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October 8, 2024

The Honorable Peter E. Warshaw, Jr., P.J. Cr.
Mercer County Criminal Courthouse
400 S. Warren Street
Trenton, New Jersey 08608

Re: State v. George E. Norcross, III, et al.
Indictment Number 24-06-0111-S
Promis Gavel Number 24-1988

Dear Judge Warshaw:

As Your Honor is aware, defendants have filed their briefs in support of motions to dismiss the indictment. Those briefs challenge the indictment's validity in its entirety, and some defendants challenged individual counts of the indictment in which they are charged. Currently, the State's opposition to those motions must be filed with the Court by November 22, 2024.

The State requests a conference with Your Honor and defense counsel to discuss the defendants' motions and the boundaries of the State's response. On September 10, 2024, defense counsel informed the Court that their first motions to dismiss the indictment would not require review or consideration of grand jury transcripts and would, instead, focus exclusively on the "four corners of the indictment." The statutory allegations in the indictment, however, are plainly sufficient on their face. Perhaps recognizing this, the defendants' motions as filed instead implicate the evidence presented to the grand jury, the weight the Court should attribute to it, and reasonable inferences that should be drawn from it. Indeed, the lead brief for defendants, in setting forth the legal standard defendants believe is applicable to their motion, cites cases discussing the evidence presented to a grand jury.¹ In one defense brief, the grand jury transcript is directly and repeatedly cited.


¹ Def. Br. at 9 (citing, e.g., State v. Saavedra, 222 N.J. 39, 56–57 (2015) ("A trial court deciding a motion to dismiss determines whether a *grand jury* could reasonably believe that a crime occurred and that the defendant committed it" (cleaned up)); State v. Brady, 452 N.J. Super. 143, 158 (App. Div. 2017) ("The *grand jury* must be presented with sufficient evidence to justify the issuance of an indictment." (citing State v. Morrison, 188 N.J. 2, 12 (2006)); State v. L.D., 444 N.J. Super. 45, 61 (App. Div. 2016) (noting that an indictment's validity may hinge both on "the facts alleged in the indictment and the evidence presented to the *grand jury*" (emphasis added to all))).



While the Court could quickly deny defense motions that truly claimed the indictment on its face was improperly pled, that is not the motions that were filed. Instead, defendants appear to seek to have two bites at the apple of a pretrial motion claiming the State's evidence is insufficient. Given the way defendants have presented their arguments, the State cannot appropriately oppose the defendants' motions without directing the Court to the entirety of the grand jury presentment, creating unnecessary, duplicative rounds of motion practice. Accordingly, the State respectfully requests a conference.

Respectfully,

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By: 
Michael D. Grillo
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