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	Criminal Action No. 1:22-CR-171-MLB-RDC

REPLY BRIEF IN SUPPORT OF
MOTION FOR INTERLOCUTORY SALE OF REAL PROPERTY (DOC. 61)

The United States of America, by Ryan K. Buchanan, United States Attorney, and Nicholas L. Evert, Assistant United States Attorney, for the Northern District of Georgia, hereby files this Reply Brief in support of its Motion for Interlocutory Sale of the Subject Real Properties[1] (Doc. 61).

The Defendant, Carl Delano Torjagbo, has been in custody pending trial since May 12, 2022. On August 29, 2023, the Government sought the Court's approval to immediately sell the Subject Real Properties and hold the net proceeds of such sales *in lieu* of the Subject Real Properties pending the resolution of the matter

[1] As set forth in the Motion for Interlocutory Sale, the Subject Real Properties are: (1) Real property located at 5114 Greythorne Lane, Marietta, Georgia 30068 and all buildings, appurtenances, improvements and attachments thereon; (2) real property located at 101 Holt Drive, Acworth, Georgia 30101 and all buildings, appurtenances, improvements and attachments thereon; and (3) Tract 4 Fiber Drive, Cartersville, Georgia 30120 and all buildings, appurtenances, improvements and attachments thereon.

pursuant to Rule 32.2(b)(7) of the Federal Rules of Criminal Procedure and Rule G(7) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (hereinafter, "Supplemental Rules") on the grounds that (a) the Subject Real Properties had been vacant and/or had not been maintained and were rapidly deteriorating and (b) property taxes had not been paid on 5114 Greythorne Lane since 2022 and were approximately $38,000 in arrears. Torjagbo did not respond.

On July 9, 2024, having learned of additional information that supported its motion for interlocutory sale, the Government filed a supplemental brief in support of its motion (Doc. 103). Specifically, the Government informed the Court that:

a. A total of $43,784.89 in taxes are unpaid for the 5114 Greythorne Lane property.
b. A total of $5,725.73 in taxes are unpaid for the 101 Holt Drive property.
c. A total of $2,593.14 in taxes are unpaid for the Tract 4 Fiber Drive property.
d. Unauthorized individuals, believed to be squatters by the Home Owners' Association ("HOA") for the 5114 Greythorne Lane property, have been seen entering the property.
e. The HOA for the 5114 Greythorne Lane property has been routinely incurring expenses to maintain the exterior appearance of the property, including routine lawn maintenance, in order to prevent

> the property from becoming a blight in the neighborhood. While the HOA observed an apparent Torjagbo associate initially take steps to maintain the property immediately after Torjagbo was detained, no one in the neighborhood has observed anyone caring for the property on behalf of Torjagbo in more than a year.

On July 17, 2024, Torjagbo filed a response brief, stating that he "does not accede to the Government's assertions that the condition of the 5114 Greythorne Lane property is rapidly deteriorating or that the property is at risk of deterioration or decay." (Doc. 103). He also disputed the assertion that there are squatters on the property and noted that the Government has recorded *lis pendens* on the Subject Real Properties.

However, Torjagbo does not provide any basis for his position or otherwise meaningfully address the Government's concerns. For example, Torjagbo does not dispute that more than $50,000 in taxes are unpaid for the Subject Real Properties, that the exterior of 5114 Greythorne Lane would already have deteriorated if not for the efforts of the HOA, or that 5114 Greythorne Lane has at least been targeted for illegal possession by possible squatters.

Accordingly, the Government's has shown that the Subject Real Properties are "at risk of deterioration, decay, or injury" and "subject to . . . taxes on which [Torjagbo] is in default[,]" and as a result the Court should grant this motion. *See* Supp. R. G(7)(b)(i)(A) & (C).

Conclusion

For the foregoing reasons, the Government respectfully request that the Court grant the Motion for Interlocutory Sale (Doc. 61).

Respectfully submitted,

RYAN K. BUCHANAN
United States Attorney

/s/ Nicholas L. Evert
NICHOLAS L. EVERT
Assistant United States Attorney
Georgia Bar No. 693062
nicholas.evert@usdoj.gov