

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.	)	
	)	
_____	)	

CONSENT MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, CARL DELANO TORJAGBO, by and through counsel, and moves to continue his jury trial currently scheduled to begin on April 28, 2025. The government consents and agrees to this motion to continue trial. In support of this motion, Mr. Torjagbo shows as follows:

1.

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).

2.

This case is currently set for trial to begin on April 28, 2025, and a pre-trial order set hearing dates and deadlines, some of which were met by prior counsel and some of which have passed. (Doc. 138).

3.

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). On Monday, February 24, 2025, Magistrate Judge Cannon appointed the undersigned counsel to represent Mr. Torjagbo. (Doc. 170). Newly appointed counsel began working on Mr. Torjagbo's case on February 26, 2025.

4.

New counsel is in the process of obtaining the case file from prior counsel, Kendal Silas of the Federal Defender Program, Inc. Today, February 28, 2025, counsel for the government reported that a paralegal in office of the United States Attorney is compiling a "clean" copy of the Rule 16 discovery materials for new counsel. However, due to computer software issues, discovery productions in other cases are ahead of the one in this case. Thus, the Rule 16 discovery materials

may not be ready for pick-up by new counsel until Tuesday or Wednesday of next week.

5.

Mr. Torjagbo requests and requires additional time to prepare for trial. Specifically, new counsel must obtain and review the case file and the Rule 16 discovery materials. New counsel must research potential issues and defenses, as well as research potential sentencing issues and potential issues under the Sentencing Guidelines. New counsel must consider, consult, retain and provide Rule 16 notice regarding any potential experts. New counsel must locate and interview witnesses. (The indictment references at least 493 potential witnesses.) New counsel may need to seek authorization and funding to travel to investigate and interview potential defense witnesses. New counsel must consider and draft motions in limine, jury instructions, verdict form and other trial documents. New counsel must also prepare trial exhibits and exhibit lists once his review and investigation are complete.

6.

Additionally, new counsel requests and requires additional time to meet with and develop a relationship with his client. A positive attorney-client relationship can greatly assist in the making of well-informed and well-reasoned

decisions by a person charged with crimes in federal court. A good attorney-client relationship can lead to good decisions which conserve the resources and time of the Court. Furthermore, additional time will allow the parties to meet, confer and seek a resolution of this case.

7.

The Defendant recognizes and *agrees* that the continuance requested pursuant to this request serves the best ends of Justice, is in the interest of the Defendant and the public, and is excluded under the Speedy Trial Act, Title 18 U.S.C. § 3161(h).

WHEREBY, CARL DELANO TORJAGBO requests that,

- A) his jury trial be continued for 60 days or to a later date convenient to the Court and the parties;
- B) the pretrial order hearing dates and deadlines contained in Document 138 be reset and extended consistent with the new trial date;
- C) both parties be allowed to file or supplement motions in limine and responses or replies thereto, consistent with a new pre-trial order, prior to the

Court's ruling on such motions in limine.

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

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CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed the Motion to Continue Trial 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