

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	No. 20-CR-10271
DAVID DEQUATTRO,	)	
Defendant	)	
_____	)	

**DEFENDANT’S MOTION FOR SPEEDY TRIAL**

Now comes the defendant David DeQuattro, by and through undersigned counsel, and hereby respectfully requests that the Court hold a speedy trial in this matter, as required under the Sixth Amendment to the United States Constitution. Co-defendant Cedric Cromwell joins this Motion with respect to the charges set forth in the initial Indictment, but not with respect to the new tax-related counts introduced by the Superseding Indictment. Cromwell will be filing a motion to sever counts.

Mr. DeQuattro was indicted in the above-captioned case on November 12, 2020 and made his initial appearance before this Court the following day. *See* Dkt. 1, 12. He was charged, along with co-defendant Cromwell, with violating 18 U.S.C. § 666, and conspiring to do the same. Undersigned counsel entered his appearance on December 8, 2020. *See* Dkt. 20. Since that time, the defense has worked diligently to review the voluminous discovery produced by the government and to prepare the pending Motion to Dismiss (Dkt. 34), Motion for Bill of Particulars (Dkt. 55), and Motion for Production of Exculpatory Evidence (Dkt. 64). These efforts have been undertaken with

the goal of contesting the serious allegations made by the government at a speedy trial.

On March 22, 2021, more than four months after Mr. DeQuattro was indicted and while the three defense motions noted above were already pending, the government issued a Superseding Indictment, adding several counts alleging filing of false tax returns by Cromwell. *See* Dkt. 65. The charges against Mr. DeQuattro, by contrast, remained unchanged. The new charges stemmed from tax returns filed by Cromwell from 2014 through 2017, *see id.* at ¶ 115, and there is no indication that the information underlying the allegations was unavailable to the government at the time of the initial Indictment.

The Supreme Court has made clear that “the defendant’s assertion of his speedy trial right[] ‘is entitled to strong evidentiary weight in determining whether the defendant is being deprived of the right.’” *United States v. Munoz-Amado*, 182 F.3d 57, 62 (1st Cir. 1999) (quoting *Barker v. Wingo*, 407 U.S. 514, 531-32 (1972)). Accordingly, Mr. DeQuattro brings the instant motion to make clear that he fully intends to assert this Constitutional guarantee in the present case.

The other factors relevant to the speedy trial inquiry include “the length of delay; the reason assigned by the government for the delay; . . . and prejudice to the defendant.” *United States v. Handa*, 892 F.3d 95, 101 (1st Cir. 2018). Beginning with the threshold inquiry regarding length, “[d]elay of around one year is considered presumptively prejudicial.” *Id.* at 102 (citation omitted). Here, more than four months has already passed since Mr. DeQuattro’s Indictment. *See id.* at 106-07 (holding that issuance of superseding indictment did not “reset the Sixth Amendment speedy trial clock”). Starting anew at this point with discovery and motion practice on the tax counts against Cromwell will likely push the delay close to or beyond the one-year mark. The reason for the delay

falls squarely at the feet of the government. It has unilaterally chosen to supersede the Indictment after an interval of four months, during which time the defense undertook significant motion practice. Again, there is no indication that the information underlying the new charges was previously unavailable. With respect to the remaining factor of prejudice, the Supreme Court has acknowledged that “a defendant awaiting trial on bond might be subjected to public scorn, deprived of employment, and chilled in the exercise of his right to speak for, associate with, and participate in unpopular political causes.” *Barker*, 407 U.S. at 532 n.33. An accused “not incarcerated prior to trial” is also “disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion, and often hostility.” *Id.* at 533. In the present case, these concerns are not merely hypothetical, but rather have already proven very real to Mr. DeQuattro. 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. Generally speaking, the Company’s opportunities to obtain and keep public contracts, which account for a majority of its typical workload, have been seriously diminished. Continued delay of these proceedings will only cause further damage, quite possibly irreversibly so, to Mr. DeQuattro’s business interests.

In sum, Mr. DeQuattro stands accused of serious crimes that, in addition to jeopardizing his liberty, have also impeded his ability to run his business and earn a living. Mr. DeQuattro believes that he has strong defenses to the government’s allegations, *see, e.g.*, Dkt. 34, and wishes to move expeditiously towards a trial in which he will have the opportunity to defend himself.

**COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

Undersigned counsel conferred with counsel for the government and the government has no objection to a speedy trial, but only if it includes both defendants and all counts.

Respectfully Submitted,  
DAVID DEQUATTRO  
By His Attorney,

**/s/ Martin G. Weinberg**  
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Dated: March 26, 2021

**CERTIFICATE OF SERVICE**

I, Martin G. Weinberg, hereby certify that on this date, March 26, 2021, a copy of the foregoing document has been served via Electronic Court Filing system on all registered participants.

**/s/ Martin G. Weinberg**  
Martin G. Weinberg, Esq.