FBT Gibbons Secures Unanimous Appellate Ruling in State v. Norcross

IMPORTANT UPDATE (Feb. 17, 2026)

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The New Jersey Attorney General's Office announced on Feb. 17, 2026, that it has ended its RICO case in *State v. Norcross,* deciding not to seek review of that decision. As a spokesperson for the Attorney General's Office explained, "Our prosecutorial resources would be best spent on other matters." **Continue reading for more background on this case and FBT Gibbons' involvement.**

FBT Gibbons secured a unanimous appellate ruling in the New Jersey Superior Court, Appellate Division, affirming the complete dismissal of all charges against its client, Sidney Brown, CEO of NFI Industries, in *State v. Norcross*.

The case stemmed from a 13-count indictment accusing Brown and others of conspiracy to violate New Jersey's RICO statute and other related crimes in connection with redevelopment projects in Camden. The charges included racketeering conspiracy, theft by extortion, criminal coercion, financial facilitation of criminal activity, misconduct by corporate officials, and official misconduct.

Before trial, FBT Gibbons moved to dismiss the indictment, arguing that the allegations failed to state criminal offenses and were barred by the statute of limitations. The trial court agreed and dismissed all charges. The state appealed, arguing that the indictment was sufficient and the dismissal improper.

The Appellate Division affirmed, holding that New Jersey law allows courts to assess the legal sufficiency of "speaking indictments" and concluding that the allegations did not constitute the crimes charged. In a decision of first impression, the court adopted the Doherty/Grimm doctrine, ruling that long-term receipt of tax credits does not extend the statute of limitations for conspiracy offenses.

The court also held that the indictment failed to allege an agreement to conceal the alleged crimes and that the receipt of

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benefits does not indefinitely extend official misconduct charges. It further affirmed dismissal of counts alleging conspiracy to commit theft by extortion, criminal coercion, and financial facilitation, finding the indictment did not allege sufficiently to establish those offenses.

The FBT Gibbons defense team was led by Larry Lustberg and included Noel Hillman, Anne Collart, and Kelsey Ball.

FBT Gibbons' White Collar & Investigations Group (WC&I) draws on extensive prosecutorial and defense experience to represent companies and individuals — including multinational and domestic corporations, business executives, medical, legal, and accounting professionals, and foreign governments — in a broad spectrum of criminal, quasi-criminal, administrative, and regulatory matters at every level of the federal and state judicial systems, as well as internationally. The group protects corporate and individual interests from the earliest stages of an investigation through trial.

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