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

UNITED STATES OF AMERICA	
v.	Criminal Action No.
CARL DELANO TORJAGBO, A/K/A KARL LUCIUS DELANO	1:22-CR-171-MLB-RDC

GOVERNMENT'S PROPOSED JURY INSTRUCTIONS AND PROPOSED SPECIAL VERDICT FORM FOR FORFEITURE

In the event that the Defendant, Carl Delano Torjagbo, also known as Karl Lucius Delano, is convicted of one or more of the offenses in Counts 1, 2, and 4 through 10 of the Third Superseding Indictment, the United States hereby submits the following Proposed Jury Instructions and, pursuant to Federal Rule of Criminal Procedure 32.2(b)(5)(B), hereby submits a Proposed Special Verdict Form.

Respectfully submitted,

THEODORE S. HERTZBERG
United States Attorney

/s/NICHOLAS L. EVERT
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GOVERNMENT'S FORFEITURE REQUEST TO CHARGE NO. 1

T6

Forfeiture Proceedings

(To be given before supplemental evidentiary proceedings or supplemental arguments of counsel)

Members of the Jury: Your verdict in this case doesn't complete your jury service as it would in most cases because there is another matter you must now consider.

You must decide whether the Defendant, Karl Lucius Delano, formerly known as Carl Delano Torjagbo, should forfeit certain money or property to the United States as a part of the penalty for the crimes charged in Counts 1, 2, and 4 through 10 of the third superseding indictment.

In a portion of the third superseding indictment not previously discussed or disclosed to you, it is alleged that the Defendant got certain money or property from committing the offenses charged in Counts 1, 2, and 4 through 10. In view of your verdict finding the Defendant guilty of those offenses, you must also decide whether the money or property should be forfeited to the United States.

To "forfeit" a thing is to be divested or deprived of the ownership of it as a part of the punishment allowed by the law for certain criminal offenses.

To decide whether money or property should be forfeited, you should consider all the evidence you have already heard plus any additional evidence that will be presented to you after these instructions.

A copy of the forfeiture allegations of the third superseding indictment will be given to you to consider during your supplemental deliberations. It describes in particular the money or property allegedly subject to forfeiture to the United States. The properties are:

1. 5114 Greythorne Lane, Marietta, Cobb County, Georgia 30068, and all buildings and appurtenances thereto;
2. 101 Holt Drive, Acworth, Cherokee County, Georgia 30101, and all buildings and appurtenances thereto;
3. Tract 4 Fiber Drive, Cartersville, Bartow County, Georgia 30120, and all buildings and appurtenances thereto;
4. One (1) 2022 BMW M850xi bearing Vehicle Identification Number WBAGV8C06NCH96608;
5. One (1) 2021 Land Rover Range Rover Velar Sports Utility Vehicle bearing Vehicle Identification Number SALYM2FU7MA302651;
6. One (1) 2014 Lamborghini Aventador bearing Vehicle Identification Number ZHWUC1ZD3ELA02216;
7. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries; and
8. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

To be entitled to the forfeiture of any of those items, the Government must have proved by a preponderance of the evidence:

1. That the money or property to be forfeited constitutes or is derived from proceeds obtained directly or indirectly as the result of the crime charged in Count 1 of the indictment;
2. That the money or property to be forfeited constitutes, is derived from, or is traceable to the crime charged in Count 2 of the indictment; and
3. That the money or property to be forfeited was involved in the crimes charged in Counts 4 through 10 of the indictment, or is property traceable to such property.

A "preponderance of the evidence" simply means an amount of evidence that is enough to persuade you that a claim or contention is more likely true than not true.

To be "derived" from something means that the money or property under consideration must have been formed or developed out of the original source so as to be directly descended from that source.

To be "traceable" to something means that the property under consideration must have followed an ascertainable course or trail in successive stages of development or progress from the original source.

Property "involved in" a money laundering offense includes the money or property that is the subject of the financial transaction upon which the conviction is based and the money or property that facilitated that offense.[1] Property subject

[1] *United States v. $688,670.42*, 449 F. App'x. 871, 877 (11th Cir. 2011) (noting that the Eleventh Circuit "has interpreted 'involved in' in 18 U.S.C § 982(a)(1) . . . to allow forfeiture of not only the money which was actually laundered but also

to criminal forfeiture includes tangible and intangible personal property, including rights, privileges and interest.

To "facilitate" the commission of an offense means to aid, promote, advance, or make easier, the commission of the act or acts constituting the offense. There must be more than an incidental connection between the property and the offense for you to find that the property facilitated, or was intended to facilitate, committing the offense. But the property doesn't have to be essential to committing the offense, nor does the property have to have been used exclusively to commit the offense or as the exclusive means of committing the offense. Property used to facilitate an offense can be in virtually any form.

While deliberating concerning the issue of forfeiture you must not reexamine your previous determination regarding the Defendant's guilt. But all the instructions previously given to you concerning your consideration of the evidence, the credibility of the witnesses, your duty to deliberate together, your duty to base your verdict solely on the evidence without prejudice, bias, or sympathy, and the necessity of a unanimous verdict, will continue to apply during these supplemental deliberations.

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property used to facilitate the laundering offense"); *see also United States v. Miller*, 295 F. Supp. 3d 690, 697–98 (E.D. Va. 2018) ("Courts have consistently interpreted the phrase 'involved in' in § 982(a)(1) broadly to include the money or property being laundered as well as property used to commit or to facilitate the money laundering offense or the underlying unlawful activity. And importantly, property involved in a money laundering offense is forfeitable in its entirety, even if legitimate funds have also been invested in the property.").

[*Following paragraphs not included in T6, but added for clarity*]

To summarize, your task now is to decide whether the Government has shown by a preponderance of the evidence that the money or property is subject to forfeiture in this case and if so, why that money or property is forfeitable. To resolve both of these matters, you will use the special verdict form that the Court will supply.

You may find that the money or property is subject to forfeiture for more than one basis for forfeiture. You must indicate on the special verdict form all of the bases on which you find any given money or property subject to forfeiture.

You will take the verdict form to the jury room. When you have reached unanimous agreement on the forfeiture verdict, have your foreperson fill in the blanks, date and sign the verdict form, then return to the Courtroom.

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PROPOSED SPECIAL VERDICT FORM FOR FORFEITURE

1.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property constitutes, or is derived from, proceeds obtained, directly or indirectly, as a result of the bank fraud offense charged in Count 1 of the indictment:

a. 5114 Greythorne Lane, Marietta, Cobb County, Georgia 30068, and all buildings and appurtenances thereto.

_____ Yes _____No

b. 101 Holt Drive, Acworth, Cherokee County, Georgia 30101, and all buildings and appurtenances thereto.

_____ Yes _____No

c. Tract 4 Fiber Drive, Cartersville, Bartow County, Georgia 30120, and all buildings and appurtenances thereto.

_____ Yes _____No

d. One (1) 2022 BMW M850xi bearing Vehicle Identification Number WBAGV8C06NCH96608.

_____ Yes _____No

e. One (1) 2021 Land Rover Range Rover Velar Sports Utility Vehicle bearing Vehicle Identification Number SALYM2FU7MA302651.

_____ Yes _____No

f. One (1) 2014 Lamborghini Aventador bearing Vehicle Identification Number ZHWUC1ZD3ELA02216.

_____ Yes _____No

g. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

h. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

2.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property constitutes, or is derived from, proceeds traceable to the wire fraud offense charged in Count 2 of the indictment:

a. 5114 Greythorne Lane, Marietta, Cobb County, Georgia 30068, and all buildings and appurtenances thereto.

_____ Yes _____No

b. 101 Holt Drive, Acworth, Cherokee County, Georgia 30101, and all buildings and appurtenances thereto.

_____ Yes _____No

c. Tract 4 Fiber Drive, Cartersville, Bartow County, Georgia 30120, and all buildings and appurtenances thereto.

_____ Yes _____No

d. One (1) 2022 BMW M850xi bearing Vehicle Identification Number WBAGV8C06NCH96608.

_____ Yes _____No

e. One (1) 2021 Land Rover Range Rover Velar Sports Utility Vehicle bearing Vehicle Identification Number SALYM2FU7MA302651.

_____ Yes _____No

f. One (1) 2014 Lamborghini Aventador bearing Vehicle Identification Number ZHWUC1ZD3ELA02216.

_____ Yes _____No

g. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

h. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

3.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property was involved in, or traceable to property involved in, the money laundering offense charged in Count 4 of the indictment:

a. 5114 Greythorne Lane, Marietta, Cobb County, Georgia 30068, and all buildings and appurtenances thereto.

_____ Yes _____No

b. 101 Holt Drive, Acworth, Cherokee County, Georgia 30101, and all buildings and appurtenances thereto.

_____ Yes _____No

c. Tract 4 Fiber Drive, Cartersville, Bartow County, Georgia 30120, and all buildings and appurtenances thereto.

_____ Yes _____No

d. One (1) 2022 BMW M850xi bearing Vehicle Identification Number WBAGV8C06NCH96608.

_____ Yes _____No

e. One (1) 2021 Land Rover Range Rover Velar Sports Utility Vehicle bearing Vehicle Identification Number SALYM2FU7MA302651.

_____ Yes _____No

f. One (1) 2014 Lamborghini Aventador bearing Vehicle Identification Number ZHWUC1ZD3ELA02216.

_____ Yes _____No

g. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

h. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

4.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property was involved in, or traceable to property involved in, the money laundering offense charged in Count 5 of the indictment:

a. Tract 4 Fiber Drive, Cartersville, Bartow County, Georgia 30120, and all buildings and appurtenances thereto.

_____ Yes _____No

b. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

c. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

5.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property was involved in, or traceable to property involved in, the money laundering offense charged in Count 6 of the indictment:

a. 101 Holt Drive, Acworth, Cherokee County, Georgia 30101, and all buildings and appurtenances thereto.

_____ Yes _____No

b. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

c. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

6.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property was involved in, or traceable to property involved in, the money laundering offense charged in Count 7 of the indictment:

a. 5114 Greythorne Lane, Marietta, Cobb County, Georgia 30068, and all buildings and appurtenances thereto.

_____ Yes _____No

b. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

c. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

7.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property was involved in, or traceable to property involved in, the money laundering offense charged in Count 8 of the indictment:

a. One (1) 2021 Land Rover Range Rover Velar Sports Utility Vehicle bearing Vehicle Identification Number SALYM2FU7MA302651.

_____ Yes _____No

b. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

c. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

8.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property was involved in, or traceable to property involved in, the money laundering offense charged in Count 9 of the indictment:

a. One (1) 2022 BMW M850xi bearing Vehicle Identification Number WBAGV8C06NCH96608.

_____ Yes _____No

b. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

c. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

9.

We, the jury, unanimously find by a preponderance of the evidence that the following money or property was involved in, or traceable to property involved in, the money laundering offense charged in Count 10 of the indictment:

a. One (1) 2014 Lamborghini Aventador bearing Vehicle Identification Number ZHWUC1ZD3ELA02216;

_____ Yes _____No

b. Approximately $1,141.89 in funds seized from PNC Bank account ending in 9499, held in the name of Kremkov Industries.

_____ Yes _____No

c. Approximately $1,750,018.12 in funds seized from PNC Bank account ending in 9849, held in the name of Carl Torjagbo.

_____ Yes _____No

SO SAY WE ALL.

Signed and dated at the United States Courthouse, Atlanta, Georgia,

this __________ day of ______________, 2025.

Jury Foreperson's Signature:

____

Jury Foreperson's Printed Name:

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