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## Tribe Wants \$240K For Legal Costs In Casino Bribery Probe

By **Brian Dowling**

Law360 (December 6, 2022, 11:38 AM EST) -- The Mashpee Wampanoag tribe of Massachusetts is seeking nearly \$240,000 in restitution from its former chairman and an architect it hired for a casino development project after the pair were convicted of bribery and extortion.

Federal prosecutors in Boston wrote Monday in a court filing that the sum is what the tribe paid to attorneys from Todd & Weld LLP, Jackson Lewis PC and Rankin & Sultan to help it respond to the investigation and prosecution of former tribe chairman Cedric Cromwell and Robinson Green Beretta architect David DeQuattro. The underlying invoices were filed with the court under seal.

The funds went to reviewing and producing records requested by the grand jury, providing legal representation to tribal members interviewed by the government or grand jury, and having attorneys for the tribe present at the trial, the motion said.

The \$1 billion casino has yet to be built and has faced several legal challenges, including from residents of Taunton, the southeastern Massachusetts city where it is expected to rise.

At a hearing two weeks ago, U.S. District Judge Douglas P. Woodlock of the District of Massachusetts asked the government to parse out which fees were paid in relation to which defendant. But prosecutors asked the court to hold both equally responsible for the sum.

"It is impossible to parse the tribe's expenses between the two defendants," the government said. "The government investigated and prosecuted them as conspirators working together."

Another benefit to holding them jointly and severally liable for the attorney fees is that DeQuattro has more income and assets than Cromwell, according to the filing.

A Boston federal jury **convicted Cromwell** in May of using his position as head of the tribal gaming authority to extort a \$10,000 payment, a used Bowflex exercise bike and a weekend luxury hotel stay from DeQuattro as he held over the architect the prospect of his firm losing its lucrative design contract if he wasn't satisfied.

The former chairman was also convicted of soliciting the same as bribes. DeQuattro was convicted of providing the exercise bike and the hotel stay as bribes.

Judge Woodlock tossed Cromwell's extortion convictions during a sentencing hearing last month. The court ruled that the federal extortion statute doesn't explicitly state that it applies to tribal officials.

**Cromwell was sentenced** to three years in prison and DeQuattro to a year of probation.

The case appears destined for the First Circuit, with the defendants expected to argue, among other things, that the jury lacked enough evidence to infer that Cromwell and DeQuattro agreed on a quid pro quo. Judge Woodlock has hinted that he'd be open to staying Cromwell's and DeQuattro's sentences while any appeal plays out.

An attorney for DeQuattro, Martin G. Weinberg, told Law360 on Tuesday that the tribe's request for restitution was "both factually and legally flawed" and that he would oppose all restitution claims against his client.

"Once again the government is relying upon acquitted conduct (the claim that political donations were bribes which the jury categorically rejected as to Mr. DeQuattro) when there is no relationship between the giving to Mr. Cromwell of a used Bowflex and a weekend at a hotel and the tribe's legal bills," Weinberg said.

A spokeswoman for the U.S. Attorney's Office for the District of Massachusetts declined to comment on the filing. Counsel for Cromwell was not immediately available to comment.

The federal 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, Michael Pabian and Maksim Nemtsev of Martin G. Weinberg 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 Karin Roberts.