

STATE OF NEW JERSEY

v.

GEORGE E. NORCROSS, III, PHILIP A.
NORCROSS, WILLIAM M. TAMBUSI,
DANA L. REDD, SIDNEY R. BROWN, and
JOHN J. O'DONNELL,

Defendants.

SUPERIOR COURT OF NEW JERSEY

MERCER COUNTY

LAW DIVISION

INDICTMENT NO. 24-06-00111-S

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT DANA L. REDD'S
MOTION TO DISMISS THE INDICTMENT**

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INTRODUCTION

Defendant Dana L. Redd joins the Omnibus Motion to Dismiss the Indictment filed September 24, 2024 by Defendant George Norcross, III, on behalf of all Defendants, and incorporates by reference Mr. Norcross's briefing, as well as that of the other defendants. She submits this brief in support of the Motion to Dismiss based on legal arguments and circumstances pertaining to her. Simply put, the Indictment fails to allege any crime against Former Mayor Redd, even if the Court assumes each and every allegation in the Indictment is true.

PRELIMINARY STATEMENT

Dana Redd is the former Mayor of the City of Camden. Former Mayor Redd has used her one adult life to revive the City of Camden, long New Jersey's most impoverished and underserved big city. As a member of the City Council, two-term Mayor, and State Senator, Former Mayor Redd has spent more than three decades working for the residents, community-based organizations, faith-based leaders, businesses, and local government to make Camden what it has become by 2024, an urban comeback story. Since leaving public office, Former Mayor Redd has worked in the non-profit sector for the same goal: to make Camden a safer, modern, productive place for its citizens. She has never held a job at a for-profit entity, and she has no largesse to show for her uninterrupted public service. And, unlike some of her predecessors, after thirty-five years as a local public figure, no one has ever meaningfully or credibly challenged her integrity. Until now.

The State has charged Former Mayor Redd with Official Misconduct. Official Misconduct, by its very nature, requires an *official action* committed by a *public official* that is *unlawful*. Buried in the Attorney General's 111-page, 242 paragraph Indictment are about a

dozen brief references to Former Mayor Redd. For purposes of the Motion to Dismiss, this Court may assume the assertions regarding Former Mayor Redd are true. The references to Former Mayor Redd, however, are not even allegations of wrongdoing typical of a sustainable indictment; naturally, mere allegations alone would suggest the Indictment sets forth some kind of wrongdoing by her. Instead, the Indictment fails even to state a crime committed by Former Mayor Redd.

Former Mayor Redd is only referenced in eleven paragraphs and only in passing. Put differently, references to Former Mayor Redd are innocent in nature and account for *less than one percent* of the entire Indictment.

The Indictment states that Former Mayor Redd once appeared at a press conference on the waterfront in September 2016 with then-Governor Christie and other local leaders. Indict. ¶ 106. The Indictment states that others, namely CC-1 and CFP-CEO-1, had communications about where Former Mayor Redd would transition once her second term as mayor expired. *Id.* at ¶ 174. The Indictment states that the New Jersey legislature enacted pension reform in January 2018 that would ultimately benefit Former Mayor Redd and other public servants. *Id.* at ¶ 178. The Indictment states that Former Mayor Redd went on to work for the Rowan-Rutgers Joint Board of Directors when she left office in January 2018. *Id.* at ¶ 180.

The only other references that remain relate to alleged comments that Former Mayor Redd made a decade ago that do not amount to inappropriate, much less criminal, conduct.

First, the Indictment states that Former Mayor Redd – in her capacity as a Board Member and Trustee of the Cooper’s Ferry Partnership (“CFP”), a Camden-based private non-profit organization, and *not* in her official capacity as Mayor – told another CFP employee to meet with Defendant Philip Norcross (an attorney), to make sure everyone was comfortable with CFP’s

“various projects.” Indict. ¶ 49. The commentary attributed to Former Mayor Redd – nearly a decade ago – was not made in her official capacity. Even if it had been, it reflected garden-variety civic engagement and politicking—not anything ethically untoward, much less unlawful.

Second, the Indictment states that, nearly a decade ago, Former Mayor Redd did not return developer Carl Dranoff’s phone call when he reached out about certain zoning matters, and that she allegedly did so at other Defendants’ behest. Indict. ¶¶ 124-25. More specifically, after allowing the single most visible piece of property in Camden to sit dormant for nearly fifteen years, Dranoff sought special access to the Mayor while by-passing the Camden Redevelopment Agency, City Council, Zoning Boards, and other agencies (i.e., the standard bureaucratic process), and tried to intervene with the Mayor directly.¹ The alleged failure to return a phone call – at a time when the Former Mayor was battling (and defeating!) breast cancer and battling other far more significant issues in Camden (poverty, drugs, violence) – does not suffice to support a criminal Indictment against the Former Mayor.

Dana Redd is included in this Indictment because the New Jersey Attorney General’s Office of Public Integrity needs a “public official” to proffer allegations of “Official Misconduct” against George Norcross and other defendants. The Indictment allegations against Former Mayor Redd, however, are not remotely criminal, even if true and even if proved at trial. That is why the Court must dismiss the Indictment now. Despite its exhaustive length, the Indictment—no doubt representing the Attorney General’s best case—fails to state a case against Former Mayor Redd. As a matter of fundamental due process, Former Mayor Redd cannot be brought to trial—with the burden and uncertainty and risk inherent in any trial—on this

¹ Dranoff was unaware of this purported failure to return his call at the time; he only learned that the Former Mayor allegedly did not return his phone call during a civil deposition in 2019. Again, for purposes of this motion, Former Mayor Redd assumes the truth of what is asserted in the Indictment. In reality, Mayor Redd actually engaged personally and directly with Dranoff.

Indictment, which fails to set forth allegations of criminal culpability. Lastly, none of the allegations involving Former Mayor Redd take place within the time period enumerated by law. On the statute of limitations alone, the case against Former Mayor Redd should be dismissed now.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

I. FORMER MAYOR DANA REDD'S PERSONAL BACKGROUND

Born at Cooper Hospital in Camden and the daughter of two proud Camden residents, Dana Redd was instilled with a love for the city from a young age. Her earliest memories of Camden are of a tight-knit middle-class community where men and women worked daily while also volunteering regularly to support youth athletic associations, Girl Scout Troops, and other weekend activities for young people in the neighborhood. After the tragic loss of her parents in 1976, it was that same close-knit community that rallied to support her and her younger brother. In particular, it was their grandparents, along with faith leaders and educators, who would comprise “the village” that helped raise them.

In the years that followed, Former Mayor Redd recalls that she and her brother were carefully guarded, nurtured, and surrounded by love. After graduating high school near the top of her class, she chose to remain local for college to help raise her younger brother, initially enrolling in Pierce Junior College, followed by Rutgers: The State University – Camden Campus. She worked during the day to help support their family while attending school at night. She grew up believing in Camden, not knowing that many years later, she would play a role in rebuilding the neighborhoods and communities of her beloved hometown.

Former Mayor Redd has served in various positions, from local government to the New Jersey State Senate. As a State Senator, Former Mayor Redd was a member of the Budget and Appropriations Committee, the Joint Committee on the Public Schools, and the Urban Affairs Committee. She sponsored and negotiated the passage of legislation creating the Homeless Trust Fund and legislation authorizing \$3.9 billion in new school construction funding for New Jersey Abbott Districts. As a Councilwoman and Chair of the Camden Housing Authority, she organized the residents of Roosevelt Manor public housing and numerous community stakeholders to secure a \$20 million federal HOPE VI designation and leverage an additional \$100 million to rebuild the Centerville neighborhood. At every level, one thing was made clear: Dana Redd is a compassionate and thoughtful leader who can bring people together. Her work, close collaboration, and strong community ties have helped drive change in Camden over the years.

After serving two years in the State Senate from 2008 to 2009, Dana Redd decided to run for mayor of Camden – an election she ultimately won. From the first moment she raised her hand to take the oath of office in 2010, Former Mayor Redd started tackling what many across the state thought was “impossible and impractical.” The journey began in earnest with assembling a team of dedicated professionals who had no hidden or self-serving agenda other than to see Camden succeed and garner respect from across the state. For decades, Camden’s finances were in such disarray that auditors would give Camden a negative or no opinion. Camden was also ranked as the Most Dangerous City in America and, in 2012, held the distinction of being the Most Impoverished City in America. During her first term in office, Former Mayor Redd made many tough and decisive decisions that would put Camden on the

trajectory of recovery and ultimately spur investment and revitalization by instilling confidence in the market.

Notably, as Mayor, Dana Redd successfully transitioned the city from state takeover to local control. She has been acknowledged as a forward-thinking professional with a demonstrated ability to lead organizational change. In fact, SJ Magazine recognized Former Mayor Redd as “The woman warrior who just might change Camden,” touting her tough stance and decision to join the Camden County Police Department. The transition not only led to more officers patrolling the city but also resulted in significant crime reduction within the first year of operation. Most remarkably, in 2014, Standard & Poor’s Rating Services (S&P) published an issuer credit rating of BBB+. S&P recognized the fiscal controls the Redd Administration instituted to improve and stabilize the city's finances. The city had not received an investment grade rating in the 15 years prior.

Another one of Former Mayor Redd’s accomplishments as mayor—the creation of the Congress of Residents, Faith-Based, and Community-Based Organizations (“The Congress”) to foster inclusion and civic engagement—reflects her lifelong passion for Camden and desire to uplift the people of the city and empower them to be agents of change throughout the city. The intention behind creating The Congress was to give voice to the *people*, the residents of Camden, as they set out to collectively change the physical and social conditions of the neighborhoods from the grassroots level. At the national level, the Congress has been recognized by the United States Department of Justice as a strategy for civic engagement in implementing, leveraging, and sustaining change.

Former Mayor Redd is also lifelong learner. Throughout her career and work history, she has always strived to improve herself by seeking professional development opportunities. In

August 2013, during her second term as mayor, she made the decision to return to school to earn her master's degree from Lincoln University. Former Mayor Redd was influenced by the desire to learn more about Human Services and grant writing, a skill set she could use in helping Camden tackle some of the more persistent and intractable issues that have long plagued the city. Working during the day, Former Mayor Redd attended Lincoln University in the evening and on Saturdays until graduating in May 2015.

Despite her many achievements in office, Former Mayor Redd decided against seeking re-election for a third term. Her decision not to seek re-election to a third term was a personal one. Recognizing the failing health of her maternal grandmother, Former Mayor Redd wanted to be beside the woman who raised her from the age of eight. She did not want her grandmother, who suffered from dementia, to die alone. Her grandmother ultimately passed on March 4, 2018, shortly after Former Mayor Redd left office. At the same time, Former Mayor Redd was dealt another significant personal blow when she was diagnosed with breast cancer in October 2015. Between November 2015 and May 2017—nearly half of her second term as mayor—she sought treatment, including surgery and radiation. Although she was forced to work around an exhausting treatment schedule, Former Mayor Redd remained steadfast in her commitment to serving Camden.

After deciding not to run for re-election, Former Mayor Redd worked as the Chief Executive Officer of the Rowan University/Rutgers-Camden Board of Governors (“Joint Board”). The Joint Board was created by the New Jersey Medical and Health Sciences Education Restructuring Act, which took effect in 2012. The Board's mission reflects an extension of Camden's significant “eds and meds” presence and is expected to leverage the educational and research assets to support growth in the region's healthcare capacity. During her tenure at the

Joint Board, Former Mayor Redd oversaw the construction of the Joint Health Sciences Building and is credited with developing and launching the South Jersey Institute for Population Health.

As noted above, Former Mayor Redd graduated from Rutgers: The State University—Camden Campus with a B.S. degree in Business Studies and from Lincoln University with a Master of Arts degree in Human Services Administration. She also holds a PULPIT Program Certificate from Missio Theological Seminary for Urban Leaders and Pastors in Transition. In May 2023, Rutgers University conferred an Honorary Doctorate of Letters upon Former Mayor Redd, noting her record of distinguished service as Camden Mayor from 2010 to 2018, during which she worked to transform housing, championed public education, and ushered in financial stability for the city.

In addition to her business acumen and volunteerism, Former Mayor Redd fosters and values the importance of civic engagement, grassroots organizing, and responsible redevelopment. She is a motivational speaker for interfaith organizations, professional women's groups, and chambers of commerce. Former Mayor Redd remains focused on transforming and revitalizing the city of Camden and improving the lives of residents who call Camden home.

II. RADIO LOFTS

As it pertains to Former Mayor Redd, this Indictment stems from a civil litigation between Developer Carl Dranoff and the City of Camden related to a blighted building in the city that sat vacant for decades: the Radio Lofts. The Radio Lofts building is an important parcel because it is the first building visible in Camden while traversing the Benjamin Franklin Bridge.



Twenty-two years ago, on August 20, 2002, the Camden Redevelopment Authority (“CRA”) and Dranoff executed an option agreement for Radio Lofts (the “Option Agreement”). Indictment at ¶ 98; *see also City of Camden v. Victor Urban Renewal, LLC*, Civil Action No. CAM-L-4612-18, 11-12 (Law Div. Mar. 29, 2021). In the Option Agreement, the CRA granted Dranoff an exclusive option to enter into a redevelopment agreement with the CRA to purchase and redevelop Radio Lofts (the “Radio Lofts Redevelopment Agreement”). *Ibid.* The Option Agreement provided that the Radio Lofts Redevelopment Agreement “shall provide [that] environmental remediation with respect to [Radio Lofts] as may be required by the New Jersey Department of Environmental Protection ... shall have been completed ...” *Ibid.*

In other words, the CRA owned the property, but Dranoff had the right to develop the Radio Lofts. Importantly, the City wanted Dranoff to develop the Radio Lofts as a residential, *not* commercial property. Indictment at ¶ 98. Consequently, the parties entered an agreement memorializing this provision.

A decade after the agreement was signed, the Radio Lofts building had not been developed. It still isn't.

The Radio Lofts remains vacant, decaying and dangerous. Dranoff determined not to develop the property as a residential property because, after the agreement was entered, he learned that there was a significant presence of dioxin in the building that required environmental remediation. *Id.* at ¶ 123. The New Jersey Department of Environmental Protection (“DEP”), however, required post-construction testing. *Ibid*; *see also Camden v. Victor Urban Renewal, LLC*, Civil Action No. CAM-L-4612-18, 13 (Law Div. Mar. 29, 2021). This meant that Dranoff would not know whether the remediation was successful until *after* he redeveloped the residential property – an undesirable condition he would not accept. *Ibid.*

Consequently, Dranoff changed course, seeking to renege on the agreement and attempted to persuade Camden to allow commercial, as opposed to residential, development of Radio Lofts. *Ibid.* The DEP testing requirements were more relaxed for commercial buildings.

While Dranoff's attorneys were negotiating the zoning issue with City officials, including the CRA, Dranoff sought to by-pass the CRA, zoning board, and the City's attorney's office and schedule a meeting with Former Mayor Redd – allegedly. *See* Indict. ¶ 124.

The Indictment alleges that Former Mayor Redd did not return the call because Defendant Philip Norcross suggested she not return the call at a time when Dranoff was actively in private negotiations related to the waterfront development. *Id.* at ¶ 125. Defendant Philip Norcross (a lawyer) suggested that Dana not meet with Dranoff, while apparently in a meeting with CFP CEO-1 (a lawyer), Mark Rondino (the city attorney) and Robert Corrales (Camden's business administrator).

III. L3 BUILDING

The L3 Project was *not* a project sponsored by or associated with the City of Camden. The L3 project was a private development project related to the Cooper's Ferry Partnership ("CFP," now Camden Community Partnership), a redevelopment nonprofit funded by local businesses.

Around 2013, CFP began looking into acquiring the L3 Complex, a pair of three-story buildings on a large lot near the Waterfront. Indict. ¶ 47. According to the Indictment, CFP's interest caught the attention of the Norcrosses, who had been intimately involved in Camden real estate for decades, were committed personally and financially to the City's renaissance, and, to that end, later ran regular "stakeholder" meetings with local officials and business leaders. *Id.* at ¶ 50. In this context, Former Mayor Redd told CFP to meet with Philip Norcross, to make sure everyone was comfortable with CFP's "various projects." *Id.* at ¶ 49. To the extent that Former Mayor Redd did or said anything, she did so as a Board Member and co-chair of CFP, not in her official capacity as mayor. *Id.* at ¶ 77.

But from the start, CFP's would-be acquisition of L3 concerned George Norcross. In short, he believed CFP "would fail" because they "did not know what they were doing." *Id.* at ¶ 58. And George did not want the L3 redevelopment to fail, including because it was the best space for Cooper Health, which he wanted to relocate to the Waterfront as part of his personal commitment to the revitalization. *See id.* at ¶ 68.

Concerns spiked after CFP announced it was going to partner with a non-local firm (KPG/MC) to handle this project. *Id.* at ¶¶ 59-60, 67. Philip Norcross pressed CFP to abandon that partner and enter a venture with Investor-1 instead. *Id.* ¶ 59. CFP did not want to, because the non-local firm allegedly offered more favorable terms. *Id.* ¶ 72. Eventually, though, CFP

relented, after Philip Norcross squarely told the CEO of CFP that they were “not allowed” to use KPG/MC, and “should only use Investor-1.” *Id.* ¶ 70. The CEO allegedly “understood” this instruction to be an implicit “threat,” based not on what was said but on who said it; as the CEO saw it, the Norcrosses were powerful in New Jersey, and were not known as happily spurned men. *Id.* ¶¶ 71, 53-54.

The result was that CFP scrapped plans to partner with KPG/MC; eventually, an investor group—through which the Norcrosses were indirectly involved—acquired the L3 Complex. *Id.* at ¶ 80. Cooper Health later moved in and has received incentive tax credits from New Jersey as a consequence. *Id.* at ¶ 88.

IV. THE INDICTMENT

As set forth *supra*, the Indictment contains only a handful of references related to Former Mayor Redd. Those allegations are identified as follows, in their entirety:

¶	Allegations	Role	Date
49	The chief of staff to Camden Mayor DANA L. REDD ("CC- 2"), told CFP CEO-1 that he should start meeting regularly with PHILIP A. NORCROSS and herself in order <i>to make sure that CFP had the approval</i> of GEORGE E. NORCROSS, III and PHILIP A. NORCROSS for CFP' s various projects going forward.	CFP	2013
77	During the course of the L3 transaction, <i>CFP CEO- 1 reached out to Camden Mayor DANA L. REDD, one of the co-chairs of CFP, and CC-2 for help on the deal, explaining the negative financial consequences for CFP</i> , but they both told him that he had to deal with PHILIP A. NORCROSS, who had no formal role with CFP or the City, to resolve.it. DANA L. REDD and CC-2 also told CFP CEO-1 at various stages during the L3 transaction that his job was in jeopardy.	CFP	2014
78	Cooper Health CEO-1 died suddenly in late September 2014. Within a matter of weeks, Camden Mayor DANA L. REDD , <i>the other co-chair at CFP</i> , and PHILIP A. NORCROSS each told CFP CEO-1 that CC-1, then the CEO of the Cooper Foundation (chaired by PHILIP A. NORCROSS), would replace Cooper Health CEO-1 on the <i>board and as co-chair of CFP</i> . DANA L. REDD told CFP CEO-1 that she had been told to do this and that having CC-1 as co-chair <i>would help get CFP back on the good side</i> of GEORGE E. NORCROSS, III.	CFP	9/2014
106	Shortly after the announcement of the agreement with Steiner for the sale of redevelopment rights to LPT, on September 24, 2015, a press conference was held in Camden announcing LPT's plans for the Camden Waterfront District. In attendance, among others, were the then-New Jersey Governor, Camden Mayor DANA L. REDD , and GEORGE E. NORCROSS, III. An accompanying press release listed GEORGE E. NORCROSS, III, SIDNEY R. BROWN, and JOHN J. O'DONNELL and their respective firms (CSB, NFI, and TMO) as "local leaders who have committed to investing in the project either personally or through their firms" and detailed that the Waterfront District development would include office space, a hotel, retail and a residential component. An accompanying site plan and drawings envisioned two office buildings, including one on the pier next to where the Triadl828 Centre was ultimately built.	Mayor	9/2015

113	During the course of these negotiations, Developer-1 applied for ERG tax credits for the residential development project as a joint venture between DPI and TMO. On or around March 7, 2016, DANA L. REDD signed a letter on behalf of the City of Camden to the EDA in support of the tax credit application.	Mayor	3/2016
124-125	Developer-1 wanted to discuss the availability of these options with city officials but was unable to get return calls from DANA L. REDD ...Unbeknownst to Developer-1, his calls were not being returned because PHILIP A. NORCROSS had instructed DANA L. REDD and CC-2 not to meet with Developer-1 because PHILIP A. NORCROSS was negotiating other matters with Developer-1 as part of the waterfront development.	Mayor	2016
134	On October 20, 2016, WILLIAM M. TAMBUSSI's law partner, Lawyer-2, who represented the CRA, emailed the then-Executive Director of the CRA to inform her of an "urgent issue" with the LPT development project. In this email, Lawyer-2 wrote that "[t]he proposal is for CRA to file an application in Court to ask the Court to confirm that the power of eminent domain is available to extinguish the view easement. The idea is to get the complaint filed today or tomorrow. Phil Norcross is going to brief the Mayor [DANA L. REDD] who I believe will then discuss with [the then-chair of the CRA board]."	Mayor	10/2016
174	In December 2017, CC-1 told CFP CEO-1 in a phone conversation that Camden Mayor DANA L. REDD needed a place to go as her term as mayor was ending. CC-1 told CFP CEO-1 that DANA L. REDD was going to take the job of the then-CEO of the Rowan University-Rutgers Camden Board of Governors ("Rowan-Rutgers Joint Board") ("Individual-1") and Individual-1 was going to take CFP CEO-1's position at CFP.	Neither	12/2017
178	Prior to becoming Mayor, DANA L. REDD had served in the Camden City Council from 2001-2010 and as a State Senator from 2008 to 2010. In 2007, New Jersey passed a law that put new elected officials in a different retirement plan. That 2007 law resulted in DANA L. REDD's pension being frozen as of the time she left the State Senate and became mayor. Under the new legislation, DANA L. REDD was one of a handful of people who was permitted to re-enter the prior pension system. This alone significantly increased the amount she would eventually be able to earn from her pension. However, that amount was even further increased when she took the position at the Rowan-Rutgers Joint Board, a position in state government that paid her \$275,000 annually.	Neither	1/2018
180	CFP CEO-1 agreed to resign from CFP at the end of 2017. Despite his resignation, CFP CEO-1 was paid his anticipated bonus. As CC-1 had indicated, Individual-1 in fact replaced CFP CEO-1 at CFP and DANA L. REDD replaced Individual-1 as the CEO of the Rowan-Rutgers Joint Board.	Neither	1/2018

ARGUMENT

I. STANDARD OF REVIEW

An indictment is “palpably defective” and must be dismissed where there is an “absence of any evidence to support the charges.” *State v. Saavedra*, 222 N.J. 39, 56 (2015) (quoting *State v. Morrison*, 188 N.J. 2, 12 (2006)) (internal quotation marks and citation omitted). A motion to dismiss may only be denied if, “viewing the evidence and the rational inferences drawn from that evidence in the light most favorable to the State, a grand jury could reasonably believe that a crime occurred and that the defendant committed it.” *Id.* at 56-57 (quoting *Morrison*, 188 N.J. at 13). In other words, there must be “some evidence establishing each element of the crime to make out a prima facie case.” *Id.* at 57 (quoting *Morrison*, 188 N.J. at 12).

II. **THE INDICTMENT MUST BE DISMISSED BECAUSE IT FAILS TO STATE A CLAIM AGAINST DANA REDD**

Official Misconduct is not sufficiently alleged against Former Mayor Dana Redd. A

public servant may only be accused of official misconduct if:

with purpose to obtain a benefit for h[er]self or another or to injure or deprive another of a benefit: (a) [sh]e commit[ed] **an act relating to h[er] office but constituting an unauthorized exercise of h[er] official functions**, knowing that such act is unauthorized or [s]he . . . committ[ed] such act in an unauthorized manner; or (b) [sh]e **knowingly refrain[ed] from performing a duty which is imposed upon him by law or is clearly inherent in the nature of h[er] office.**

N.J.S.A. 2C:30-2 (emphasis added).

The Indictment does not – because it cannot – allege the elements of the offense.

a. Official Misconduct Requires that the Defendant be a Public Official Acting in an Official Capacity at the Time of the Alleged Offense

In any case where official misconduct is alleged, the State must first prove that the defendant was acting as a public official at the time of the alleged offense. *See Saavedra*, 222 N.J. at 58 (citing *State v. Thompson*, 402 N.J. Super. 177, 191-92 (App. Div. 2008)); *State v. Kueny*, 411 N.J. Super. 392 (App. Div. 2010) (quoting *State v. Thompson*, 402 N.J. Super. 177, 195-96 (App. Div. 2008)) (internal quotation marks omitted). *See also Model Jury Charge (Criminal)*, “Official Misconduct” (N.J.S.A. 2C:30-2) (Revised 9/11/06).

Here, Former Mayor Redd doesn’t dispute that she served as the Mayor of Camden from 2010 through December 2017. That is inarguable. *See* 2C:27-1(g) (defining “public servant” as including “any officer or employee of government”). Most of the actions attributed to Former Mayor Redd, however, were not alleged to have been made in her official capacity as Mayor. To the contrary, as the Indictment readily concedes, Former Mayor Redd also served as a Board Member and Trustee of the CFP, along with CFP CEO-1 and others. *See* Indict. ¶ 77. In fact, CFP

consists of dozens of other Board Members. *See e.g.*, Indict. at ¶ 179; *see also*

<https://camdencommunitypartnership.com/board-of-directors/>, Last Visited September 24, 2024.

Naturally, when the Indictment alleges that, in 2014, Former Mayor Redd told CFP CEO-1 that “he had to deal with Philip A. Norcross,” that action was taken in her private capacity as a Board Member and Trustee of CFP, not as mayor. Indict. ¶ 77. Likewise, in September 2014, Former Mayor Redd’s purported statements to “CFP CEO-1 that CC-1 . . . would replace Cooper Health CEO-1 on the board and as co-chair of CFP”, had nothing to do with City Government. *Id.* at ¶ 78.

There are other references to Former Mayor Redd in the Indictment that do not attribute to her wrongful conduct in an official capacity. For example, the Indictment alleges that the New Jersey legislature enacted pension reform in January 2018 that would ultimately benefit Former Mayor Redd and other public servants. *See id.* at ¶ 178. As the Mayor of Camden, Dana Redd did not have the power to enact statewide legislation regarding pension reform. Only the State Legislature did—and it voted overwhelmingly to pass the bill. *See* S-3620, Sponsor Statement, Cunningham (“[T]his bill permits an elected public official who held an elective public office on July 1, 2007, who was subsequently elected to another public office, and who continues to hold elective public office on the effective date of this bill to be eligible for enrollment in the PERS as long as there is no break in service and as long as the elected public official has at least 15 years of continuous service in elective public offices of this State”).

None of the actions above give even a suggestion that Former Mayor Redd “committed an act relating to but constituting an unauthorized exercise **of her office**,” *Saavedra*, 222 N.J. at 58, or that “the defendant knowingly refrained from performing a duty which is imposed upon him or her by law or which is clearly inherent in the **nature of the office**.” *Kueny*, 411 N.J.

Super. at 404. (emphasis added). In fact, Former Mayor Redd didn't have the power as mayor and public official to direct CFP's operations. *See* Camden City Code, §7-15. That the malfeasance or nonfeasance must relate to the defendant's office “distinguishes between conduct that relates to the public servant's office and a public servant's purely private misconduct.” *Saavedra*, 222 N.J. at 60; *see also Kueny*, 411 N.J. Super at 405 (distinguishing an unauthorized affirmative act as “ha[ving] nothing to do with the ‘exercise of [the defendant's] official functions”). Put differently, official misconduct “is not proven by showing misconduct committed by a person who happens to be a public officer, but must be connected to that person's official duties.” *State v. Roseman*, No. BER-10-04-00769, 2011 WL 3847133, at *4 (N.J. Super. Ct. App. Div. Sept. 1, 2011). “To determine whether an act sufficiently relates to a defendant's office to constitute official misconduct, a court must look to the scope of the defendant's apparent authority.” *State v. Schenkolewski*, 302 N.J. Super 115, 143 (App. Div. 1997), *certif. denied*, 151 N.J. 77 (1997).

After eliminating all allegations made against Defendant in a *private* capacity, there exists one singular (and time-barred) allegation against Former Mayor Redd: that she did not communicate with Dranoff related to the rezoning of the Radio Lofts. Indict. at ¶¶ 124-125. As more thoroughly set forth in Defendants' joint motion to dismiss, that conduct does not plausibly give rise to the crime of Official Misconduct. Joint Memorandum of Law, September 24, 2024 at P. 29. (“The official must use her office in a way that crosses an “unmistakabl[e]” legal line—that is, she must contravene a concrete legal command that squarely regulates some aspect of her position”) (quoting *State v. Brady*, 452 N.J. Super. 143, 164 (App. Div. 2017)).

In any event, the Indictment's assertions related to this event are dubious. The Indictment does not allege that Dranoff was unable to connect with Former Mayor Redd through customary

administrative channels in the municipality, as any member of the public could (and did). For example, the City has organized the Camden Redevelopment Authority, tasked with evaluating – indeed, leading – redevelopment efforts, including issues related to Dranoff’s project. Camden City Code § 122. Likewise, the City staffs a half-dozen City Attorneys and Assistant City Attorneys, charged with evaluating legal issues. Camden City Code § 7-28 - § 7-33. Furthermore, as a zoning issue (Indict. at ¶ 123), the appropriate remedy for Dranoff would have been a petition to the Zoning Board, not Mayor Redd.

The Indictment does not allege that Dranoff became *persona non grata* in the City of Camden. Rather, the State alleges that Dranoff was denied special and personal access to the highest-ranking official in Camden. A mayor of any city, including Camden, is under no duty to meet with anyone; speak with anyone; or do business with anyone. She is but one individual among a conglomerate of other officials – most of whom are hired to deal with specific facets of City government, including those related to property redevelopment.

Perhaps most tellingly, the State does not disclose that at the time then-Mayor Redd was purportedly “refusing to meet” with Dranoff, she was out of the office for days and weeks at a time, after having been diagnosed with breast cancer. As a result of her diagnosis, Former Mayor Redd underwent two surgeries and months of radiation at the *exact* time that she is alleged to have refused to meet with Dranoff. Nowhere is this mentioned in the Indictment.

b. Official Misconduct Must be Committed Knowingly

When the State alleges that a defendant was acting as a public official at the time of the offense, the State must also allege that the defendant “committed an act relating to but constituting an unauthorized exercise of her office, . . . **knowing that such act was unauthorized or that she was committing such an act in an unauthorized manner,**” *Saavedra*, 222 N.J. at 58 (emphasis added), or that “the defendant **knowingly refrained from**

performing a duty which is imposed upon him or her by law or which is clearly inherent in the nature of the office.” *Kueny*, 411 N.J. Super. at 404 (quoting *Thompson*, 402 N.J. Super. at 195-96) (emphasis added). In other words, the State must demonstrate that the defendant’s conduct—whether an affirmative act or a failure to act—was unauthorized and that the defendant knew it was unauthorized. As articulated in the Model Jury Charge for Official Misconduct,

An act is “unauthorized” if it is committed in breach of some prescribed duty of the public servant’s office. This duty must be official and non-discretionary, imposed upon the public servant by law (such as statute, municipal charter or ordinance) or clearly inherent in the nature of his/her office. The duty to act must be so clear that the public servant is on notice as to the standards that he/she must meet. In other words, the failure to act must be more than a failure to exhibit good judgment. In addition, the State must prove that (defendant) knew of the existence of his/her non-discretionary duty to act prior to the incident in question. . . . [A]n unauthorized act amounts to official misconduct only if the public servant knew at the time that his/her conduct was unauthorized and unlawful.

Model Jury Charge (Criminal), “Official Misconduct” (N.J.S.A. 2C:30-2) (Revised 9/11/06).

Despite its length, the Indictment against Former Mayor Redd contains **no indication** that she knowingly violated a duty. Rather, the Indictment simply parrots the language of the statute, alleging generally that Former Mayor Redd “acting with the purpose to obtain a benefit for herself and another in excess of \$200 and to injure another and deprive another of a benefit, did commit an act relating to her office but constituting an unauthorized exercise of her official functions, knowing that such act was committed in an unauthorized manner.” Indict. ¶ 240.

Although the Indictment adds vague references to Former Mayor Redd’s duties as mayor, such as the duty “to display good faith, honesty and integrity,” (*ibid.*), such generic duties are insufficient to form the bases of criminal liability. *See Thompson*, 402 N.J. Super. at 202; *see also Kueny*, 411 N.J. Super. at 405-06; *Brady*, 452 N.J. Super. at 172.

In addition, where the Indictment alleges that Former Mayor Redd undertook an action or failed to do so, it makes no reference to any duty—whether generic or specific—that she supposedly violated. *See* Indict. ¶¶ 49, 106, 113, 124-25, 134. Nor does the Indictment allege that Former Mayor Redd knew she was violating some duty of her office in her actions. In fact, the Indictment unintentionally establishes that she **would not have known** she was violating a duty because she was acting (or not acting) based on statements made in the presence of attorneys. *See e.g., id.* at ¶¶ 124-25 (alleging that Former Mayor Redd did not return Dranoff’s telephone calls because she was told not to – by an attorney in a room full of attorneys).

III. THE INDICTMENT MUST BE DISMISSED BECAUSE THE ALLEGATIONS AGAINST DANA REDD ARE BARRED BY THE STATUTE OF LIMITATIONS

Official misconduct must be prosecuted within seven years. N.J.S.A. 2C:1-6(b)(3). That means that Former Mayor Redd must have committed an official, unlawful act after June 2017 to be within the statutory period.

Of the eleven paragraphs that reference Former Mayor Redd, eight contain allegations that are outside of the limitations period. Indict. ¶¶ 49, 77, 78, 106, 113, 124-25, 134 (containing allegations between 2013 and October 2016—i.e., eight to eleven years before the Indictment was filed).

Of the three remaining allegations, two allegations occur when Former Mayor Redd was **no longer** the Mayor of Camden. *See* Indict. ¶ 178 (pension reform by the New Jersey Legislature); *id.* at ¶ 180 (Former Mayor Redd replaced Individual-1 as the CEO of the Rowan-Rutgers Joint Board). In other words, she was no longer a public official, as mandated by statute. N.J.S.A. 2C:30-2, and thus not culpable for “official misconduct.”

That leaves paragraph 174 of the Indictment, which states, “In December 2017, CC-1 told CFP CEO-1 in a phone conversation that Camden Mayor DANA L. REDD needed a place to go as her term as mayor was ending. CC-1 told CFP CEO-1 that DANA L. REDD was going to take the job of the then-CEO of the Rowan University-Rutgers Camden Board of Governors (“Rowan-Rutgers Joint Board”) (“Individual-I”) and Individual-1 was going to take CFP CEO-1’s position at CFP.” Indict. ¶ 174.

A conversation between two other individuals about where the Defendant will work after she left office simply cannot salvage the statute. The Court must dismiss the Indictment against Former Mayor Redd as time-barred.

CONCLUSION

For the foregoing reasons, Dana Redd respectfully requests that the Court dismiss the Indictment in its entirety.

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