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

UNITED STATES OF AMERICA)
)
vs.) CRIMINAL ACTION NO.
) 1:22-CR-00171-MLB-RDC-1
)
CARL DELANO TORJAGBO,)
)
Defendant.)
_____)

BEFORE THE HONORABLE REGINA D. CANNON
UNITED STATES MAGISTRATE JUDGE
TRANSCRIPT OF EVIDENTIARY HEARING
JUNE 5, 2024

APPEARANCES OF COUNSEL:

For the Government: JOHN R. PHILLIPS, ESQ.
OFFICE OF THE U.S. ATTORNEY-ATL 600
For the Defendant: KENDAL D. SILAS, ESQ.
FEDERAL DEFENDER PROGRAM, INC. - ATL

*Proceedings recorded by mechanical stenography
and computer-aided transcript produced by*

KEISHA M. CRUMP, RCR, RMR, RPR
Official Court Reporter
1759 U.S. Courthouse
75 Ted Turner Drive, SW
Atlanta, Georgia 30303
(404) 215-1352

I N D E X**DIRECT CROSS REDIRECT RECROSS**

SPECIAL AGENT MARISSA PRESSLEY....6 23 44

E X H I B I T S**GOVERNMENT 'S :****ADMITTED**

1 ADVICE OF RIGHTS FORM.....12

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DEFENDANT 'S :

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1 (Atlanta, Fulton County, Georgia, June 5, 2024, in open court
2 at 10:10 a.m.)

3 - - -

4 P R O C E E D I N G S

5 THE COURT: Good morning, everyone.

6 MR. PHILLIPS: Good morning, Your Honor.

7 MR. SILAS: Good morning, Your Honor.

8 THE COURT: We are here for a suppression hearing in
9 Case Number 1:22-CR-171. Will the parties please make their
10 appearances beginning with the Government.

11 MR. PHILLIPS: Good morning, Your Honor. Russell
12 Phillips for the United States.

13 THE COURT: Good morning.

14 MR. SILAS: Your Honor, Kendal Silas for Carl
15 Torjagbo, who is seated at counsel's table, along with
16 Charlotte Diggs, the paralegal from our office.

17 THE COURT: Good. Welcome. Thank you-all.

18 Sir, you're here because your lawyer filed a motion
19 to suppress statements among some others.

20 Counsel, before we get started, I'd like to address a
21 couple of other motions, if I could. So, Mr. Phillips, I
22 could have sworn you told me this case may be superseded.

23 MR. PHILLIPS: Yes, Your Honor.

24 THE COURT: Is that still -- you're on track to do
25 that, sir?

1 MR. PHILLIPS: Yes, Your Honor.

2 THE COURT: Okay. One of the motions Mr. Silas filed
3 had to do with some potential *Brady* material, and your
4 response to that was that he has failed to abide by the
5 pretrial order in terms of submitting informally a letter to
6 you requesting those particular issues that he's raised in the
7 motion. And because of that, it's procedural to file, and
8 that it should not be addressed because of that informality or
9 at least that meet and confer that he should have engaged in
10 with you?

11 MR. PHILLIPS: Yes, Your Honor.

12 THE COURT: Okay. So, Mr. Silas, what I'm going to
13 do is I'm going to deny your motion related to the -- the
14 *Brady* material. This is your motion, Docket Number 84. Sir,
15 do you know which one I'm talking about? Is it 84, or is
16 it -- that's the Government's response.

17 MR. SILAS: I think it's Number 80.

18 THE COURT: Let's see. Is it 80? Let's see.
19 Phyllis, do you see? Yes, the motion for an order enforcing
20 *Brady v. Maryland* and Due Process Protection Act information.
21 I'm going to deny that motion, but I'm going to give you
22 leave, Mr. Silas, to refile it after you meet and confer with
23 Mr. Phillips. So you'll do that, sir?

24 MR. SILAS: I will.

25 THE COURT: And then I think if there's a potential

1 motion -- superseding indictment, that's going to affect some
2 of the request, I believe, as well. Do you agree,
3 Mr. Phillips?

4 MR. PHILLIPS: Well, Your Honor, the Government
5 understands its *Brady* obligation. We take that seriously.

6 THE COURT: Okay.

7 MR. PHILLIPS: And I want to state for the record
8 that I have provided everything that I have in the way of
9 discovery that would include *Brady* and *Giglio* and --

10 THE COURT: Okay.

11 MR. PHILLIPS: -- everything the defense is entitled
12 to under Rule 16. We're not holding anything back. So if
13 there's anything that qualifies, the defendant already has
14 that.

15 THE COURT: Okay.

16 MR. PHILLIPS: And -- and that's true even if we
17 supersede.

18 THE COURT: Okay.

19 MR. PHILLIPS: There won't be any additional
20 information that is going to appear, as far as I know, related
21 to the superseding.

22 THE COURT: Okay. Thank you. So at this time, I
23 will, though, deny the motion, Mr. Silas, but I'll allow you
24 to do -- do you want to do an informal letter to him and have
25 that on the record? And then if that -- in your opinion,

1 you're not satisfied with their response, I'll let you refile
2 that.

3 MR. SILAS: All right. Thank you.

4 THE COURT: Okay. As to the others, I'll just take
5 those under advisement for now. We're going to hold those
6 waiting for the superseding indictment if that's to come.

7 In the meantime, we're here to address the motion to
8 suppress statements. And so, Mr. Phillips, would you like to
9 proceed, sir?

10 MR. PHILLIPS: Your Honor, the Government would like
11 to call Marissa Pressley.

12 THE COURT: Okay. Thank you. If you'll approach,
13 please, and be sworn in.

14 COURTROOM DEPUTY CLERK: Raise your right hand.

15 **SPECIAL AGENT MARISSA PRESSLEY,**
16 witness herein, having been first duly sworn, was examined and
17 testified as follows:

18 COURTROOM DEPUTY CLERK: Please be seated and state
19 and spell your name for the record.

20 THE WITNESS: So my name is Marissa, M-A-R-I-S-S-A;
21 Pressley, P-R-E-S-S-L-E-Y.

22 **DIRECT EXAMINATION**

23 BY MR. PHILLIPS:

24 Q Good morning. How are you employed?

25 A I'm a special agent with the FBI.

1 Q And did you participate in the arrest of the defendant,
2 Carl Delano Torjagbo, on May 12, 2022?

3 A Yes.

4 Q And where was the defendant when you first saw him that
5 morning?

6 A When I first saw him, he was standing in the parking lot.

7 Q All right. And you have in front of you a couple of 302s.
8 Is the address of the location that we're talking about today
9 indicated in any of those documents?

10 A Yes, it is.

11 Q All right. And which exhibit are you looking at?

12 A Government's Exhibit Number 4.

13 Q All right. And we'll talk more about that in detail
14 later. But what's the address where the defendant was located
15 when you first saw him?

16 A It was at 1032 Industrial Boulevard North, Dallas,
17 Georgia.

18 Q And why was the defendant at that location?

19 A We had set a meeting with him. We were -- and planning to
20 arrest.

21 Q Okay. And were any other law enforcement agents with you
22 that morning?

23 A Yes.

24 Q And are the agents who were with you identified in the FBI
25 302 pertaining to the arrest?

1 A Yes.

2 Q All right. And approximately what time did you arrive at
3 that location?

4 A It was a few minutes before 9:58. I know that it was --
5 I'm not sure exactly what time we arrived.

6 Q And 9:58 being the time that the recorded interview began?

7 A Yes.

8 Q All right. And so you said you had been there for a few
9 minutes before you started the interview?

10 A Yes.

11 Q All right. Was Defendant Torjagbo already under arrest
12 when you arrived?

13 A No.

14 Q Okay. Where was he?

15 A When we arrived, he was standing in the parking lot.

16 Q And what was he doing?

17 A He was walking across it.

18 Q All right. And what happened when you and the other
19 agents arrived?

20 A When we arrived, we pulled up to Torjagbo. We identified
21 ourselves and informed him he was under arrest and placed him
22 into handcuffs.

23 Q All right. When you say you identified yourselves, how
24 did you identify yourselves?

25 A We stated we were the FBI.

1 Q And were you wearing anything that indicated that you were
2 FBI?

3 A Yes.

4 Q What was that?

5 A We had our bulletproof vests on, and they had FBI placards
6 on the front and back.

7 Q All right. And when you pulled up into the parking lot,
8 you saw Defendant Torjagbo, did you and the other agents draw
9 your weapons at that time?

10 A When we pulled up into the parking lot, we drew our
11 weapons upon initially making contact with him, and once he
12 was in custody, we put our weapons back in our holsters.

13 Q All right. Who placed the handcuffs on the defendant?

14 A I know it was Special Agent Scott Caruana, and I believe
15 Scott Baucom.

16 Q All right. And were his hands behind his back at that
17 time?

18 A Yes.

19 Q At any time after the defendant was handcuffed, did you or
20 any of the other agents draw your weapon again?

21 A No.

22 Q After the defendant was handcuffed, what happened?

23 A After he was handcuffed, I -- we searched his person to be
24 sure he had no weapons on him, and then we put him in the back
25 seat of Scott Caruana's vehicle to interview him.

1 Q All right. And what kind of vehicle was it?

2 A It was a Government vehicle.

3 Q A sedan?

4 A A sedan, yeah.

5 Q All right. And when you placed the defendant in Special
6 Agent Caruana's vehicle, did you leave his hands behind his
7 back handcuffed, or did you change that?

8 A We cuffed him in the front, so his hands were in the front
9 of him cuffed.

10 Q Okay. Did you make sure that they were loose enough so
11 that he was not in any pain?

12 A Correct, yes.

13 Q Were all of your communications with the defendant and all
14 of Special Agent Caruana's communications with the defendant
15 in English?

16 A Yes.

17 Q And did Defendant Torjagbo respond in English?

18 A Yes.

19 Q All right. I've placed in front of you a number of
20 documents, including Government's Exhibit 1. So let's talk
21 about that first. Do you recognize Government's Exhibit 1?

22 A Yes.

23 Q And what is that?

24 A It is the advice of rights that was signed during the
25 interview.

1 Q Is that a -- a standard FBI form?

2 A Yes, it is.

3 Q All right. And whose handwriting is at the top?

4 A At the top is Scott Caruana's handwriting.

5 Q And -- and so Special Agent Caruana filled in the place
6 and the date and the time; is that correct?

7 A Yes.

8 Q And can you read for us what it says that he filled in
9 there?

10 A The place was Dallas, Georgia. The date was May 12, 2022,
11 and the time was at 9:58 a.m.

12 Q All right. Did the defendant sign this document?

13 A Yes, he did.

14 Q All right. And is that in the middle section where it
15 says, "Consent"? Is that the defendant's signature?

16 A Yes.

17 Q All right. And then whose signatures are that -- are
18 those below that?

19 A Below that is Scott Caruana's followed by mine.

20 Q And then the time is what?

21 A It's 9:58 is the time below that.

22 MR. PHILLIPS: I move to admit Government's Exhibit
23 1, Your Honor.

24 THE COURT: Any objection?

25 MR. SILAS: No, Your Honor.

1 THE COURT: It's admitted.

2 (Government's Exhibit 1 was admitted into evidence.)

3 BY MR. PHILLIPS:

4 Q All right. Would you read for us, please, what it says in
5 the "Your Rights" section. Well, first of all, before you --
6 before you read that, did Special Agent Caruana read this form
7 to the defendant before he asked the defendant to sign it?

8 A Yes, he did.

9 Q Did he read it virtually verbatim?

10 A Yes, he did.

11 Q All right. Read for us, please, what it says in the "Your
12 Rights" section.

13 A "Before we ask you any questions, you must understand your
14 rights. You have the right to remain silent. Anything you
15 say can be used against you in court. You have the right to
16 talk to a lawyer for advice before we ask you any questions.
17 You have the right to have a lawyer with you during
18 questioning. If you cannot afford a lawyer, one will be
19 appointed for you before any questioning if you wish. If you
20 decide to answer questions now without a lawyer present, you
21 have the right to stop answering at any time."

22 Q Did Defendant Torjagbo agree to speak with you and Agent
23 Caruana and answer your questions without a lawyer being
24 present?

25 A Yes, he did.

1 Q Okay. And did he waive each of these rights that you just
2 read?

3 A Yes.

4 Q All right. Read for us what it says in the "Consent"
5 section where the defendant signed?

6 A "I have read this statement of my rights, and I understand
7 what my rights are. At this time, I am willing to answer
8 questions without a lawyer present."

9 Q During the interview, did the defendant ever indicate that
10 he did not understand anything that Special Agent Caruana or
11 you said to him?

12 A No.

13 Q Was anyone else present in the vehicle other than you,
14 Special Agent Caruana, and the defendant during the time the
15 interview was taking place?

16 A No.

17 Q Did Defendant Torjagbo ask Special Agent Caruana or you to
18 repeat anything?

19 A No.

20 Q Did he ask you or Special Agent Caruana to rephrase
21 anything?

22 A No.

23 Q Did Special Agent Caruana ask the defendant whether he
24 would agree to speak with you without an attorney being
25 present?

1 A Yes.

2 Q And then the defendant signed this form?

3 A Yes.

4 Q All right. Was the interview recorded?

5 A Yes, it was.

6 Q How was it recorded?

7 A It was a small recording device.

8 Q A digital recording?

9 A A digital recording device, yes.

10 Q Okay. And were you present through the entire interview?

11 A Yes, I was.

12 Q And was the entire interview recorded on that digital

13 device?

14 A Yes, it was.

15 Q And before coming to court today, did you listen to that

16 recording?

17 A Yes, I did.

18 Q Did you copy that recording onto a CD or a DVD?

19 A Yes, I did.

20 Q All right. You brought with -- you brought that with you

21 to my office today, correct?

22 A Yes.

23 Q And did we label that Government's Exhibit 2?

24 A Yes, we did.

25 Q And that's the CD that we placed on the bench for the

1 judge --

2 A Yes.

3 Q -- right?

4 MR. PHILLIPS: Your Honor, at this time, I move to
5 admit Government's Exhibit 2.

6 THE COURT: Any objection?

7 MR. SILAS: No, Your Honor.

8 THE COURT: It's admitted.

9 (Government's Exhibit 2 was admitted into evidence.)

10 BY MR. PHILLIPS:

11 Q Did you make any alterations at all to the recording when
12 you copied it onto the CD?

13 A No, I did not.

14 Q Did anyone else alter it in any way?

15 A No.

16 Q And did you listen to the recording to make sure that it
17 is a true and accurate copy of the interview of the defendant
18 on the day that we're talking about?

19 A Yes.

20 Q And it is?

21 A Oh, yes. Yes, it is.

22 Q What time did the interview begin?

23 A It began at 9:58 a.m.

24 Q And what time did it end?

25 A It ended at 10:38 a.m.

1 Q And did Special Agent Caruana stop the recorder when the
2 interview ended?

3 A Yes, he did.

4 Q And after he turned off the recorder, did he or you ask
5 the defendant any additional questions?

6 A No, we did not.

7 Q After the interview ended, did Defendant Torjagbo ask you
8 or Special Agent Caruana any additional questions?

9 A Yes, he did.

10 Q And when he indicated that he had additional questions,
11 was the recorder turned back on?

12 A Yes, it was.

13 Q And what time was it turned back on?

14 A At 10:42 a.m.

15 Q And what time was it turned off?

16 A It was turned off at 10:44 a.m.

17 Q All right. So, approximately, how long did the interview
18 last? Let's talk about the first section.

19 A The first section was about 40 minutes long. The second
20 one is about two minutes long.

21 Q So roughly 42 minutes in total?

22 A Yes.

23 Q During the initial part of the interview, did Special
24 Agent Caruana ask Defendant Torjagbo for permission to enter
25 his garage at his residence, 5114 Greythorne Lane,

1 G-R-E-Y-T-H-O-R-N-E, Marietta, Georgia, for purposes of
2 seizing his 2022 BMW M850xi?

3 A Yes, he did.

4 Q And did Defendant Torjagbo sign a Consent to Search Form?

5 A Yes, he did.

6 Q Is that the form that you have in front of you that I've
7 marked as Government's Exhibit 3?

8 A Yes, it is.

9 Q All right. And whose writing is that in paragraph 1 where
10 it describes the location?

11 A That is Scott Caruana's handwriting.

12 Q All right. And is that the defendant's signature beside
13 the date toward the bottom?

14 A Yes, it is.

15 Q And was it witnessed by Special Agent Caruana?

16 A Yes, it was.

17 MR. PHILLIPS: All right. I move to admit
18 Government's Exhibit 3, Your Honor.

19 THE COURT: Any objection?

20 MR. SILAS: No, Your Honor.

21 THE COURT: Okay. It's admitted.

22 (Government's Exhibit 3 was admitted into evidence.)

23 BY MR. PHILLIPS:

24 Q Would you read for us just the preprinted part of the form
25 where it says, "Consent to Search," and then it's -- there are

1 four numbered paragraphs.

2 A "Number 1, I have been asked by special agents of the
3 Federal Bureau of Investigation to permit a complete search
4 of --

5 Q The property?

6 A -- the property," yeah.

7 Q All right. And then what?

8 A Number 2?

9 Q Yes.

10 A "I have been advised of my rights to refuse consent."
11 Number 3, "I give this permission voluntarily." And Number 4,
12 "I authorize these agents to take any items which they deem
13 may be related to their investigation."

14 Q What was the defendant's demeanor during the interview?

15 A He was calm and alert.

16 Q Is everything that was said by either the defendant or by
17 Special Agent Caruana or by you recorded on that recording
18 device?

19 A Yes.

20 Q And now that's on Government's Exhibit 2 as well?

21 A Yes.

22 Q Did the defendant ever say that he wanted to end the
23 interview?

24 A No.

25 Q Did the defendant ever say that he did not understand

1 anything that you or Special Agent Caruana said to him?

2 A No.

3 Q Did the defendant ever ask to speak to an attorney?

4 A No.

5 Q Did he ever indicate that he wanted to revoke his consent
6 to speak with you without an attorney being present?

7 A No.

8 Q Did the defendant ever indicate that he was concerned
9 about his safety?

10 A No.

11 Q Did he ever say or do anything that led you to believe
12 that he was concerned about his safety?

13 A No.

14 Q All right. Did you transport the defendant to the federal
15 courthouse in Atlanta, that is the building we're in today,
16 and release him to the custody of the U.S. Marshals Service?

17 A Yes, I did.

18 Q All right. And what kind of vehicle did you use to
19 transport the defendant to the courthouse?

20 A It was a Government vehicle.

21 Q Was it the same vehicle that you had been in previously
22 while you were doing the interview?

23 A No, it was another sedan.

24 Q And why did you go in a different sedan?

25 A It was -- Vince Frederic drove, so it was his car.

1 Q He was another FBI agent who was present?

2 A Yes.

3 Q And Special Agent Caruana, what happened to him? Did he
4 stay at the scene?

5 A He did, yes.

6 Q Did anybody go with you and Special Agent Frederic while
7 you were transporting the defendant to the courthouse?

8 A No.

9 Q So it's just the three of you in the car, you, Special
10 Agent Frederic, and the defendant?

11 A Yes.

12 Q All right. And who drove?

13 A Special Agent Frederic.

14 Q And where was the defendant?

15 A He was in the back passenger seat.

16 Q Were his hands still handcuffed in front of him?

17 A Yes.

18 Q And where were you sitting?

19 A I sat next to him in the back seat.

20 Q During the time that you were in the vehicle transporting
21 the defendant to the courthouse, did you or Special Agent
22 Frederic ever unholster your weapon?

23 A No, we did not.

24 Q Did you or Special Agent Frederic say or do anything to
25 intimidate the defendant or threaten him in any way?

1 A No, we did not.

2 Q Was there anything unusual that happened while you're
3 transporting the defendant to the courthouse?

4 A No.

5 Q Was there any conversation about the case?

6 A No.

7 Q Was there just idle chitchat about the weather or things
8 like that?

9 A Yes, there was.

10 Q Okay. But did anybody question the defendant about the
11 facts of the case?

12 A No.

13 Q And before the defendant got in Special Agent Caruana's
14 vehicle and -- and participated in the interview that you
15 described earlier, was there any statement that the defendant
16 made that you're attributing to him concerning the facts of
17 the case?

18 A No, no statement was made.

19 Q All right. We've also brought with us Government's
20 Exhibits 4 and 5. Are those FBI 302s that is -- that pertain
21 to the case that you're investigating?

22 A Yes.

23 Q And is the first one, Government's Exhibit 4, pertaining
24 to the arrest of the defendant?

25 A Yes, it is.

1 Q And is Number 5, Government's Exhibit 5, pertaining to the
2 interview of the defendant?

3 A Yes, it is.

4 Q Have you reviewed these documents?

5 A Yes, I have.

6 Q Are they accurate?

7 A Yes.

8 MR. PHILLIPS: Your Honor, I move to admit
9 Government's Exhibits 4 and 5.

10 THE COURT: Any objection to either 4 or 5?

11 MR. SILAS: I would object to 4 and 5, Your Honor,
12 the FBI 302s, Your Honor. I know that hearsay is admissible
13 at -- at an evidentiary hearing; however, I would posit to the
14 Court that the proper method of eliciting the information
15 contained in these reports would be to include testimony of
16 the agent.

17 THE COURT: Mr. Phillips, I'll hear from you, sir.

18 MR. PHILLIPS: I'm happy to ask the agent more
19 questions about that and go into detail if you would like me
20 to, Your Honor.

21 THE COURT: Yes. Yes, at this point, I'm going to
22 sustain the objection. I'm not sure of the relevance at this
23 point, but if you'd like to ask her about specifically what
24 happened and who was there, she was very clear about that, but
25 I don't see the relevance at this time, so I'm going to

1 sustain the objection for now.

2 MR. PHILLIPS: Okay, Your Honor. I think we've
3 actually covered all the details in here.

4 THE COURT: Yes, sir.

5 BY MR. PHILLIPS:

6 Q Last question: During the entire time that you were with
7 the defendant, did you or anyone else say or do anything to
8 intimidate or threaten the defendant in any way?

9 A No.

10 MR. PHILLIPS: That's all the questions I have.

11 Thank you.

12 THE COURT: Thank you. Cross-examination, please.

13 **CROSS-EXAMINATION**

14 BY MR. SILAS:

15 Q Agent Pressley, are you assigned to this criminal case
16 involving Carl Torjagbo?

17 A Yes.

18 Q Okay. And you along with Agent Caruana?

19 A Yes.

20 Q Were you involved in the investigation in this case?

21 A Yes.

22 Q And this case was presented to the grand jury back on
23 May 10th of 2022; is that correct?

24 A I -- I don't recall the exact date.

25 Q But a couple of days before Mr. Torjagbo was arrested,

1 right?

2 A Yes.

3 Q He was arrested on May 12, 2022?

4 A Yes, that's correct.

5 Q And the charges that were ultimately obtained through the
6 grand jury were charges of bank fraud and money laundering; is
7 that right?

8 A I haven't reviewed the exact indictment recently, so...

9 Q But it all relates to a PPP loan that --

10 A Yes.

11 Q -- was obtained by Mr. Torjagbo for Kremkov Industries; is
12 that right?

13 A Yes, that's right.

14 Q Okay. And you-all located Mr. Torjagbo at a location in
15 Cartersville, Georgia, after the indictment, right?

16 A In Dallas, Georgia.

17 Q Oh, I'm sorry, Dallas -- yeah, Dallas, Georgia?

18 A Yes.

19 Q And there were, to my understanding, about ten agents that
20 went to arrest Mr. Torjagbo; is that right?

21 A About ten, yes.

22 Q And feel free to look at your --

23 A Thank you.

24 Q You're welcome. And you were one of those ten, right?

25 A Yes.

1 Q And when you-all arrived there, you found Mr. Torjagbo,
2 and he was walking across the parking lot; is that right?

3 A Yes.

4 Q There were other people there?

5 A Yes, there were.

6 Q There were other trucks and trailers that were there; is
7 that right?

8 A Yes, that's correct.

9 Q And based on your investigation, had you-all come to
10 understand that Mr. Torjagbo had purchased a number of
11 tractors and trailers, right?

12 A Yes.

13 Q And, in fact, you-all had obtained seizure warrants for
14 those assets, right?

15 A Yes.

16 Q Okay. So when you-all got there, did you-all see anybody
17 working on the trailers that were there?

18 A There were -- I do believe there was somebody coming to
19 paint on the tractor-trailer.

20 THE COURT: I'm sorry, to do what on them?

21 THE WITNESS: To paint a logo on the tractor-trailer.

22 BY MR. SILAS:

23 Q And what -- and what you-all found is that the logo that
24 was being painted on there was the logo of a company called
25 Flying Jack Logistics; is that right?

1 A Yes.

2 Q Okay. And you've come to learn that that was a company
3 that was actually owned by Mr. Torjagbo; is that right?

4 A Yes.

5 Q Okay. There were other people there who were essentially
6 in training to learn to be truck drivers; is that right?

7 A Yes, that's correct.

8 Q Okay. So when you-all saw Mr. Torjagbo, you-all
9 surrounded Mr. Torjagbo in your vehicles; is that right?

10 A Yes.

11 Q And you've mentioned that after Mr. Torjagbo was arrested,
12 he was first placed in the vehicle of Agent Caruana, right?

13 A Yes.

14 Q But then he was transported to this building in the
15 vehicle of another agent, right?

16 A Yes.

17 Q So do you have a recollection of how many law enforcement
18 vehicles went to that location at that time? And I'm
19 talking -- I'm talking about the location in Dallas at this
20 time.

21 A Right. I don't remember the exact number. I would guess
22 three or four.

23 Q Three or four. And once you-all -- well, you-all did
24 surround Mr. Torjagbo as he walked across the parking lot,
25 right? Is that fair to say?

1 A We drove our vehicles up to where he was standing, and we
2 exited the vehicles, obviously facing him.

3 Q And you -- you were there for a primary purpose of
4 arresting Mr. Torjagbo, right?

5 A Yes.

6 Q So you-all, when you stopped the car close to him -- when
7 the car was close to him, you-all exited the vehicle quickly,
8 right?

9 A Yes.

10 Q And that's all ten agents, right?

11 A Yes.

12 Q And all ten agents were armed, right?

13 A Yes.

14 Q All ten agents unholstered their weapons, right?

15 A Yes.

16 Q All ten agents close to Mr. Torjagbo all pointed their
17 weapons at him, right?

18 A Yes.

19 Q All yelling, get down on the ground, right?

20 A I don't remember. We obviously would say FBI. Not all
21 ten agents were speaking at the time when we -- usually, we
22 have one person that gives commands.

23 Q Okay. So there was at least one agent who was yelling
24 commands to Mr. Torjagbo?

25 A Yes.

1 Q And those commands would have been something along the
2 lines of, show your hands or get down on the ground, right?

3 A Yes.

4 Q And did Mr. Torjagbo do that?

5 A Yes, he did.

6 Q He showed his hands?

7 A Yes.

8 Q Got on the ground. And he was handcuffed while on the
9 ground?

10 A Yes, that's correct.

11 Q And he was handcuffed behind his back, right?

12 A Initially, yes.

13 Q Okay. And he was handcuffed behind his back until the
14 interrogation began; is that right?

15 A I know when we put him in the vehicle, we switched the
16 cuffs to his -- from his hands, and that's when we began
17 interviewing.

18 Q Okay. So you-all began interviewing him immediately then;
19 is that right?

20 A Well, obviously, he was cuffed. He -- he stood up. We,
21 as we always do, check, make sure he had no weapons for
22 everyone's safety, and then, yes, he was placed in the
23 vehicle.

24 Q Okay. And there were two agents who were involved in the
25 interrogation, right? There was Agent Caruana, who was the

1 primary agent during the questioning, right?

2 A Yes.

3 Q And you were present, so you heard Agent Caruana?

4 A Yes.

5 Q And you listened to the recording as well of that
6 interview, and you know that that's Agent Caruana's voice on
7 there, right?

8 A Yes.

9 Q And in the latter parts of the interview, approximately a
10 half hour into it, there's a female voice on the interview
11 who's asking questions. That would be you, correct?

12 A Yes.

13 Q Okay. And when the case was presented to the grand jury,
14 did you participate in the grand jury proceeding?

15 A No, I did not.

16 Q Okay. Agent Caruana did?

17 A Yes.

18 Q Okay. And you mentioned that the interrogation that
19 happened in the back of Agent Caruana's car was recorded on a
20 small recording device, right?

21 A Yes.

22 Q Would that be a dictaphone or -- well, can you describe
23 the recording device? Can you be more specific?

24 A Yeah, it's a -- so it's a digital recording device. It's
25 small. All it does is record. You hit a button to record and

1 a button to stop.

2 Q Okay. And the data is stored on the device; is that
3 right?

4 A Yes, that's correct.

5 Q And then you would download the data from the device to a
6 computer, presumably; is that right?

7 A Yes.

8 Q Okay. And you listened to what has been marked and
9 introduced into evidence as Government's Exhibit Number 2,
10 which I think is a -- a disk that has been tendered to the
11 Court?

12 A Yes.

13 Q So on that one and -- and you verified, based on your
14 recollection, that the data appears to be accurate in terms of
15 what was said by all parties that -- that day, right?

16 A Yes.

17 Q Just for the record, I want to play you a little bit of
18 the recording that I have because I would -- I would like to
19 tender the document as well.

20 MR. SILAS: Give me just a second, Your Honor.

21 BY MR. SILAS:

22 Q So I'm going to play the beginning just to see if you can
23 confirm that this is the same -- the same recording.

24 (The audio recording was played.)

25 BY MR. SILAS:

1 Q I will pause it. Does that sound like the recording, the
2 beginning of it?

3 A Yes, it does.

4 MR. SILAS: Okay. So I would like to tender into
5 evidence Defendant's Exhibit Number 1, Your Honor.

6 Any objection?

7 MR. PHILLIPS: I haven't heard the whole thing. I --
8 I've produced the recording to defense counsel in discovery.
9 I think he's an honorable man. I have no reason to believe
10 that he's altered it in any way, but I haven't had a chance,
11 the witness hasn't had a chance to compare that to the exhibit
12 that we tendered. I assume it's the same. And if it is, I
13 have no objection to it.

14 THE COURT: Okay. I'm going to admit it for now.
15 And, Mr. Phillips, when -- after the hearing, you have a
16 chance to review it, and if you think there's a problem, let
17 me know because I'll just be at this point taking the motion
18 under advisement, so it will be accepted at this time. Thank
19 you.

20 MR. SILAS: And I will say that it is the recording
21 from discovery.

22 THE COURT: Okay.

23 (Defendant's Exhibit 1 was admitted into evidence.)

24 BY MR. SILAS:

25 Q Now, before the recording started, there was some

1 discussion between Agent Caruana and Mr. Torjagbo about
2 cooperating with law enforcement; is that correct? Do -- do
3 you recollect that?

4 A I was not standing next to him from when he was placed in
5 cuffs to when he was put into the vehicle.

6 Q So at what point do you -- did you join the -- the
7 questioning that was taking place in the back of the car?

8 A I joined when -- a few minutes before we started the
9 recording when he was put in the vehicle.

10 Q Okay. But, again, you have listened to the entire
11 recording, right?

12 A Yes.

13 Q And you do -- do you recollect that at some point, Agent
14 Caruana told Mr. Torjagbo that it would be in his best
15 interest or reminded -- he reminds him it was in his best
16 interest to cooperate. Do you recall that?

17 A Yes.

18 Q Now, you were present for the portion of the -- the
19 meeting, essentially, where Mr. -- I think Agent Caruana went
20 over the Advice of Rights with Mr. Torjagbo, right?

21 A Yes.

22 Q And Mr. Torjagbo said that he would agree to answer
23 questions, right?

24 A Yes.

25 Q And I think you have up there Government's Exhibit

1 Number 3?

2 A Yes, that's correct.

3 Q Which is the Consent to Search Form.

4 A Yes.

5 Q And were you present when that document was executed?

6 A Yes, I was.

7 Q Now, the document indicates that Mr. Torjagbo was giving
8 permission to law enforcement or the FBI to search his
9 property at 5114 Greythorne Lane; is that right?

10 A Yeah -- uh, permission to search? Yeah, well, we -- we
11 told him during the interview we were specifically requesting
12 to take the vehicle out of the garage, so if that's what you
13 mean.

14 Q Well, that's -- that's what I mean. And that's -- that's
15 the point I was making. Mr. Torjagbo didn't actually consent
16 to a search of the house, right?

17 A Right.

18 Q As we -- as we discussed, prior to the arrest of
19 Mr. Torjagbo, law enforcement officers, namely the FBI, had
20 obtained seizure warrants for certain assets that were owned
21 by Mr. Torjagbo, right?

22 A Correct.

23 Q Some of those assets were tractors. Some of them -- some
24 of them were trailers, right?

25 A Yes.

1 Q And other items were more personal items like vehicles,
2 right?

3 A Yes.

4 Q And the FBI had come to -- to believe that there was a
5 certain BMW vehicle that was owned by Mr. Torjagbo, right?

6 A Yes, that's correct.

7 Q And during the interview, Mr. Torjagbo acknowledged that
8 he owned the vehicle and that the vehicle was actually at his
9 house, right?

10 A Yes.

11 Q And he said it was in his garage, right?

12 A Yes.

13 Q And during the interview, Mr. -- essentially, Agent
14 Caruana told Mr. Torjagbo that he could consent to law
15 enforcement officers going into the garage to get the vehicle
16 or, alternatively, law enforcement officers would have to
17 break the door down of the garage and take the vehicle, right?

18 A Yes.

19 Q And then Mr. Torjagbo agreed to provide his key fob that
20 he had on his person so that the FBI could go to his house,
21 open the garage door, and remove the BMW from his garage,
22 right?

23 A Yes, he did.

24 Q And is it -- essentially, is that what happened?

25 A Yes.

1 Q Okay. Now, during the actual interview, there were -- the
2 questioning touched on many topics, right? Is that fair to
3 say?

4 A Pertaining to the?

5 Q Well, pertaining to the PPP loan itself --

6 A Yes.

7 Q -- right? There were questions that touched upon Kremkov
8 Industries, right?

9 A Yes.

10 Q When it was formed and how it operated, right?

11 A Yes.

12 Q And where it operated; is that right?

13 A Yes.

14 Q When it was organized, and the filing of the documentation
15 in the State of Georgia regarding -- relating to the
16 organization of the company, right?

17 A Yes.

18 Q But do you recollect that there was a point in which Agent
19 Caruana asked Mr. Torjagbo about how many employees that he
20 had?

21 A Yes.

22 Q And there was some -- Mr. Torjagbo expressed some
23 reluctance about providing that information, right?

24 A I believe he had -- yes, he expressed reluctance to answer
25 the question on how many employees he had. I -- I honestly

1 don't remember how many employees or how much money he paid
2 his employees.

3 Q Okay. So I want to play for you a portion of that
4 discussion.

5 (The audio recording was played.)

6 BY MR. SILAS:

7 Q So we can hear from the -- from that recording --

8 MR. SILAS: And for the record, Your Honor, what I've
9 just played was timestamp 6 minutes and 12 seconds to
10 timestamp 7 minutes and 53 seconds.

11 THE COURT: Okay.

12 BY MR. SILAS:

13 Q We hear that in the latter part of the discussion, the
14 talk is about how many employees Kremkov Industries has,
15 right? Did you -- did you hear that part of it?

16 A How much it has, yes, in 2021.

17 Q Right. How many employees it had in 20 -- 2020 and 2021,
18 right?

19 A Yes.

20 Q And Mr. Torjagbo indicated that it was probably about 50,
21 right?

22 A Yes.

23 Q Now, after that, the discussion sort of shifts to what was
24 the maximum number of employees Kremkov ever had; is that
25 right?

1 A Yes.

2 Q Do you recall that?

3 A Yes.

4 Q And that was significant, right, that -- that discussion
5 as to how many employees the company ever had; is that right?

6 A It was significant? I don't understand.

7 Q Was it significant to the FBI investigation how many
8 employees, what's the most number of employees the company
9 ever had?

10 A Yes.

11 Q And why was that significant?

12 A Because of the amount. When you apply for the PPP loan,
13 you have to answer -- put how many employees you have, so it
14 mattered as far as what was submitted for the PPP loan.

15 Q Right. Okay. Now, I want to play you a little bit more
16 of that, if that's okay?

17 A Um-hmm.

18 MR. SILAS: So I'm starting at 7 minutes and 53
19 seconds.

20 (The audio recording was played.)

21 BY MR. SILAS:

22 Q So -- and I've just stopped at 8 minutes and 19 seconds.
23 What we hear is that Mr. Torjagbo is saying that he doesn't
24 want to give -- he doesn't want to say how many employees
25 there were at most at any given time because it's hard for him

1 to remember that; is that -- is that right?

2 A I believe he said he didn't remember, yes.

3 Q Okay. And did you hear that in -- after that, Agent
4 Caruana was telling him to take a guestimate as to how many
5 people there were; is that right?

6 A Yes.

7 Q Okay. And we'll play it a little further.

8 (The audio recording was played.)

9 MR. SILAS: So I've stopped at 8 minutes and 50
10 seconds, and I'm going to -- I'm going to run it a little bit
11 further.

12 (The audio recording was played.)

13 BY MR. SILAS:

14 Q So what we heard is Mr. Torjagbo there continuing to
15 express reluctance in terms of answering the question because
16 he wasn't sure how many employees the company had had at
17 maximum; is that right?

18 A He said he couldn't remember.

19 Q He said he couldn't remember.

20 And Agent Caruana told him to take a guestimate
21 because he wasn't going to lock him into the answer; is that
22 right?

23 A Yes.

24 Q Okay. And then Mr. Torjagbo gave the response 50 to 60,
25 right?

1 A Yes.

2 Q Okay. I'm going to move forward in the recording. There
3 is another aspect to this that I want to -- I want to play for
4 you.

5 Now, at some point, Agent Caruana expresses some
6 degree of frustration with Mr. Torjagbo during the recording.
7 Is that -- would you agree with that?

8 A I obviously don't know his emotions. I don't know if it
9 was frustration.

10 Q But he essentially sort of was expressing to Mr. Torjagbo
11 that he was not providing truthful responses to questions,
12 right?

13 A Say that -- I'm sorry. I can't hear the...

14 Q Well, Agent Caruana told Mr. Torjagbo that Mr. Torjagbo
15 was providing false information. Is that fair to say as to
16 what Caruana was telling him?

17 A I think he was -- I don't remember exactly how -- what he
18 had said as far as -- I remember he was saying you should be
19 truthful to us. I don't recall exactly him saying anything
20 about being truthful.

21 Q Okay.

22 A It's -- it's in the recording.

23 Q Okay. So -- right. And in the recording -- and you would
24 agree that the recording captures what's said by Agent
25 Caruana, Mr. Torjagbo, and yourself, right?

1 A Yes.

2 Q So we can hear what Agent Caruana said?

3 A Yes.

4 Q All right. Okay. I want to go to timestamp 17:09. I'm
5 at 17:09.

6 (The audio recording was played.)

7 MR. SILAS: Okay. I just stopped at 18 minutes and
8 22 seconds.

9 BY MR. SILAS:

10 Q So what we have in that excerpt is Agent Caruana
11 expressing to Mr. Torjagbo that his best option at this
12 juncture post-arrest is cooperating with law enforcement,
13 right?

14 A Yes.

15 Q Now -- and this statement is being made in the context of
16 a post-arrest interrogation, right?

17 A Yes.

18 Q While Mr. Torjagbo is seated handcuffed -- handcuffed in
19 the back of a law enforcement vehicle, right?

20 A Yes.

21 Q When Agent Caruana is attempting to ask him questions
22 about the alleged offense conduct, right?

23 A Yes.

24 Q So it is clear that what cooperate means in that context
25 is to answer the questions that are being posed to him by

1 Agent Caruana, right?

2 A To answer truthfully, the questions.

3 Q Right.

4 A It's -- yes, he should answer questions truthfully is what
5 was being indicated.

6 Q And Agent Caruana also told him, as we heard, that any
7 lawyer that Mr. Torjagbo could have -- could have would tell
8 him that he should cooperate, right?

9 A I don't know exactly the word -- I mean, what he said. He
10 said something about any lawyer. He made a comment about a
11 lawyer, what the lawyer would say. I don't remember the exact
12 words that he said.

13 Q And he said any lawyer who would be appointed to you or
14 any lawyer you would hire would tell you that you should
15 cooperate, right?

16 A I don't -- did he say -- it was in a recording. I don't
17 know if he exactly said cooperate. But he -- yes, he did say
18 something about a lawyer and what they would tell him to do.

19 Q It is apparent that what he meant was any lawyer that you
20 could have, whether appointed or retained, would tell you that
21 you should answer these questions, right?

22 A I don't think he said answer these questions. I'm sorry.

23 Q Well, when we -- when we consider Agent Caruana's
24 statements in context, that is what he was conveying to
25 Mr. Torjagbo, right?

1 A I believe he was saying it would be in your best interest
2 to cooperate. I don't recall him saying specifically to
3 answer these questions.

4 Q Well, you just test -- you just testified that cooperating
5 in that context means, one, to answer the questions; two, to
6 answer the questions truthfully.

7 A To answer the questions truthfully, yes.

8 Q Right. So that's what Agent Caruana was meaning when he
9 said any lawyer will tell you that you should cooperate,
10 right?

11 A I'm not Special Agent Scott Caruana, but my understanding
12 of it was to say to answer the questions truthfully.

13 Q Okay. But you were there --

14 A Yes.

15 Q -- right? Because not long after this, you started asking
16 questions, right?

17 A Yes.

18 Q Okay. As you mentioned, the interrogation continues on
19 for about 40 minutes, a little over 40 minutes, right?

20 A Yes.

21 Q And I just stopped it at timestamp 18:22, so most of the
22 interrogation continues -- is subsequent to that discussion we
23 just heard there, right?

24 A About the PPP loans, yes.

25 Q Yes. And you mentioned that there was a second part to

1 this recording, right?

2 A Yes.

3 Q So what was the context of why the second portion
4 occurred?

5 A I remember Mr. Torjagbo said he had another question, and
6 at that point, we said, okay, let us turn the recording back
7 on, and so we did, so you can hear the remaining questioning
8 that took place.

9 Q Okay. And then in that portion of the recording, what
10 you -- what is heard is Mr. Torjagbo asking why it was
11 necessary to have arrested him in the manner that he was
12 arrested; is that right?

13 A Yes.

14 Q Okay. He thought it was excessive for so many law
15 enforcement officers to quickly surround him and point guns,
16 like AR-15s at him; is that -- is that right? That's what
17 Mr. Torjagbo was saying?

18 A Yes, that we -- yes.

19 Q And then does the conversation then segue into the removal
20 of the BMW from the garage?

21 A Yes, it does.

22 Q Do you recall earlier in your testimony, Agent Pressley,
23 that you indicated that the recording started at approximately
24 9:58 and ended at about 10:30; is that right?

25 A Yes, about 10:38.

1 Q About 10:38. But you're -- you're sure, based on your
2 review of the recording, that the discussion lasted for about
3 40 minutes; is that right?

4 A Yes.

5 Q Okay. And then the timestamp of how long it lasted is on
6 the recording itself; is that right?

7 A It should be, yes.

8 MR. SILAS: Okay. That's all I have.

9 THE COURT: I do have a question. You can go ahead
10 and -- Agent Pressley, I'm struggling reading Exhibit 3. That
11 last line, does that say BMW key on fob for -- I have no -- I
12 can't read his handwriting. Can you tell me what he's saying?

13 THE WITNESS: It should say BMW key on key fob for
14 garage.

15 THE COURT: For garage?

16 THE WITNESS: Yes.

17 THE COURT: Okay. Thank you.

18 Go ahead, Mr. Phillips.

19 **REDIRECT EXAMINATION**

20 BY MR. PHILLIPS:

21 Q Mr. Silas asked you some questions about statements that
22 the defendant made when the recording was turned back on, and
23 he characterized it as the defendant saying something about
24 why it was necessary to have so many agents participate in the
25 arrest. Do you remember that?

1 A Yes.

2 Q Did the defendant say anything that indicated that he felt
3 he was under duress while he was answering your questions?

4 A No.

5 Q Did the defendant say I've changed my mind; I don't want
6 to consent to the interview?

7 A No.

8 Q Did he say I want an attorney?

9 A No.

10 Q When Mr. Silas was asking you questions about and playing
11 parts of the recording where Special Agent Caruana was
12 speaking, and he said essentially to the defendant, I think
13 what you're saying is not true; it's BS. Even after Special
14 Agent Caruana said that, maybe expressed that several times,
15 did the defendant say I want to stop the interview; I don't
16 want to answer any more questions?

17 A No, he did not.

18 MR. PHILLIPS: That's all I have. Thank you.

19 THE COURT: Anything further, Mr. Silas?

20 MR. SILAS: No, Your Honor.

21 THE COURT: Thank you. May this witness -- any other
22 questions for her?

23 MR. PHILLIPS: No, Your Honor.

24 THE COURT: All right. You may step down. Thank
25 you.

1 Mr. Phillips, any other evidence or witnesses you
2 want to call at this time, sir?

3 MR. PHILLIPS: No, Your Honor.

4 THE COURT: Okay. Thank you.

5 Mr. Silas, any evidence or witnesses you want to call
6 related to this motion?

7 MR. SILAS: No, Your Honor.

8 THE COURT: All right. Thank you. So, Counsel, in
9 terms of the evidence, is it closed?

10 MR. PHILLIPS: Yes, Your Honor.

11 THE COURT: Okay. Thank you.

12 And so what we'll do is see if we can get a
13 transcript in about 30 days?

14 THE COURT REPORTER: Okay. Yes.

15 (There was an off-the-record discussion.)

16 THE COURT: Mr. Silas, you'll have 30 days to
17 respond. Mr. Phillips, 30 after that, and then 14 days,
18 Mr. Silas, after that. And then, in the meantime, if there is
19 a superseding indictment, we'll address that motion at the
20 time, or at least that issue in terms of arraignment and any
21 additional motions. Obviously, Mr. Silas, you may have more
22 after the superseding. We'll just see what those new
23 allegations may contain.

24 Anything else we need to address at this time?

25 MR. SILAS: No, Your Honor.

1 MR. PHILLIPS: Not for the Government.

2 THE COURT: All right. Thank you. You-all have a
3 good day.

4 MR. PHILLIPS: You too, Judge. Thank you.

5 (The proceedings were concluded at 11:05 a.m.)

6 - - -

7 REPORTERS CERTIFICATE

8

9

10 I, Keisha M. Crump, Official Court Reporter for the
11 United States District Court for the Northern District of
12 Georgia, with offices at Atlanta, do hereby certify:

13 That I reported on the Stenograph machine the
14 proceedings held in open court; that said proceedings in
15 connection with the hearing were reduced to typewritten form
16 by me; and that the foregoing transcript is a true and
17 accurate record of the proceedings.

18 This the 5th day of July, 2024.

19

20

21 /S/ Keisha M. Crump, RCR, RMR, RPR
22 Official Court Reporter
23 United States District Court
24 Northern District of Georgia

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