

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-171-MLB-RDC
<u>CARL DELANO TORJAGBO</u>	)	

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
ADDITIONAL PRETRIAL MOTIONS AND TO
CONTINUE PRETRIAL CONFERENCE

COMES NOW the Defendant, CARL DELANO TORJAGBO, by and through his undersigned counsel, and moves the Court for an extension of time until December 2, 2024 to file additional pretrial motions. In support of this motion, Mr. Torjagbo states the following.

The original indictment charged Mr. Torjagbo with seven offenses based on the acquisition of a PPP loan and certain subsequent expenditures: bank fraud in violation of 18 U.S.C. §§ 1344 and 2; three counts of concealment money laundering in violation of 18 U.S.C. §§ 1956(a)(1)(B) and 2; and three counts of transactional money laundering in violation of 18 U.S.C. §§ 1957 and 2. (Doc. 1). On September 3, 2024, the Government filed a superseding indictment. (Doc. 110). The superseding indictment adds one count of aggravated identity theft in violation of 18

U.S.C. §§ 1028A(a)(1) and 2 and two counts of wire fraud in violation of 18 U.S.C. §§ 1343 and 2. (Doc. 110). The aggravated identity theft charge alleges that during and in relation to the acquisition of the PPP loan Mr. Torjagbo possessed and used, without lawful authority, a means of identification of another person, that person being M.S. Doc. (110 at 5). The wire fraud charges allege that on February 13, 2021 Mr. Torjagbo filed two fraudulent U.S. individual forms 1040 for tax year 2020. (Doc. 110 at 12-13). Mr. Torjagbo was arraigned on the superseding indictment on September 12, 2024.

Since the filing of the superseding indictment, Mr. Torjagbo has requested and received certain supplemental discovery from the Government. Those materials are extensive in volume and have a degree of complexity, as they include the Internal Revenue Service tax files pertaining to Carl Torjagbo and Kremkov Industries. The materials also include documentation pertaining to FlyingJack Freight and Logistics, a transportation business that Mr. Torjagbo founded and operated.

Due to press of undersigned counsel's responsibilities on other matters, undersigned counsel needs additional time to complete a thorough review of the discovery materials produced, to research and assess whether additional pretrial motions should be filed, and to prepare those motions. Mr. Torjagbo requests that the pretrial conference, which is currently scheduled for November 19, 2024, be

rescheduled to a date after the extended deadline for filing additional pretrial motions.

Undersigned counsel has communicated with the counsel for the Government, Russell Phillips, regarding this motion. Mr. Phillips has informed undersigned counsel that he is not opposed to this motion.

Undersigned counsel posits that the time associated with this requested extension of time and continuance is excludable under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161. Subsection 3161(h)(7)(A) and (h)(7)(B)(iv) authorize exclusion of delay based upon a finding that the ends of justice outweigh the best interests of the public and the defendant in a speedy trial, such as where the delay provides reasonable time necessary for effective preparation by counsel, taking into account the exercise of due diligence. See 18 U.S.C. §§ 3161(h)(7)(A) & (h)(7)(B)(iv).

WHEREFORE, Mr. Torjagbo respectfully requests that this motion be granted.

Dated: This 14th day of November, 2024.

Respectfully submitted,

s/ Kendal D. Silas

KENDAL D. SILAS

State Bar of Georgia No. 645959

Attorney for CARL DELANO TORJAGBO

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Unopposed Motion for Extension of Time to File Additional Pretrial Motions and to Continue the Pretrial Conference was electronically filed this day with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following:

John Russell Phillips, Esq.
Assistant United States Attorney
Northern District of Georgia
Federal Courthouse, Ste. 600
75 Ted Turner Drive, S.W.
Atlanta, GA 30303

Dated: This 28th day of October, 2024.

s/ Kendal D. Silas

KENDAL D. SILAS, Esq.

Attorney for CARL DELANO TORJAGBO