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Tribal Bribe Plot Didn't Need Notes, Feds Say In 'Wire' Homage

By **Brian Dowling**

Law360 (May 3, 2022, 6:55 PM EDT) -- A Boston federal prosecutor turned to a quip from HBO's "The Wire" on Tuesday as the government made its final pitch to a jury that the Mashpee Wampanoag's former chairman had a criminal quid pro quo with the architect he hired for the tribe's proposed \$1 billion casino project.

"You don't take minutes during a meeting of a criminal conspiracy," Assistant U.S. Attorney Jared C. Dolan said during closing arguments, paraphrasing — and sanitizing — a quote from a lead character in the gritty HBO drama.

No explicit evidence is needed, Dolan said, to prove that former chairman Cedric Cromwell and architect David DeQuattro agreed to exchange \$54,000 and luxury gifts as bribes for protection of the design firm's multimillion-dollar contract with the tribe's gaming authority. The evidence of an agreement can be implied from the circumstances, he said.

"It's true that you heard at this trial there is no email saying 'bribe,' no email saying 'kickback.' There's no email saying 'shakedown,'" Dolan said. "That's the part you don't say out loud."

In their closing Tuesday, as they did **during opening arguments**, the defendants hammered the government for not putting forward testimony or other evidence that the gifts and checks were given specifically to protect the contract. The payments instead were political donations for Cromwell's re-election, the defendants said.

Martin G. Weinberg, counsel for DeQuattro, told the jury that his client's former business partner Joseph Beretta — the government's "chief, star, immunized witness" with whom the architect discussed the payments — **failed to spell out** that the money and gifts were part of a quid pro quo.

"This case is about whether or not the government — with the most powerful law enforcement agency, the FBI — was able to produce a single witness or a single exhibit to prove to you that anyone ever discussed promising to protect the contract. Because if there was no such discussion, there was no quid pro quo," Weinberg said.

Cromwell's attorney Timothy R. Flaherty used a local landmark to underscore the point. "It's not just a gaping hole — it's the Ted Williams Tunnel," he said, referencing the Big Dig project that burrowed Interstate 90 under Boston Harbor.

"They are asking you to infer something sinister, something nefarious, saying this can't be a campaign donation, it can't be because of the way it was received," Flaherty said.

But Assistant U.S. Attorney Christine Wichers pointed to the apparent silence between DeQuattro and Beretta during their first meeting about cutting Cromwell the first of five \$10,000 checks.

"Why?" Wichers said. "Because the red flags told them that this was not a legitimate payment."

The prosecutor told the jury that the steps Cromwell took to conceal the connection to the

payments through shell companies and bank treasurer's checks are also evidence that something was rotten with the deal.

Weinberg countered that the payments were cut on checks marked with DeQuattro and his wife's name, from their shared bank account and in large lump sums, hardly a hallmark of criminal machination. The architect also **openly told an FBI agent** that he wrote the checks to Cromwell to support his re-election.

"You don't commit crimes in broad daylight," Weinberg said.

DeQuattro, indicted alongside Cromwell in 2020, **sought a quick trial** on the charges after the allegations cratered business at his architecture and design firm Robinson Green Beretta.

The jury, over a little over a week of testimony, heard how Cromwell asked DeQuattro for \$54,000 in payments, plus a Bowflex exercise bike and a weekend stay in a luxury Boston hotel. Robinson Green Beretta at the time was the project manager for the Mashpee Wampanoag Gaming Authority on its \$1 billion "Project First Light" casino proposal in Taunton, Massachusetts.

The jury started its deliberations in the afternoon after U.S. District Judge Douglas P. Woodlock's lengthy legal instructions on the bribery and extortion charges.

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 Michael Watanabe.