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## Architect In Tribal Bribery Suit Has Designs On Quick Trial

By **Chris Villani**

Law360 (March 29, 2021, 7:14 PM EDT) -- An architecture firm owner accused of bribing the former chairman of a Massachusetts tribe said Friday that new tax charges filed against his co-defendant shouldn't delay a jury trial, telling a federal judge that bad publicity from the case is killing his business.

The speedy-trial motion by David DeQuattro blames prosecutors for causing needless delays by waiting months to tack on new charges against former Mashpee Wampanoag Tribe chair Cedric Cromwell.

An initial indictment in November 2020 alleged DeQuattro bribed Cromwell in order to protect his architecture company's role in a casino development. In March, the government charged Cromwell with several additional counts of filing false tax returns. Starting over with discovery and motions practice on the new tax counts against Cromwell will likely delay the proceedings by a year or more, DeQuattro argued Friday.

"The reason for the delay falls squarely at the feet of the government," the motion states. "It has unilaterally chosen to supersede the indictment after an interval of four months, during which time the defense undertook significant motion practice."

According to the motion, Cromwell will agree to send the case to a jury more quickly if he can split up the bribery and tax charges into separate trials. Prosecutors, for their part, are amenable to a speedy trial, but only if both defendants and all charges are part of the same proceeding.

With the COVID-19 pandemic causing a backlog of cases, criminal trials with a defendant in custody have taken precedence as a general practice. DeQuattro quoted past case law in arguing that just because he is not behind bars awaiting his day in court doesn't mean he isn't "disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion and often hostility."

"In the present case, these concerns are not merely hypothetical, but rather have already proven very real to Mr. DeQuattro," his legal team argued. "Mr. DeQuattro's architecture firm has suffered a substantial loss of business as a result of the government's allegations. The company, for example, had its contract canceled with Johnston schools for a project that was estimated to generate millions of dollars in fees."

DeQuattro's ability to keep public contracts and bring in new business has been severely diminished by the charges. If the case drags on, he said his business may not recover.

A small handful of single-defendant trials have taken place in the Bay State's federal courthouses since the pandemic began more than a year ago. The court's clerk told Law360 Monday that multi-defendant trials will resume only when state guidelines allow for the occupancy needed to conduct the proceedings.

"We have evaluated off-site facilities but to date have not located a facility that meets the security and space requirements," court clerk Rob Farrell said in an email to Law360.

Current guidelines allow for a maximum of 26 people inside the largest federal courtrooms or one person per 100 square feet.

DeQuattro's attorney, Martin G. Weinberg of Martin G. Weinberg Law PC, told Law360 Monday that the pretrial motions filed argue the **charges fall short** of proving the elements of federal programs bribery.

"We are seeking both a hearing on the motions and an early trial to test the government's allegations to which Mr DeQuattro has pled not guilty," Weinberg said.

In an email to Law360, Cromwell's attorney Timothy R. Flaherty said, "Because there is no overlap or factual connection between the bribery and extortion allegations and the recent tax-related charges, Mr. Cromwell believes that these latest delayed charges, which undoubtedly will require additional litigation in addition the extensive pretrial work already performed, should not supersede his right to a speedy trial."

A government representative declined to comment Monday.

According to the initial indictment, Cromwell contracted with DeQuattro's firm in connection with the plans for a Taunton, Massachusetts, casino that has separately been involved in **long-running litigation** over the Mashpee tribe's attempt to set aside land for the resort.

Between July 2014 and May 2017, the firm, through DeQuattro, funneled payments to Cromwell totaling \$57,549, prosecutors said. The government claimed DeQuattro bought Cromwell a used Bowflex Revolution home gym and agreed to pay for Cromwell's weekend stay in Boston after he texted he wanted DeQuattro to "get me a nice hotel room at the Four Seasons or a suite at the Seaport Hotel" for his birthday weekend, adding, "I am going to have a special guest with me."

DeQuattro argued the government has not differentiated the payments from those that are routine in the lobbying context.

The new charges are connected to Cromwell's tax returns from 2014 through 2017, and DeQuattro argued Friday there is no indication that the government did not have access to the information underlying the allegations when it **first charged the case** last fall.

The government is represented by 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 of the 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 Philip Shea.