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Mass. Tribal Bribery Witness Doesn't Spell Out Quid Pro Quo

By **Brian Dowling**

Law360 (April 27, 2022, 5:27 PM EDT) -- A key witness in the Mashpee Wampanoag bribery and extortion trial stopped short of testifying Wednesday that the more than \$50,000 paid by an architect to the tribe's chairman were necessary to protect a multimillion-dollar casino contract.

Joseph Beretta, former president of architecture firm Robinson Green Beretta, told the Boston federal jury that he signed off on his associate David DeQuattro's decision to cut checks to Mashpee Wampanoag Chairman Cedric Cromwell's reelection campaign and later reimbursed DeQuattro for the payments.

But the testimony fell short of prosecutors' promise to the jury during opening arguments last week that Beretta would say that — while he never asked DeQuattro — he knew the payments were being made to protect the casino contract.

Cromwell and DeQuattro, who were indicted in November 2020, have argued the lack of evidence of a quid pro quo is a "**fatal hole**" in the case.

U.S. District Judge Douglas P. Woodlock allowed Assistant U.S. Attorney Christine Wichers to ask Beretta questions about his conversations with DeQuattro and what actions he took. But the prosecutor was not permitted to elicit testimony about Beretta's state of mind or what he thought the payments were for.

The judge later sustained objections to Wichers' questions to Beretta about whether anyone had previously asked him to write out a political contribution check to a business entity or whether he thought such arrangements were normal.

"The focus is on interactions by words between Mr. DeQuattro and Mr. Beretta," Judge Woodlock said.

Beretta told the jury that after running the first donation by the firm's outside counsel, they recommended he not make the payments.

"I went to David and said that they don't recommend doing it," Beretta said. "I said, 'I'm not doing it.' I said, 'If you do this, make sure it's correct because you don't need a headache and the chairman doesn't need a headache.'"

Hammering home the point, DeQuattro's counsel Martin G. Weinberg prompted Beretta to agree that he never heard Cromwell and DeQuattro discuss the donations and that he never told DeQuattro to "go back to Cromwell and demand that he give a specific benefit to RGB for these donations."

"You said you would not have signed off on donations if it was in any way connected with keeping RGB's contract or business?" Weinberg said.

"Correct," Beretta replied.

Beretta told the jury that he also made thousands of dollars in political donations annually to Rhode Island state and local officials to keep his "name out there" and develop business opportunities for the firm.

The government told the court they expected to call their last witness on Thursday.

The government is represented by Jared C. Dolan and Christine J. Wichers of the U.S. Attorney's Office for the District of Massachusetts.

Cromwell is represented by Timothy R. Flaherty.

DeQuattro is represented by Martin G. Weinberg and Maksim Nemtsev of Martin G. Weinberg Law PC.

The case is U.S. v. Cromwell et al., case number 1:20-cr-10271, in the U.S. District Court for the District of Massachusetts.

--Editing by Orlando Lorenzo.