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## Architect Says Casino Bribery Conviction Lacked Proof

By **Brian Dowling**

Law360 (June 3, 2022, 11:42 AM EDT) -- An architect convicted of giving a Bowflex exercise bike and a luxury Boston hotel stay as bribes to the head of the Mashpee Wampanoag tribe said Thursday that trial evidence for that single count was too thin to sustain the jury's guilty verdict.

The post-trial acquittal motion filed by Robinson Green Beretta architect David DeQuattro **repeated the defense he offered at trial** that the government provided no direct evidence tying the gifts to a corrupt quid pro quo for action by Mashpee Wampanoag Tribal Chairman Cedric Cromwell on the architecture firm's design contract.

"The absence of direct evidence leaves a compelling reasonable doubt not filled by any circumstantial evidence that Mr. DeQuattro and Mr. Cromwell never spoke of the contract, ever, at any time, when Mr. Cromwell was seeking donations or gifts from Mr. DeQuattro, the Bowflex in August of 2016, the hotel suite in May of 2017," DeQuattro said.

The architect said the government's failure to connect the dots between the gifts and the tribe's action on the contract amounted to a "gaping absence of evidence."

The **jury's mixed verdict** in May acquitted DeQuattro of bribing Cromwell with a \$10,000 political donation to his re-election campaign, and rejected a related conspiracy charge.

Cromwell, who served as chair of the tribe's gaming authority, was found guilty of soliciting the same \$10,000 donation as a bribe, plus the exercise bike and hotel stay. The jury also convicted the former tribal chairman on extortion and extortion conspiracy counts.

Prosecutors claim DeQuattro paid the bribes to Cromwell in order to protect his firm's contract with the gaming authority as the "owner's representative" on the proposed First Light Casino the tribe was pursuing in Taunton, Massachusetts.

During **closing arguments**, the government conceded there was no direct evidence of a quid-pro-quo between the men but clarified that the jury could find that one was implied through the evidence.

Bolstering his acquittal motion, DeQuattro said the evidence at trial did not preclude the alternative explanation that the gifts were meant to "cultivate a business or political friendship" — actions that fall short of bribery.

DeQuattro pointed to trial evidence showing that he attended some of Cromwell's family events, including a traditional funeral fire for his mother and a college graduation party for Cromwell's stepson.

The architect said the hotel reservation for Cromwell in May 2017 couldn't have been a bribe to ensure Cromwell didn't cancel the contract because the casino project then was on hold due to a court order.

The acquittal motion also claims the government failed in connecting the firm's design contract

back to federal funds given to the tribe to meet the requirements of the federal programs bribery charge.

The indictment claimed that the alleged bribes were made "in connection with the business of the Mashpee Wampanoag Tribe" rather than the Mashpee Wampanoag Gaming Authority, which entered into the contract with Robinson Green Beretta. But the gaming authority was established as a separate legal entity so that any liabilities from the proposed casino couldn't touch the tribe, DeQuattro said.

"In short, no matter how corrupt the government believes Mr. Cromwell to have been as a Gaming Authority member, it presented no evidence that such corruption could conceivably implicate federal dollars," DeQuattro said.

DeQuattro's attorney Martin G. Weinberg of Martin G. Weinberg Law PC told Law360 the motion "raises significant challenges to the viability of a conviction for the giving of two gifts in the face of multiple acquittals."

A spokeswoman for the U.S. Attorney's Office for the District of Massachusetts declined to comment when reached Friday.

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, Michael Pabian 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 Alyssa Miller.