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City official accused of extortion calls on judge to exclude key evidence

By [Maria Cramer](#) Globe staff October 31, 2017



Michael Dwyer/Associated Press/file 2015

City Hall official Kenneth Brissette allegedly pressured organizers of a music festival to hire members of a union.

As the federal extortion trial of a top City Hall official looms, his lawyers are asking for the exclusion of key evidence in the prosecution's case against Kenneth Brissette: that he allegedly knew it was illegal to withhold permits from events that did not hire union workers.

Federal prosecutors have charged Brissette, head of tourism for the city, and Timothy Sullivan, head of intergovernmental affairs, with pressuring organizers of the 2014 Boston Calling music festival to hire members of the International Association of Theater and State Engineers Local 11.

They did this, according to federal prosecutors, even after other government officials told Brissette the city could not discriminate against a business on the basis of who it hired.

But in motions filed Friday, Brissette's lawyers said there will be no evidence at trial that either Brissette or Sullivan said or did anything to take away the permits of the event organizer, Crash Line Productions, when they met with officials in September 2014.

"Because there will be no evidence that either defendant communicated any permit-related threats to or about the putative victim, Brissette's alleged "knowledge" or "intent" concerning permit-related threats is not relevant to this case," Brissette's lawyers wrote. "Thus, there is no basis to offer at trial an opinion from a non-lawyer lay witness that he told Brissette it is 'not legal' to pull permits, as the government has indicated it intends to do."



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[Four Teamsters have been acquitted of all federal charges of trying to extort jobs from the reality television show "Top Chef."](#)

Sullivan and Brissette, who remain on the city's payroll but are on administrative leave, are scheduled to go to trial in January for extortion and conspiracy to commit extortion. The highly anticipated trial will again put in an uncomfortable position the administration of Mayor Martin J. Walsh, whose strong ties to unions were examined [during a separate trial last summer](#).

Federal prosecutors plan to argue that Sullivan and Brissette acted with the full weight of the mayor's office to improperly intrude in a local union dispute.

Brissette, 52, and Sullivan, 37, have said they simply called on the Boston Calling music festival to pay workers fair wages.

But federal prosecutors said while Crash Line Productions was waiting for permits during the summer of 2014, the men told company officials they would need to hire members of Local 11.

Eventually, Local 11 entered into a contract with the company, which stood to make \$3 million in revenue from the event. Soon after, the city issued permits.

Prosecutors said Brissette's dealings with Crash Line Productions were similar to his earlier interactions with producers from a reality television show. Those interactions were described by witnesses during the August trial of four Teamsters, who were accused of trying to intimidate "Top Chef" crew members filming in Milton in 2014 so union members could be hired as drivers.

Sullivan and Brissette were not charged in the case, but witnesses testified that Brissette told "Top Chef" producers in June 2014 that the show should not receive permits to film in Boston until they resolved their dispute with the Teamsters.

Prosecutors allege that same month Brissette told Joseph Rull, then the city's chief of operations, and the director of the Massachusetts State Film office that he had pulled the show's permits. Rull told him that was not legal, prosecutors said in court documents. "Top Chef" eventually received its permits.

Prosecutors want to use that alleged exchange to show jurors Brissette acted with criminal intent when he met with Boston Calling organizers later that summer and allegedly urged them to hire union members.

Brissette's lawyers said prosecutors cannot introduce that evidence or bring up the "Top Chef" trial because Brissette and Sullivan are accused of telling Boston Calling to hire union members, not of withholding permits.

"Any permit-related testimony from the Chief of Operations will only confuse the jury as to what precisely Brissette is alleged to have done that constitutes a crime," lawyers wrote.

The defense motion before Judge Leo T. Sorokin is "pivotal," said Martin G. Weinberg, a criminal defense attorney who has been following the case.

Rules of evidence make it very hard for prosecutors to bring in allegations from one trial to prove the allegations in another, he said.

"There is a very high bar that discourages the addition of that kind of evidence," Weinberg said.

"And for good reason: because a citizen charged with one crime should not have to defend against two."