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Architect Tells Jury Tribal Bribery Case Has 'Fatal Hole'

By **Brian Dowling**

Law360 (April 22, 2022, 4:22 PM EDT) -- An architect accused of bribing the chairman of the Mashpee Wampanoag tribe with \$54,000 and luxury gifts to protect his firm's multimillion-dollar casino contract told a Boston federal jury Friday the government's theory of a criminal quid pro quo has a "fatal hole."

Opening arguments in the government's bribery and extortion case against architect David DeQuattro and former Mashpee Wampanoag Chairman Cedric Cromwell set the stage for a multiweek trial after the pandemic delayed an initial September 2021 date.

DeQuattro's attorney Martin G. Weinberg told the jury the government's case rests upon "the quicksand of prosecution's conjecture" about why the architect gave Cromwell the gifts and donations.

"You will not receive one text, one email, one recording, one document, one memorandum that in any respect will show you that, accompanying the donations ... Mr. DeQuattro asked for or requested anything at all of Mr. Cromwell," Weinberg said. "It is the fatal hole in the government's case."

Cromwell never undertook any official act for DeQuattro's firm, Robinson Green Beretta, over the three years of its work with the tribe, Weinberg added.

"It's not a federal crime to give a large gift, to give a large donation, even when you are doing business with somebody," Weinberg said. "It's part of the DNA of business."

Assistant U.S. Attorney Jared C. Dolan told the panel the evidence will show Cromwell used his position of power on the Mashpee Wampanoag tribal gaming authority to extract the payments.

"Opportunity plus greed equals corruption," Dolan said.

The jury heard from Dolan how DeQuattro's payments went to a shell company owned by a friend of Cromwell who ran a pizza business. There the money was converted into Treasury checks and then deposited into Cromwell's account, the prosecutor said.

The architect consulted with the president of the firm, Joseph Beretta, before sending Cromwell his first \$10,000 check, Dolan said. The firm later reimbursed DeQuattro for the payment to Cromwell and characterized the funds as a bonus, the jury heard.

Appearing to anticipate the defense's attacks on the case, Dolan said Beretta — who is expected to be a key prosecution witness in the case — didn't need to ask DeQuattro what the payments were for in order for him to know they were bribes.

"When DeQuattro told Beretta about the chairman's request — that very first ask — Beretta didn't ask why. He didn't ask what for. He already knew: protection for the casino contract," Dolan said.

Questions about the supposed agreement have been front and center throughout the case. DeQuattro and Cromwell previously asked the court to order the government to show how it intended to prove there was a deal in place. While the government said it would rely on Beretta's testimony, U.S. District Judge Douglas P. Woodlock told the government it risked an **unappealable acquittal** if Beretta's testimony wasn't enough to meet the bar at trial.

Prosecutors gave Beretta immunity after he allegedly lied to federal agents investigating the case, a move Weinberg called a "cynical deal with the linchpin of the government's prosecution."

The architecture firm had no reason to fear that the contract would be taken away because it had a great relationship with the Mashpee Wampanoag and was "trusted and liked" by the principals involved with the casino project, according to Weinberg.

Cromwell's attorney Timothy R. Flaherty admitted that the former chairman might have made some mistakes — including commingling his tribal campaign money with his personal money and using the former to pay for personal expenses — but none were crimes, let alone bribery or extortion.

Further, DeQuattro's payments were not made to a random shell company but to Cromwell's "de-facto campaign treasurer" and close personal friend, Flaherty said.

"The case is constructed entirely from invalid assumptions and unreliable conclusions," Flaherty said.

Instead of a quid pro quo, DeQuattro's donations and gifts to Cromwell came from his "empathy" with the Mashpee Wampanoag and his recognition that Cromwell could deliver results for the tribe, Flaherty said.

Cromwell and DeQuattro, indicted in November 2020, faced federal bribery and extortion charges, while the former chairman also was charged with filing false tax returns. Judge Woodlock **split the tax charges** off from the other scheme-related counts in July 2021.

DeQuattro has **sought a quick trial** on the charges for more than a year. He said the publicity from the charges caused his architecture firm to lose business.

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 Gemma Horowitz.