

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
CARL DELANO TORJAGBO	)	
_____	)	

MOTION TO RECONSIDER ORDER DENYING APPEAL FROM
MAGISTRATE’S ORDER OF DETENTION

COMES NOW Defendant, CARL DELANO TORJAGBO, by and through undersigned counsel, and moves this Court to reconsider its order denying his appeal from the Magistrate’s order of detention. (Docs. 63). In support thereof, Mr. Torjagbo states the following.

Mr. Torjagbo is charged by superseding indictment with one count of bank fraud in violation of 18 U.S.C. §§ 1344 and 2, one count of aggravated identity theft in violation of 18 U.S.C. §§ 1028A and 2, three counts of concealment money laundering in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 2, three counts of transactional money laundering in violation of 18 U.S.C. §§ 1957 and 2, and two counts of wire fraud in violation of 18 U.S.C. §§ 1343 and 2. (Doc. 110). Trial is scheduled for April 28, 2025. (Doc. 138). Also pending before the Court is the

Government's motion for interlocutory sale of three parcels owned of real estate owned by Mr. Torjagbo or FlyingJack Freight & Logistics, LLC. (Doc. 61).

Mr. Torjagbo made an initial appearance in this case on May 12, 2022. Following a detention hearing, the Magistrate ordered that Mr. Torjagbo be detained. (Doc. 11). The Magistrate concluded that she could not fashion conditions that would assure Mr. Torjagbo's appearance as required and reasonably assure that Mr. Torjagbo would not engage in an economic crime similar to the offenses alleged in the original indictment.¹ See (Doc. 11 at 2; Doc. 21 at 36; Doc. 1). In part, the Magistrate noted that Mr. Torjagbo was unable to find his passport and could not recall where his passport would be. (Doc. 21 at 35).

Mr. Torjagbo filed a motion appealing the Magistrate's order of detention. (Doc. 50). Following a hearing on that motion, the District Court entered an order denying Mr. Torjagbo's motion for review of the Magistrate Judge's order of detention. (Doc. 63). In its order, the Court noted, in part, that Mr. Torjagbo's passport, ending in 6005, remains valid. (Doc. 63 at 4, 10-11). The Court concluded that no condition or combination of conditions would reasonably assure Mr.

¹ The original indictment charged the offenses of bank fraud, concealment money laundering, and transactional money laundering that are included in the superseding indictment.

Torjagbo's appearance at trial. (Doc. 63 at 9-12). The Court did not assess whether Mr. Torjagbo presented a danger to the community. (Doc. 63 at 6, n. 2).

Since the Court's ruling, Mr. Torjagbo's passport, ending in 6005, has been invalidated by the State Department's Lost and Stolen Passport Unit.² Thus, the passport can no longer be used for travel. The lack of a valid passport diminishes any concern that Mr. Torjagbo presents a flight risk.

If Mr. Torjagbo is released on bond, he will be able to more fully participate in the preparation of his defense for trial. Mr. Torjagbo would also be in a better position to address the issues that the Government and the homeowner's association have raised regarding his residence at 5114 Greythorne Lane, which form the basis for the Government's motion for interlocutory sale of that property.

WHEREFORE, Mr. Torjagbo requests that the Court reconsider its order denying his appeal of the Magistrate's order of detention.

² Undersigned counsel is able to provide the Court with correspondence from the United States Department of State documenting that Mr. Torjagbo's passport, ending in 6005, has been invalidated.

DATED: This 2nd day of January, 2025.

Respectfully submitted,

S/ Kendal D. Silas

KENDAL SILAS

State Bar No. 645959

Attorney for CARL TORJAGBO

Federal Defender Program, Inc.
101 Marietta Street, N.W., Suite 1500
Atlanta, GA 30303
404/688-7530

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing Motion to Reconsider Order Denying Appeal from Magistrate's Order of Detention, formatted in Times New Roman 14-pt., upon:

Kelly K. Connors, Esq.
Assistant United States Attorney
Federal Courthouse, Ste. 600
75 Ted Turner Drive, S.W.
Atlanta, GA 30303

Nicholas Evert, Esq.
Assistant United States Attorney
Federal Courthouse, Ste. 600
75 Ted Turner Drive, S.W.
Atlanta, GA 30303

by electronically filing the same through the Court's ECF system.

Dated: This 2nd day of January, 2025.

s/ Kendal D. Silas

KENDAL SILAS, Esq.

Attorney for CARL TORJAGBO