

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

ATLANTA DIVISION

UNITED STATES OF AMERICA)
)
 v.)
) Case No. 1:22-cr-00171-MLB-RDC
)
 CARL DELANO TORJAGBO.)
)
)

RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW the Defendant, CARL DELANO TORJAGBO, and submits
the following response to the recent show cause order issued by this Honorable
Court.

1) On February 27, 2025, this Honorable Court issued the following show
cause order:

The Court ordered the parties to file supplemental briefs, no more than five (5) pages in length, within fourteen (14) days of receipt of the [evidentiary hearing] transcript. (Dkt. 131.) The transcript was filed on the docket on Feb 12, 2025. (Dkt. 167.) The United States filed its supplemental brief 13 days later on Feb 25. But Defendant never filed anything. The Court ORDERS Defendant, no later than March 3, 2025, to show cause for his failure to comply with the Court's order (Dkt. 131). Ordered by Judge Michael L. Brown on 2/27/2025.

(2/27/2025, by docket entry).

2) On February 12, 2025, this Honorable Court granted Mr. Torjagbo's motion to replace prior counsel, Kendal Silas and Vidhi Joshi of the Federal Defender Program, Inc. The case was remanded to the magistrate judge for appointment of new counsel. (Doc. 169).

3) On Monday, February 24, 2025, Magistrate Judge Cannon appointed the undersigned counsel to represent Mr. Torjagbo. (Doc. 170). At the time, undersigned counsel was out-of-state on leave-of-absence. He returned to the district late Tuesday night and returned to his office on Wednesday, February 26, 2025.

4) On February 26, 2025, new counsel contacted prior counsel to obtain Mr. Torjagbo's case file. Unfortunately, the file is too large to transfer electronically via BOX.com. Thus, on Thursday, February 28, 2025, (yesterday), counsel purchased and delivered an external hard-drive to the Federal Defender Office to obtain a copy of the file. On this same date, counsel also delivered a hard-drive to the offices of the United States Attorney to obtain a "clean" copy of the Rule 16 discovery materials. New counsel is awaiting receipt of Mr. Torjagbo's file as well

as the discovery production from the Government.

5) While new counsel has spent time meeting with his new client and reviewing the docket which contains 173 filed entries and numerous docket entries, he was unaware that a supplemental post-hearing brief was due immediately or expected from him. Obviously, new counsel did not participate in the December 9, 2024, hearing and is unfamiliar with the underlying facts and issues given that he has yet to receive or review Mr. Torjagbo's file from prior counsel.

6) Furthermore, while the December 9, 2024, transcript was filed by the court reporter on February 12, 2025, that transcript is not yet available on the public docket, and new counsel does not have PACER access to it. See PACER message below -

You do not have access to this transcript.

TRANSCRIPT of Proceedings (Motion Hearing) as to Carl Delano Torjagbo held on 12/09/2024, before Judge Michael L. Brown. Court Reporter/Transcriber Jana B. Colter, FAPR, RMR. CRR, CRC. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/court-reporter-directory. Redaction Request due 3/5/2025. Redacted Transcript Deadline set for 3/17/2025. Release of Transcript Restriction set for 5/13/2025. (Attachments: # 1 Notice of Filing Transcript) (jbc)

(Doc. 167).

7) Presumably, a copy of the transcript is contained in Mr. Torjagbo's case file

which new counsel should receive soon.

8) Additionally, new counsel will request authorization for CJA funds to purchase a copy of the December 9, 2024, transcript.

WHEREBY, CARL DELANO TORJAGBO requests that he be granted 14 days from new counsel's receipt of the December 9, 2024, hearing transcript, to file his supplemental brief on this issue.

Dated: This 28th day of February, 2025.

Respectfully submitted,

s/ **L. Burton Finlayson**

L. BURTON FINLAYSON

Attorney for CARL DELANO TORJAGBO

Georgia Bar Number: 261460

LAW OFFICE OF
L. BURTON FINLAYSON, LLC
685 Linwood Avenue, NE, Suite 200A
Atlanta, Georgia 30306
(404) 872-0560
lbfcourts@aol.com

CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed the foregoing Response with the Clerk of Court using the CM/ECF system which will automatically send email notifications of such filing upon all counsel of record including the following:

Ms. Kelly Connors
Assistant United States Attorney
600 U.S. Courthouse
75 Ted Turner Drive, S. W.
Atlanta, Georgia 30303

DATED: This 28th day of February, 2025.

s/ L. Burton Finlayson

L. BURTON FINLAYSON
ATTORNEY FOR CARL DELANO TORJAGBO
State Bar Number: 261460