AO 83 (12/85) Summons in a Criminal Case

FILED IN CHAMBERS
U.S.D.C. Atlanta

JUL - 3 2025

Kevin P. Weimer, Clerk
By: Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,

v.

CARL DELANO TORJAGBO, a/k/a

KARL LUCIUS DELANO

SUMMONS IN A CRIMINAL CASE

CASE NO. 1:22-CR-171-MLB-RDC

YOU ARE HEREBY SUMMONED to appear before the United States District Court at the place, date and time set forth below.

PLACE:	U.S. Courthouse Richard B. Russell Building **Room 1860** 75 Ted Turner Drive, SW Atlanta, Georgia 30303-3309
BEFORE:	Honorable Linda T. Walker United States Magistrate Judge
DATE AND TIME:	**Friday, July 11, 2025** **at 10:30 a.m.**

To answer a(n)

☒ SS Indictment ☐ Information ☐ Complaint ☐ Violation Notice ☐ Probation Violation Petition

Charging you with a violation of **Title 18, United States Code, Section(s) 1344 and Section 2**

Brief description of the offense: Bank Fraud

AUSA: Kelly Connors/Nick Evert

Counsel for Defendant: L. Finlayson

July 3, 2025

KEVIN P. WEIMER
CLERK OF COURT

By: ______________________
Deputy Clerk

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

CARL DELANO TORJAGBO, a/k/a
KARL LUCIUS DELANO

THIRD SUPERSEDING INDICTMENT

CASE NO. 1:22-cr-171-MLB-RDC

The Grand Jury charges that:

Count 1
(Bank Fraud)

1. From in or about January 2021 through in or about March 2021, in the Northern District of Georgia and elsewhere, the Defendant, Carl Delano Torjagbo, a/k/a Karl Lucius Delano, aided and abetted by others unknown to the Grand Jury, knowingly executed, attempted to execute, and participated in a scheme and artifice to defraud JPMorgan Chase Bank, National Association, d/b/a "Chase Bank," a financial institution whose deposits were then insured by the FDIC, and to obtain moneys and funds owned by and under the custody and control of Chase Bank, by means of materially false and fraudulent pretenses, representations, and promises, and by the omission of material facts ("the bank fraud scheme").

Background

2. Chase Bank participated as a lender in the Paycheck Protection Program ("PPP"), which was designed to help small businesses survive the COVID-19 pandemic by providing them with funds to cover certain payroll costs, including benefits, interest on mortgages, rent, and utilities.

3. To be eligible for a PPP loan, a business had to have been "in operation on February 15, 2020."

Manner and Means of the Bank Fraud Scheme

4. Approximately 10 months after the PPP-eligibility date had expired, Defendant Torjagbo created a company called Kremkov Industries LLC, and registered the company with the Georgia Secretary of State.

5. Since Kremkov Industries was not in operation on February 15, 2020, it was not eligible for a PPP loan.

6. Moreover, as Defendant Torjagbo knew and had reason to know, Kremkov Industries never conducted any legitimate business, had no income, and never paid wages to employees because it had no employees.

7. Nevertheless, Defendant Torjagbo signed and submitted to Chase Bank a fraudulent PPP loan application, requesting a PPP loan for Kremkov Industries in the amount of $9,554,425.

8. Defendant Torjagbo falsely and fraudulently certified that the information he provided in the PPP loan application and in all supporting documents and forms was "true and accurate in all material respects."

9. Contrary to his false certification, the PPP loan application that Defendant Torjagbo submitted was filled with materially false and fraudulent representations. For example:

- Defendant Torjagbo certified that Kremkov Industries was "in operation on February 15, 2020." That was not true.
- Defendant Torjagbo certified that a PPP loan was "necessary to support the ongoing operations" of Kremkov Industries. That was not true.
- Defendant Torjagbo stated that Kremkov Industries had 493 employees. That was not true.
- Defendant Torjagbo stated that Kremkov Industries had an average monthly payroll of $3,821,770. That was not true either.

10. When he signed the application and submitted it to Chase Bank, Defendant Torjagbo knew and had reason to know that the application contained materially false and fraudulent representations.

11. To support the fraudulent application, Defendant Torjagbo provided Chase Bank with copies of false tax returns, as well as copies of phony payroll reports purporting to show that Kremkov Industries had paid wages to 493 employees.

12. As a result of Defendant Torjagbo's materially false and fraudulent representations, Chase Bank transferred $9,554,425 in PPP loan proceeds to Defendant Torjagbo's custody and control.

Execution of the Bank Fraud Scheme

13. On or about February 16, 2021, in the Northern District of Georgia and elsewhere, for the purpose of executing and attempting to execute the scheme and artifice to defraud Chase Bank, and to obtain moneys and funds owned by and under the custody and control of Chase Bank, Defendant Torjagbo, aided and abetted by others unknown to the Grand Jury, with intent to defraud, signed and submitted to Chase Bank a fraudulent PPP loan application, requesting a PPP loan for Kremkov Industries in the amount of $9,554,425.

All in violation of Title 18, United States Code, Section 1344 and Section 2.

Counts 2 and 3
(Wire Fraud)

14. From in or about February 2021 through in or about April 2021, the Defendant, Carl Delano Torjagbo, a/k/a Karl Lucius Delano, devised, intended to devise, and participated in a scheme and artifice to defraud the United States Department of the Treasury, Internal Revenue Service ("IRS"), and to obtain money from the IRS by means of materially false and fraudulent pretenses, representations, and promises, and by the omission of material facts ("the wire fraud scheme").

Manner and Means of the Wire Fraud Scheme

15. Kremkov Industries never conducted any legitimate business, had no income, and never paid wages to employees because it had no employees.

16. Kremkov Industries never filed any W-2s or tax returns of any kind for tax year 2020, or for any other tax year.

17. Defendant Torjagbo did not have any wages and did not pay any withholdings to the IRS for tax year 2020.

18. On or about February 13, 2021, Defendant Torjagbo electronically filed with the IRS not just one but two fraudulent U.S. individual income tax returns (Forms 1040) for tax year 2020, both of which reported fictitious wages, withholdings, and nonpassive losses from Kremkov Industries.

19. On one of the fraudulent tax returns, Defendant Torjagbo used a Social Security Number (SSN) that was associated with a date of birth in 1979 and fraudulently claimed a refund in the amount of $3,373,441.00.

20. On the other fraudulent tax return, Defendant Torjagbo used a different SSN that was associated with a date of birth in 1975 and fraudulently claimed a refund in the amount of $3,015,573.00.

Execution of the Wire Fraud Scheme

21. On or about the dates set forth below, in the Northern District of Georgia and elsewhere, Defendant Torjagbo, aided and abetted by others unknown to the Grand Jury, for the purpose of executing and attempting to execute the wire fraud scheme, caused to be transmitted by means of wire communication in interstate commerce the writings, signs, signals, pictures, and sounds described below:

Count	Date	Description of wire communication
2	02/13/2021	Electronic filing of a 2020 U.S. individual income tax return (Form 1040), in the name of Carl Torjagbo, which fraudulently claimed a refund in the amount of $3,373,441.00
3	02/13/2021	Electronic filing of a 2020 U.S. individual income tax return (Form 1040), in the name of Carl Torjagbo, which fraudulently claimed a refund in the amount of $3,015,573.00

All in violation of Title 18, United States Code, Section 1343 and Section 2.

Counts 4 through 6
(Concealment Money Laundering)

22. The facts alleged in paragraphs 2 through 12 and 15 through 20 are realleged and incorporated here.

23. The PPP loan proceeds were initially deposited into Chase Bank account #8755, titled in the name of Kremkov Industries. Immediately before that deposit, the balance in that account was only $105.

24. On the PPP loan application, Defendant Torjagbo certified that Kremkov Industries would use the loan proceeds to "retain workers and maintain payroll" or make other payments allowed under the Paycheck Protection Program Rules.

25. Defendant Torjagbo acknowledged that he could be prosecuted for fraud if the PPP loan proceeds were "knowingly used for unauthorized purposes."

26. In spite of that warning, Defendant Torjagbo knowingly used the PPP loan proceeds for unauthorized purposes.

27. For example, Defendant Torjagbo caused $3 million of the PPP loan proceeds to be transferred by check from Chase Bank account #8755 to PNC Bank account #9499. Both of those accounts were titled in the name of Kremkov Industries. Defendant Torjagbo wrote on the check that it was for "payroll." But that was not true. Kremkov Industries had no payroll

because it had no employees. Furthermore, Defendant Torjagbo used the $3 million not to pay payroll for Kremkov Industries but to pay his personal debts and expenses and to fund a lifestyle for himself that he otherwise could not have afforded.

28. Shortly after the $3 million transfer to PNC Bank account #9499, Defendant Torjagbo deposited a $3,366,240.76 U.S. Treasury check into the same account. The check was issued as a result of the tax return identified in Count 2.

29. Approximately four months after he fraudulently received over $9.5 million in PPP loan proceeds and over $3.3 million in tax refund fraud proceeds, Defendant Torjagbo filed a petition to change his name to Karl Lucius Delano.

30. Defendant Torjagbo then created a Wyoming company called FlyingJack freight& Logistics LLC ("FlyingJack").

31. Defendant Torjagbo opened Bank of America account #1199 in the name of FlyingJack and funded the account with fraud proceeds. Defendant Torjagbo then used fraud proceeds to pay startup expenses for FlyingJack and to purchase property and equipment for FlyingJack.

32. In addition, Defendant Torjagbo used fraud proceeds to purchase property in the name Karl Lucius Delano.

33. Defendant Torjagbo caused proceeds of the PPP loan fraud and fraudulent tax return to be deposited into the following accounts:

- Chase Bank account #8755 and PNC account #9499, both titled in the name of Kremkov Industries;
- PNC accounts #9814, #9822, and #9849, all titled in the name of Carl Torjagbo; and
- Bank of America account #1199, titled in the name of FlyingJack.

34. Defendant Torjagbo used online transfers between accounts, wire transfers, personal checks, cashier's checks, debit cards, credit cards, and cash withdrawals to convert the fraud proceeds to his own use.

35. On or about each date set forth below, in the Northern District of Georgia and elsewhere, the Defendant, Carl Delano Torjagbo, a/k/a Karl Lucius Delano, aided and abetted by others unknown to the Grand Jury, conducted and attempted to conduct a financial transaction, knowing that the property involved in such financial transaction represented the proceeds of some form of unlawful activity, which in fact involved the proceeds of specified unlawful activity, namely, the bank fraud scheme charged in Count 1 and the wire fraud scheme charged in Count 2 of this

Third Superseding Indictment, while acting with the knowledge that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity:

Count	Date	Payment Amount & Method	From	To	For
4	check dated 04/08/21	$3,000,000 check	Chase Bank account #8755, titled in name of Kremkov Industries	PNC account #9499, titled in name of Kremkov Industries	"payroll"
5	10/27/21	$91,076.66 wire transfer	PNC account #9849, titled in name of Carl Torjagbo	Cadence Bank, NA account #4138, titled in name of North Atlanta Law Group, P.C.	Karl Lucius Delano's purchase of Tract 4, part of tax parcel C056-0857-003, now known as tax parcel C056-0857-006
6	03/07/22	$150,005.13 wire transfer	Bank of America account #1199, titled in name of FlyingJack	Truist Bank account #0104, titled in name of Ganek PC	FlyingJack's purchase of 101 Holt Drive, Acworth, GA

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Section 2.

Counts 7 through 10
(Transactional Money Laundering)

36. The facts alleged in paragraphs 2 through 12, 15 through 20, and 23 through 34 are realleged and incorporated here.

37. On or about each date set forth below, in the Northern District of Georgia and elsewhere, the Defendant, Carl Delano Torjagbo, a/k/a Karl Lucius Delano, aided and abetted by others unknown to the Grand Jury, knowingly engaged in and attempted to engage in a monetary transaction in criminally derived property of a value greater than $10,000, said property having been derived from specified unlawful activity, namely, the bank fraud scheme charged in Count 1 and the wire fraud scheme charged in Count 2 of this Third Superseding Indictment:

Count	Date	Payment Amount & Method	From	To	For
7	05/28/21	$1,660,861.01 wire transfer	PNC account #9849, titled in name of Carl Torjagbo	First-Citizens Bank & Trust Company account #7370, titled in name of O'Kelley & Sorohan	5114 Greythorne Lane, Marietta, GA

Count	Date	Payment Amount & Method	From	To	For
8	08/04/21	$87,020 wire transfer	PNC account #9849, titled in name of Carl Torjagbo	Bank of America account #0174, titled in name of Niello Imports II, Inc.	2021 Land Rover Range Rover Velar, VIN: SALYM2FU7 MA302651
9	01/24/22	$115,250.79 cashier's check	Bank of America account #1199, titled in name of FlyingJack	Global Imports BMW LLC	2022 BMW M850xi, VIN: WBAGV8C0 6NCH96608
10	04/22/22	$269,999.80 wire transfer	Bank of America account #1199, title in name of FlyingJack	Atlanta Used Cars Center	2014 Lamborghini Aventador, VIN: ZHWUC1ZD 3ELA02216

All in violation of Title 18, United States Code, Section 1957 and Section 2.

Forfeiture Provision

38. Upon conviction of the offense alleged in Count 1 of this Third Superseding Indictment, the Defendant, Carl Delano Torjagbo, a/k/a Karl Lucius Delano, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the violation, including, but not limited to, the following:

A. MONEY JUDGMENT:

(1) A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offense alleged in Count 1 of this Third Superseding Indictment.

B. REAL PROPERTY:

(1) 5114 Greythorne Lane, Marietta, Cobb County, Georgia 30068, and all buildings and appurtenances thereto.

(2) 101 Holt Drive, Acworth, Cherokee County, Georgia 30101, and all buildings and appurtenances thereto.

(3) Tract 4 Fiber Drive, Cartersville, Bartow County, Georgia 30120, and all buildings and appurtenances thereto.

C. PERSONAL PROPERTY:

(1) 2022 BMW M850xi bearing VIN: WBAGV8C06NCH96608.

(2) 2021 Land Rover Range Rover Velar Sports Utility Vehicle bearing VIN: SALYM2FU7MA302651.

(3) 2014 Lamborghini Aventador bearing VIN: ZHWUC1ZD3ELA02216.

(4) Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

(5) Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

39. Upon conviction of one or more of the offenses alleged in Counts 2 and 3 of this Third Superseding Indictment, the Defendant, Carl Delano Torjagbo, a/k/a Karl Lucius Delano, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, constituting, or derived from, proceeds traceable to the offense, including, but not limited to, the following:

A. MONEY JUDGMENT:

(1) A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in Counts 2 and 3 of this Third Superseding Indictment.

B. REAL PROPERTY:

(1) 5114 Greythorne Lane, Marietta, Cobb County, Georgia 30068, and all buildings and appurtenances thereto.

(2) 101 Holt Drive, Acworth, Cherokee County, Georgia 30101, and all buildings and appurtenances thereto.

(3) Tract 4 Fiber Drive, Cartersville, Bartow County, Georgia 30120, and all buildings and appurtenances thereto.

C. PERSONAL PROPERTY:

(1) 2022 BMW M850xi bearing VIN: WBAGV8C06NCH96608.

(2) 2021 Land Rover Range Rover Velar Sports Utility Vehicle bearing VIN: SALYM2FU7MA302651.

(3) 2014 Lamborghini Aventador bearing VIN: ZHWUC1ZD3ELA02216.

(4) Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

(5) Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

40. Upon conviction of one or more of the offenses alleged in Counts 4 through 10 of this Third Superseding Indictment, the Defendant, Carl Delano Torjagbo, a/k/a Karl Lucius Delano, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, involved in such offenses, or any property traceable to such property, including, but not limited to, the following:

A. MONEY JUDGMENT:

(1) A sum of money in United States currency, representing the amount of property involved in the offenses alleged in Counts 4 through 10 of this Third Superseding Indictment.

B. REAL PROPERTY:

(1) 5114 Greythorne Lane, Marietta, Cobb County, Georgia 30068, and all buildings and appurtenances thereto.

(2) 101 Holt Drive, Acworth, Cherokee County, Georgia 30101, and all buildings and appurtenances thereto.

(3) Tract 4 Fiber Drive, Cartersville, Bartow County, Georgia 30120, and all buildings and appurtenances thereto.

C. PERSONAL PROPERTY:

(1) 2022 BMW M850xi bearing VIN: WBAGV8C06NCH96608.

(2) 2021 Land Rover Range Rover Velar Sports Utility Vehicle bearing VIN: SALYM2FU7MA302651.

(3) 2014 Lamborghini Aventador bearing VIN: ZHWUC1ZD3ELA02216.

(4) Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

(5) Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

41. If, as a result of any act or omission of Defendant Torjagbo, any property subject to forfeiture (a) cannot be located upon the exercise of due

diligence, (b) has been transferred or sold to, or deposited with, a third party, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property which cannot be divided without difficulty, the United States intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of Defendant Torjagbo up to the value of the forfeitable property.

A True BILL

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