 18	01 25 2019
	HONEBEIN CHERYL A	3	UNN L	002048 18 E	02 25 2020
	HONEBEIN-HARDT BRANDON R	2	UNN L	002048 18 E	02 25 2020
	HONEBEIN-HARDT BRANDON R	2	MON L	003756 19 E	04 24 2020
	HONECKER AMANDA	2	OCN DJ	199155 18	07 03 2019
	HONECKER JR ROBERT A	4	MID L	004127 16	04 20 2017
	HONEGAN DWAYNE	1	ESX L	000450 15	06 05 2017
	HONEGAN DWAYNE	3	ESX L	000513 15	08 15 2017

ATTORNEY ID:

P/C/D PUTATIVE/CERTIFIED CLASS/DENIED

E ELEC FILER

PF1-PARTY-INQUIRY PF2-CASE-PARTY-LIST PF4-PARTY-PROMPT PF8-NEXT PF22-HELP:

CVM0019

AUTOMATED CASE MANAGEMENT SYSTEM
PARTY LIST ALPHA

07/31/20
13:17

NOTE: PARTY MAY ALSO BE IN ARCHIVED CASE.

NAME: HONE RICHARD VENUE: COURT: SCP DOCKET TYP:

ALT NAME:

SEL	PARTY NAME	PARTY #	VEN	DOCKET NUMBER	DATE DISPOSED
HONE	RICHARD	2	SOM DC	000913 93	06 07 1993
HONE	RICHARD	2	MRS DC	002036 95	05 03 1995
HONE	RICHARD	2	MID DC	007604 09 E	05 11 2009
HONE	RICHARD	2	MID DC	016767 12 E	04 09 2013
HONE	RICHARD	1	MID SC	000594 14	06 16 2014
HONE	RICHARD	1	SOM SC	000266 14	07 15 2014
HONE	RICHARD	1	SOM SC	000267 14	07 16 2014
HONE	SHANA	2	CAM DC	008258 04	07 27 2004
HONE	SHANA	2	BUR LT	005240 07	01 25 2008
HONE	SHANA	2	BUR LT	004098 08	10 03 2008
HONE	SHANA	2	CAM DC	011923 09 E	08 03 2009
HONE	SHANA	2	CAM DC	015921 13 E	11 15 2013
HONE	SHANA	2	BUR DC	006624 19 E	09 23 2019
HONE	SHANA	3	BUR DC	011896 08 E	10 24 2008

ATTORNEY ID: F/C/D PUTATIVE/CERTIFIED CLASS/DENIED E ELEC FILER

PF1-PARTY-INQUIRY PF2-CASE-PARTY-LIST PF4-PARTY-PROMPT PF8-NEXT PF22-HELP:

CVM0019

AUTOMATED CASE MANAGEMENT SYSTEM
PARTY LIST ALPHA

07/31/20
13:18

NOTE: PARTY MAY ALSO BE IN ARCHIVED CASE,
NAME: HONE RICHARD

VENUE:

COURT: CHC DOCKET TYR:

ALT NAME:

SEL

PARTY NAME	PARTY #	VEN	DOCKET NUMBER	DATE DISPOSED
HONE RICHARD	1	MON C	000152 19	01 09 2020
HONE RICHARD	2	MON C	000016 20	02 12 2020
HONE RICHARD	2	BUR C	000013 20	05 07 2020
HONE ROBERT	16	SWC F	028613 10	10 17 2014
HONE JR HOWARD C	2	SWC F	037171 10	08 24 2011
HONE JR HEIRS HOWARD C	4	SWC F	037171 10	08 24 2011
HONE JR MRS HOWARD C	5	SWC F	037171 10	08 24 2011
HONE MR JACQUELIN	4	SWC F	026112 13 E	09 05 2014
HONE MRS ROBERT	17	SWC F	028613 10	07 23 2012
HONE MRS RICHARD	1	MID C	000171 17	01 08 2018
HONE SBI#184895B INC	5	SWC F	015470 03	07 10 2006
HONEBETN ANN L	2	SWC F	022632 16 E	11 29 2016
HONEBETN CHERYL A	5	SWC F	009593 02	03 03 2003
HONEBETN CHERYL A	6	SWC F	022632 16 E	11 29 2016

ATTORNEY ID:

P/C/D PUTATIVE/CERTIFIED CLASS/DENIED E ELEC FILER

PF1-PARTY-INQUIRY PF2-CASE-PARTY-LIST PF4-PARTY-PROMPT PF8-NEXT PF22-HELP:

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

ORDER GRANTING 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.

THIS MATTER, having been presented to the Court upon defendant's, Richard Hone's (hereafter defendant), Notice of Motion 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 such venue as 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, John P. Reilly, Esq. appearing as attorney for defendant and Taylor Toscano, A.P. appearing for the State of New Jersey, and the

Court having considered the papers submitted and/or the arguments of counsel, and for good cause shown;

IT IS ON THIS _____ DAY OF _____, 2020;

ORDERED, that the Honorable Marlene Lynch Ford, A.J.S.C. be and herby is disqualified 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 such venue as 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;

IT IS FURTHER ORDERED, that _____, J.S.C., be and herby is designated to hear same.

MARLENE LYNCH FORD, A.J.S.C.

Khajezadeh, Dina

From: John@johnreillylaw.com
Sent: Wednesday, August 12, 2020 1:23 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. 20000532, Supplement to Defendant's Letter Brief.pdf; Richard Hone adv. State, Case No. 20000532, Defendant's Attorney's Supplemental Supporting Certification.pdf; Richard Hone adv. State, Case No. 20000532, Exhibit X.pdf

Dear Judge Ford,

Please see my attached copied Supplemental Letter Brief, Supplemental Attorney' Cert., and Exhibit X thereto, as relate to defendant's motion filed earlier this date and as e-filed this date, which are self-explanatory.

Please call with any questions.

Respectfully yours,

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

August 12, 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 again recall that I represent the defendant, Mr. Richard Hone (defendant), for the above unindicted matter. In this regard, with reference to defendant's motion filed this date in keeping with R. 1:12-2 and R. 1:12-3, and in the interest of providing a complete record and in further support thereof, please see as submitted herewith my Supplemental Attorney's Certification and referred to Exhibit X thereto.

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 SUPPLEMENTAL ATTORNEY'S
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. Attached as **Exhibit X** hereto please find copy of defendant's
transmittal of this date and attached form of Complaint (absent the form
defendant's application to proceed without prepaying fees/costs as
contains personal information) filed this date by defendant with the

Federal District Court. In this regard, defendant advises that among the reasons/bases for the filing thereof to be that, as he had confirmed via his review of njcourts.gov on this date, that his Complaint previously filed in Ocean County on 7/26/2020 (**Exhibit T to Attorney's Certification of 8/7/2020**) has yet to be docketed.

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 12, 2020

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

[Print](#) | [Close Window](#)

Subject: Fwd: HONE v. OCEAN DEFS (INDIVIDUAL CAPACITY) CIVIL RIGHTS W/FEE WAIVER 8-12-20
From: RICHARD HONE [REDACTED]
Date: Wed, Aug 12, 2020 12:28 pm
To: "john@johnreillylaw.com" <john@johnreillylaw.com>, RICHARD HONE [REDACTED]
Attach: HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 001.jpg
HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 002.jpg
HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 003.jpg
HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 004.jpg
HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 005.jpg
HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 006.jpg
HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 007.jpg
HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 008.jpg
HONE FEDERAL CIVIL RIGHTS If tosc bill 8-12-20 009.jpg

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

From: RICHARD HONE [REDACTED]
To: ecfhelp@njd.uscourts.gov <ecfhelp@njd.uscourts.gov>; RICHARD HONE [REDACTED]
Sent: Wed, Aug 12, 2020 12:04 pm
Subject: HONE v. OCEAN DEFS (INDIVIDUAL CAPACITY) CIVIL RIGHTS W/FEE WAIVER 8-12-20

ATTACHED PLEASE FIND;

1. 1983 Civil Rights Complaint-Richard Hone v. Marlene Lynch-Ford, Taylor Toscano, Brad Billhimer, John and Jane Doe(s)
2. Application to proceed in District Court without prepaying fees or costs

Please email me the DOCKET # _____ asap.

Richard Hone
[REDACTED]

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-X-

RICHARD HONE

) Case No. _____

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

MARTINE LYNCH - (KID), TAYLOR
TASCANO, BRAD BILLHIMER, JOHN
+ JANE DOE(S)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one)

☒ Yes

☐ No

(to be
filled in by the
Clerk's Office)

**COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS
(Non-Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

RICHARD HONE
c/o ~~120~~ 24 Johnston Ave
BRICK NJ 08754
City State Zip Code
OCEAN
[Redacted]
[Redacted]

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Marlene Lynch-Ford
Individual (Judge in OCEAN)
120 Hooper Ave, Box 2191
Toms River NJ 08754
City State Zip Code
OCEAN
N/A
N/A

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Taylor Toscano
Individual (Prosecutor Asst.)
119 Hooper Ave
Toms River NJ 08754
City State Zip Code
OCEAN
732-929-2027
N/A

Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Brad Billhimer

Individual (Prosecutor)

119 Hooper

Tomb River

MT

03754

Zip Code

City

OCEAN

732-929-2027

N/A

Individual capacity Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

City

State

Zip Code

Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim) ☒

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

9th, 14th Amendments
5th, 6th Amendments
1st Amendment

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Violated plaintiffs Civil Rights by denying my Civil Rights to Due Process (9th 14th) fair (or any) trial, 1st Amendment Rights, enforcing an order never served properly, trial w/o Counsel or defendant, ongoing Due Process, Malicious prosecution Violations, fake Subpoena, NO Fair Hearing

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. A. Where did the events giving rise to your claim(s) occur?

① This is ongoing since 10-2015 to Present as defendants continue their malicious prosecution and continue violations of fair Hearing as Defendants continue to Hear + Prosecute me when they are defendants in 4 current (STATE) CIVIL RIGHTS lawsuits

B. What date and approximate time did the events giving rise to your claim(s) occur?

OCTOBER 15, 2015 to Present + pending criminal charges

Ongoing Again since 2-2020

Continuous CIVIL RIGHTS Violations

* Criminal Official Misconduct

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) 11

Charged w/ Contempt knowing victim + def (me) were not in OCCAM CTY, withholding exculpatory evidence, trial w/o def. or Counsel, 155

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Amendment Violations in (UNFAIR) Hearing
These people are on a Vendetta against me for my outspoken and correct views They are Corrupt, A VIEW shared by the FBI in Newark + Red Bank offices

CII. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\$10,000,000.00 in Compensatory Damages
\$20,000,000.00 in Punitive Damages

CIII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Richard H.
8/12/20

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8/12/20

Signature of Plaintiff

Richard H. (ORIGINAL SIGNATURE)

Printed Name of Plaintiff

Richard H.

Khajezadeh, Dina

From: eCourts.Mailbox@njcourts.gov
Sent: Friday, August 14, 2020 1:47 PM
To: Toscano, Taylor; JOHN@JOHNREILLYLAW.COM; Bryce , Hillary
Subject: NJ eCourts Filing Notification - Criminal Case OCN-20-000532

Superior Court of New Jersey - Ocean County

The following was filed by Taylor E Toscano on 08/14/2020 at 1:47 PM:

Defendant Name: RICHARD W HONE

Case Caption: STATE OF NEW JERSEY VS RICHARD HONE

Case Number: [OCN-20-000532](#)

Docket Text: Response to Motion - BRIEF - CHANGE VENUE has been filed by Taylor E Toscano, Ocean County Prosecutors Office on behalf of the State of NJ

Transaction ID: [CRM2020643901](#)

Notice has been electronically sent to:

Prosecuting Attorney	Taylor E Toscano	TTOSCANO@CO.OCEAN.NJ.US
Attorney for Defendant Richard W Hone	John P Reilly	JOHN@JOHNREILLYLAW.COM
Prosecuting Attorney	Hillary Bryce	HBRYCE@CO.OCEAN.NJ.US

[Login](#) to eCourts to view the case jacket. You will need a valid user ID to view the submitted documents.

For questions, please [contact](#) the Criminal Division in Ocean County.

This email is for notification purposes only and was sent from a notification-only address that cannot accept incoming email. **Please do not reply to this message.**

Khajezadeh, Dina

From: Toscano, Taylor <TToscano@co.ocean.nj.us>
Sent: Friday, August 14, 2020 1:54 PM
To: Brittany Barbet; peggy.briggs@njcourts.gov
Cc: John@johnreillylaw.com; Michelle Tierney; Agustina Lane
Subject: RE: Hone adv. State, Case No. 20000532
Attachments: Exhibit A 8-14 motion.pdf; Hone Aug 12 response.pdf

Brittany & Peggy,

Attached please find my brief in response to Mr. Reilly's motion, scheduled for August 28th. I also filed on eCourts. 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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FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

From: John@johnreillylaw.com <John@johnreillylaw.com>
Sent: Wednesday, August 12, 2020 1:23 PM
To: marlene.ford@njcourts.gov
Cc: Toscano, Taylor <TToscano@co.ocean.nj.us>; Michelle Tierney <Michelle.Tierney@njcourts.gov>; Agustina.Lane@njcourts.gov
Subject: Hone adv. State, Case No. 20000532

Dear Judge Ford,

Please see my attached copied Supplemental Letter Brief, Supplemental Attorney' Cert., and Exhibit X thereto, as relate to defendant's motion filed earlier this date and as e-filed this date, which are self-explanatory.

Please call with any questions.

Respectfully yours,

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.

JENNIFER L. GOTTSCHALK, ESQ.
NJ Bar ID Number 003391980
1920 Fairfax Avenue
Cherry Hill, New Jersey 08003
[REDACTED]
(856)295-8939 (fax)
jgottschalkesq@gmail.com
Attorney for defendant Richard Hone

STATE OF NEW JERSEY, Plaintiff,	SUPERIOR COURT OF NEW JERSEY BURLINGTON COUNTY-LAW DIVISION DOCKET NO. W-2020-116-1506
v.	<u>Criminal Action</u>
RICHARD HONE, Defendant.	CERTIFICATION IN SUPPORT OF OBJECTION TO TRANSFER ACTION TO SUPERIOR COURT, OCEAN COUNTY

JENNIFER L. GOTTSCHALK, of full age, does certify and say:

1. I am an attorney-at-law of the State of New Jersey. I am assigned to represent the defendant in the above-captioned matter as pool counsel for the Public Defender's Office. I am familiar with the facts of the case.
2. The underlying case arose from alleged conduct occurring in both Ocean County and Monmouth County.
3. During my review and preparation of this case, I have learned that my client has been foreclosed from having direct oral communication with the Ocean County Superior Court, and that he may only communicate with them in writing based upon a 2016 order entered by the Hon. Marlene Lynch Ford, A.J.S.C.
4. I assumed that that order prompted the transfer of the current criminal prosecution from Ocean County to Burlington County. I was, therefore, surprised by the entry of the order today transferring the case back to Ocean County.
5. After I argued two motions on my client's behalf on Friday, May 8, 2020, my client sought emergent review of Judge Cook's order denying both motions, namely, to disqualify the Ocean

County Prosecutor's Office and to transfer the case from the Law Division to the Chancery Division, Family Part, and filed a pro se emergent application in this Court requesting that his motion for modification be heard immediately. He filed that motion on Monday, May 11, 2020. To date, that motion has not been heard.

6. The "emergency" is that he has been trying to gain parenting time with his daughter, [REDACTED], which time was removed from him as a condition of his pre-trial release. There is a "no contact" provision in the pre-trial release order preventing him from having any contact with both the victim, [REDACTED], the child's mother, and the child.

7. Hon. Gregory Acquaviva, J.S.C., a Superior Court judge in Monmouth County, entered an order on April 9, 2020, that gave my client parenting time and other electronic communication opportunities with the child.

8. It seems that the Monmouth County Vicinage would be a more appropriate venue for the criminal case, in part because of the pendency of the FD case pending there. There is also the issue of the means and manner by which my client can conduct his defense in a criminal court in Ocean County where he is prohibited from having verbal contact with any court staff, presumably including judges before whom he would be appearing. The language of the order would seem to preclude him from addressing the court in pleadings or testimony.

9. With the goal of having all courts agree that he should have parenting time with his child, he objects to the transfer of his criminal case to Ocean County, which will delay once again the determination by a criminal division judge that he should be able to have parenting time with [REDACTED]

10. My client's objection to the transfer order remains in effect until close-of-business on Friday, May 15, 2020, by which time he wishes to have his May 11, 2020, emergent motion about

the modification of his pre-trial release heard by a judge in Burlington County

11. If my client's emergent motion is not heard by 4:30 p.m. on May 15, 2020, in Superior Court, Law Division, Burlington County, then he withdraws his objection to the transfer of the case. He is firm about having his motion to modify heard as soon as possible so that he can resume parenting time with [REDACTED]

12. 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: MAY 14, 2020

Jennifer L. Gottschalk

Jennifer L. Gottschalk

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

August 12, 2020

The Honorable Marlene Lynch Ford, A.J.S.C.
100 Hooper Avenue, Courtroom #1
Toms River, NJ 08753
Via email to law clerk & eCourts

RE: State v. Richard Hone
Case no. 20000532

Dear Judge Ford,

Please accept this letter brief in response to defense counsel's motion to transfer venue, disqualify Your Honor from presiding over hearings involving the defendant, and to disqualify the Ocean County Prosecutor's Office. The State concedes to defense counsels timeline of events, but disputes the within arguments.

First, with regards 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 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 defendants 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.

Pursuant to R. 3:14-1, "an offense shall be prosecuted in the county in which it was

committed, except that (a) [i]f it is uncertain in which one of 2 or more counties the offense has been committed or if an offense is committed in several counties prosecution may be had in any of such counties.”

Even if Your Honor were to agree with defense counsel’s arguments that some texts/emails may have been received, in Monmouth County, I would argue that most of, if not all texts/emails, were received while the victim was in Ocean County, specifically Brick, NJ, and therefore Ocean County is the appropriate venue to handle this matter.

Further, while this matter was previously venued in Burlington County, defendant did not object when the matter was eventually transferred back to Ocean County. On May 14, 2020, the Honorable Jeanne T. Covert, A.J.S.C. sent out an Order via email to counsel indicating the criminal matter was being transferred back to Ocean County. Prior defense counsel filed an objection motion (States exhibit A). The matter was later conferenced between Judge Covert and attorneys with Her Honor explaining that the criminal matter was initially transferred to Burlington County in error and only the civil matters were to remain. Judge Covert indicated she would hear arguments on the venue issue *only* on May 18, 2020, and the emergent motion regarding parenting time would be heard at a later date. Upon hearing this, defense counsel spoke with her client and they agreed to withdraw their motion objecting to the transfer, essentially consenting to same, due to the delay it would cause with the parenting time motion. Defendant is again trying to forum shop in order to manipulate the judicial system and delay any future court proceedings.

Upon being transferred back to Ocean County, Your Honor presided over a hearing on May 22, 2020 regarding the defendant’s contact with his child and amended an Order regarding the defendant’s communication with the Court. At the time of this hearing, the same civil suits the defendant now claim cause a conflict were pending. At no time during that hearing did the defendant argue that Your Honor should be recused from the case or that the matter should be transferred to another county. Only after receiving the Order to Show Cause does defendant now make the argument that the matter should be transferred and Your Honor should be removed from this case, which again shows how the defendant is seeking to manipulate the judicial system when he receives an Order he is not pleased with. The defendant cannot be allowed to file civil suits and claim there is a conflict when he is not happy with the outcome. This would only encourage other litigants to file frivolous and meritless law suits in order to find a more favorable venue.

Additionally, defense counsel is now making a motion for recusal of Your Honor from hearing this motion and his case entirely alleging that Your Honor cannot remain impartial due to that fact that an Order to Show Cause hearing is scheduled regarding the defendant’s frivolous and meritless filings. The State disagrees.

R. 1:12-1 states, in pertinent part, that the Court shall be disqualified if the judge: “(d) has given an opinion upon a matter in question in the action; or (e) is interested in the event of the action; or (f) where there is any other reason which might preclude a fair and unbiased hearing and judgment, or which might reasonably lead counsel or the parties to believe so.” The Rule clarified that “[p]aragraphs (c), (d) and (e) shall not prevent a judge from sitting because of having given an opinion in another action in which the same matter in controversy came in question or given an opinion on any question in controversy in the pending action in the course of previous proceedings therein[.]”

Recusal is at the sound discretion of the trial court. State v. Marshall, 148 N.J. 89, 275-76, cert. denied, 522 U.S. 850, 118 S.Ct. 140 (1997); Pantich v. Pantich, 339 N.J.

Super. 63, 66 (App. Div. 2001); Hundred E. Credit Corp. v. Eric Schuster Corp., 212 N.J. Super. 350, 358 (App. Div.) (citing Bonnet v. Stewart, 155 N.J. Super. 326, 330 (App. Div.), certif. denied, 77 N.J. 468 (1978)), certif. denied, 107 N.J. 60 (1986). “Moreover, judges are not free to err on the side of caution; it is improper for a court to recuse itself unless the factual basis for its disqualification are shown by the movant to be true or are already known by the court.” Marshall, *supra*, 148 N.J. at 276. The Rule does not include a provision for recusal on the basis of a defendant’s mere dissatisfaction or displeasure with the court’s decisions, which appears to be the case here.

The Federal Courts analyze recusal in terms of whether the court’s impartiality has been reasonably questioned. Blanche Rd. Corp. v. Bensalem Township, 57 F.3d 253, 266 (3d Cir. 1995). Where a plaintiff’s motion is “largely conclusory and devoid of factual allegations[,]” recusal is inappropriate. Liteky v. United States, 510 U.S. 540, 555, 114 S.Ct. 1147 (1994). See Smith v. Vidonish, 210 Fed. Appx. 152, 155 (3d Cir. 2006) (where the court held that conclusory statements made in the form of an affidavit should not be given credit in the determination of whether recusal is appropriate).

Here, defendant cannot simply make bald, conclusory assertions of impartiality to support his request. Defendant’s allegations are without any merit whatsoever and seem to be part of a larger scheme to avoid appearing before this Court. Recusal is not only unwarranted, it is improper. As required by Marshall, *supra*, defendant must demonstrate that the factual basis he puts forth in support of disqualification is true. Hence, the Court must examine the actual pleading to determine whether there is a legitimate ground for recusal. Here, defendant submits the Order to Show Cause and an email from Your Honor as proof that Your Honor would not be able to be impartial without explanation.

It bears mentioning that merely naming the Court as a party in a case is not enough. In New York State Association of Criminal Defense Lawyers v. Kaye, the Chief Justice along with several other judges were named in a lawsuit. 95 N.Y.2d 556 (2000). The court held that the judges were “not disqualified automatically merely because they are named parties.” The court reasoned that “[a] judge cannot be disqualified merely because a litigant sues or threatens to sue him or her. We cannot encourage such an easy method of disqualification.” *Id.* at 561 (quoting In re Vermont Supreme Ct. Admin. Directive No. 17 v. Vermont Supreme Court, 154 Vt. 217, 226). While this case is only persuasive here, the same rationale should apply. Defendant has not presented anything more than a few bare conclusory allegations submitted by way of his brief. Disqualification cannot be that easy. In sum, defendant’s claims present an insufficient basis for recusal, especially as presented.

With regards to defense counsel’s argument that this matter in its entirety should be transferred due to an alleged conflict, the State would disagree. Although not actually stated in his brief, defense counsel eludes to that fact that due to the defendant’s multiple law suits against Your Honor, several other Ocean County Judges and judiciary staff, defendant’s case must be transferred to another county as there are questions about the judiciary’s impartiality.

Under R. 3:14-1, “[a]n offense shall be prosecuted in the county in which it was committed.” R. 3:14-2 instructs that a motion for a change of venue filed by defendant shall only be granted if the Court finds that defendant has shown by clear and convincing evidence that a “fair and impartial trial cannot otherwise be had.” See State v. Wise, 19, N.J. 59, 73 (1955). Thus, the decision whether to grant a defendant’s motion for a change of venue lies within the sound discretion of the trial court. *Ibid.*

Here, defense counsel simply states that there are "events both preceding and since this matter's return to Ocean County" that reveal a conflict and shows that the judiciary would be unable to avoid impartiality (Defense brief pg. 8). Defendant has not put forth any clear and convincing evidence demonstrating that a fair and impartial trial cannot be had before an Ocean County jury because of those things. Even if Your Honor were to examine the civil filings by the defendant against Your Honor and several other members of the judiciary, the pleadings are conclusory and fail to allege any actual wrongdoing other than the members of the judiciary acting in their capacity as a Judge or staff member. In fact, Your Honor previously labeled the defendant's filings as "frivolous" and "without merit" (Defense exhibit W)

Finally, defendant contends that the Ocean County Prosecutor's Office should also be disqualified because there is an appearance of impropriety. Defendant does not cite one reason to adequately support the proposition that the entire Ocean County Prosecutor's Office should be disqualified other than the fact that the office and myself have been named in civil suits filed by the defendant.. First, this issue has already been litigated and heard by the Honorable Terrence R. Cook of Burlington County. Judge Cook denied prior defense counsel's request to disqualify the Ocean County Prosecutor's Office for several reasons (Defense exhibit M & L), specifically stating that he did not "find that the pending civil suit is a basis for the disqualification of the Ocean County Prosecutor's Office" (Defense exhibit L, page 32, lines 16-18). Judge Cook also noted, "[t]he fact that Ms. Toscano was named in the civil suit is also not a basis...for disqualification." (Defense exhibit L, page 34, lines) 3-5). On May 11, 2020 an emergent motion was filed by the defendant in a Pro Se capacity, seeking relief of Judge Cook's Order, specifically relating to parenting time. That motion was later conferenced by the Honorable Wendel E. Daniels, P.J.Cr. P. and then ultimately ruled upon by Your Honor. At no point did the defendant seek reconsideration of Judge Cook's Order denying the disqualification of the Ocean County Prosecutor's Office. Now, defendant is seeking relief from Judge Cook's Order denying his application to disqualify the Ocean County Prosecutor's Office, but the State submits that the defendant is out of time.

Pursuant to R. 4:49-2, "a motion for rehearing or reconsideration seeking to alter or amend a judgment or order shall be served not later than 20 days after service of the judgement or order upon all parties by the party obtaining it."

The issue of disqualifying the Ocean County Prosecutor's Office was heard by Judge Cook on May 8, 2020, making the present motion months late. Even if Your Honor were to entertain this motion, the State would argue defense counsel has fell short in their argument. To be clear, nothing has changed that would even warrant an additional application to disqualify the Prosecutor's Office other than the fact that the defendant has tried to implead myself into his Family Court matter, without merit. Using Judge Cook's reasoning, naming myself in a civil action is not enough.

"An appearance of impropriety must be something more than a fanciful possibility and must have some reasonable basis." State v. Loyal, 164 N.J. 418, 429 (2000) (internal citations and quotations omitted). Defendant claims "additional civil actions have been filed by Hone against the Ocean County Prosecutor's Office and its members for additional alleged transgressions, ones as now include claims upon its lead counsel, Ms. Taylor Toscano, A.P. for her played in this ongoing misadventure." Again, defense counsel's bald, conclusory statements do not amount to a reasonable basis to warrant a disqualification of the Prosecutor's Office. Defense counsel's reference to the civil filings only show that the defendant files meritless filings when he is not satisfied with a decision made by any court.

The Court rules do not include a provision for disqualification of an entire office on the basis of a defendant's mere dissatisfaction or displeasure with a prosecutor or a prosecutor's office

Therefore, because defendant has not met his burden with respect to any of his requests, his motion must be denied.

Respectfully,

Taylor E. Toscano
/s/ Taylor E. Toscano
Attorney ID 153792015

CC: John Reilly, Esq.

Khajezadeh, Dina

From: Stuart K. Santiago <stuart@sksantiagolaw.com>
Sent: Monday, August 17, 2020 12:37 PM
To: Toscano, Taylor
Subject: Richard Hone vs. Toscano, et a;s.
Attachments: HONE v. Toscano CRA and DEFAMATION LS 8-15-20 004.pdf; HONE v. Toscano CRA and DEFAMATION LS 8-15-20 001.pdf; HONE v. Toscano CRA and DEFAMATION LS 8-15-20 002.pdf; HONE v. Toscano CRA and DEFAMATION LS 8-15-20 003.pdf; HONE v. Toscano CRA and DEFAMATION LS 8-15-20 005.pdf; HONE v. Toscano CRA and DEFAMATION LS 8-15-20 006.pdf; HONE v. Toscano CRA and DEFAMATION LS 8-15-20 007.pdf; HONE v. Toscano CRA and DEFAMATION LS 8-15-20 008.pdf

Ms Toscano:

This is a Civil Rights and Defamation lawsuit filed by Mr. Hone in Monmouth County, I am serving you with same, as the No Contact Order preventing direct Mr. Hone from having direct contact with you is still in force, The lawsuit names as defendants you, the Ocean County Prosecutor's Office and other individuals.

Regards, Stuart K. Santiago
Law Office of Stuart K. Santiago, LLC
307 Grove Street
P.O. Box 1042
Rahway, NJ 07065
(732) 381-3000
Fax: (732) 381-3002
Email: stuart@sksantiagolaw.com

CONFIDENTIALITY NOTE

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UTSC

Richard Hone

OSC 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),

v. TAYLOR TOSCANO

ET AL [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 ORDERED that defendant, [Taylor Toscano],
[name], appear and show cause before the Superior Court at the Mon 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, 2020 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 that the plaintiff is seeking]; August 18th
B. MAKING Defamatory Libelous, Slanderous 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 restraints that the plaintiff is seeking];

Preventing "Toscano" from making any Defamatory
Libelous, or Slanderous Statements

and
↓

B.

C.

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 alternate, 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 (3) 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 EMAIL, 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/prose/10153_deptyclerklawref.pdf. You must send a copy of your opposition papers directly to Judge Don, 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 Don.

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,

ATTACHED

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

ATTACHED

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_deptyclerklawref.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 (1-888-576-5529). 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_deptyclerklawref.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 7 days before the return date.

J.S.C.

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

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) JOBES 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 Serenity's 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 [REDACTED] 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 punishment

Richard Hone
(FATHER to SERENITY)

8/15/20
DATE