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

UNITED STATES OF AMERICA,	:
	:
Plaintiff,	:
	:
v.	: CASE NO.
	: 1:22-cr-00171-MLB-RDC-1
	:
CARL DELANO TORJAGBO,	:
a/k/a KARL LUCIOUS DELANO,	:
	:
Defendant.	:

DEFENSE SENTENCING MEMORANDUM AND REQUEST FOR A VARIANCE FROM THE SENTENCING GUIDELINES

NOW COMES DEFENDANT, KARL LUCIUS DELANO, and files this Sentencing Memorandum and Request for a Variance from the Sentencing Guidelines and shows in support as follows:

INTRODUCTION

Mr. Delano was named in a ten count Third Superseding Criminal Indictment on July 1, 2025. Count One charged Mr. Delano with engaging in a scheme from January 2021 through March 2021, to defraud JPMorgan Chase Bank to obtain moneys and funds by means of materially false and fraudulent pretenses, in violation of 18 U.S.C. §§ 1344 and 2. Count Two and Three charged Mr. Delano with wire fraud in devising a scheme to defraud the United States Department of the Treasury and the Internal Revenue Service (IRS) from February 2021 to April of 2021, in violation of 18 U.S.C. §§ 1343 and 2.

Mr. Delano was also charged in Counts 4 through 6 with conducting financial transactions, knowing the proceeds were some form of unlawful activity, in violation of 18 U.S.C. §§ 1956 (a)(1)(B)(i) and 2. Counts 7-10 charged Mr. Delano with engaging in monetary transactions proceeds in criminally derived property, in violation of 18 U.S.C. §§ 1957 and 2.

Mr. Delano plead not guilty and proceeded to a jury trial. On July 25, 2025, the jury found Mr. Delano guilty on all counts. Mr. Delano continues to maintain his innocence of these charges.

SOPHISTICATED MEANS

Mr. Delano objects to the offense computations. In particular, Mr. Delano objects to the two-point enhancement in Paragraph 51 and 59. The definition of fraud involves false claims. There was nothing sophisticated in this case about the alleged creation of false documents and shell companies. The amount of loss in and of itself does not make this offense one involving "sophisticated means." The alleged creation of false documents and shell companies is not the "especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense" which would warrant this enhancement. See, United States v. Barrington, 648 F.3d 1178, 1199 (11th Cir. 2011). The two points added pursuant to USSG § 2B1.1 (b)(10)(C) and USSG §2S1.1(b)(3)(A) are incorrectly applied.

OBSTRUCTION OF JUSTICE

The Final Presentence Report added the Government's objection for its failure to include a two-point enhancement in Paragraphs 55 and 62 for obstruction of justice because Mr. Delano testified at trial and the jury found him guilty. Mr. Delano's objections to these paragraphs were reserved. Mr. Delano objects to the two-point enhancement for obstruction of justice. Mr. Delano's testimony was not obstructive conduct and did not impede the administration of justice. See, Application Note 3 to USSG§3C1.1.

While it is correct the Court can impose a two-point enhancement based on a defendant's testimony at trial, the Court is not required to. United States v. Dunnigan, 507 U.S. 87, 95 (1993) ("Of course, not every accused who testifies at trial and is convicted will incur an enhanced sentence under §3C1.1 for committing perjury".). Here, the Court has the discretion to not impose the two-point enhancement.

THE LOSS AMOUNT IN THE PRESENTENCE REPORT OUTWEIGHS THE ACTUAL LOSS

The alleged facts are that Mr. Delano made a loan application for $9,554,425, and a request for two IRS tax refunds in the amounts of $3,015,573 and $3,373,441 for a total alleged intended loss of $15,943,439, which pursuant to USSG §2B1.1 (b)(1)(K), increases the base offense level 20 levels. Out of that alleged intended loss, JPMC bank immediately froze the remaining funds of $6,554,515 resulting in an alleged actual loss of $9,388,924. This amount, pursuant to USSG § 2B1.1(b)(1) (J), would increase the base offense level 18 levels.

Even with the 18 levels, Mr. Delano's sentence is quite high. Mr. Delano would respectfully request the Court consider a variance from this Guideline level to impose a reasonable sentence.

THE SENTENCING FACTORS SUPPORT A LESS THAN GUIDELINE SENTENCE

The Court should vary from the Guidelines in order to fashion an appropriate sentence here, pursuant to 18 U.S.C. § 3553 (a). Mr. Delano has many individual characteristics which are laudable and the Court should consider as reasons to vary from a Guideline sentence.

The Guideline calculation, without objections being granted, is currently at 168 to 210 months. While acknowledging the crime Mr. Delano is accused and convicted of is a serious crime, the Guideline range is driven by the large purported amount of intended and actual loss.

Mr. Delano immigrated to the United States from Ghana, Africa when he was 18 years old to obtain an education. He is a naturalized citizen. Mr. Delano comes from a good family in Ghana and both his parents are well educated professionals. His family encouraged him in his educational endeavors. Mr. Delano attended the Florida Institute of Technology in Melbourne, Florida in 2001.

Mr. Delano obtained his commercial pilot's license and became a pilot not only privately and commercially but also at Patrick Airforce Base Aero Club in Florida. Mr. Delano was in the United States Army for one year. (PSR, Par. 98-100). He originally served as a civilian contractor as a flight instructor from 1999-2002.

Mr. Delano has no significant criminal history, which is an important factor in determining a reasonable sentence.

CONCLUSION

If the Court grants Mr. Delano's objections and suggested variance from the amount of loss, the total offense level would be 29, Criminal History Category I, with a custody guideline range of 87-108 months. Mr. Delano would respectfully request an additional variance to 60 months.

This 20th day of January, 2026.

Respectfully submitted,

s/Sandra Michaels
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CERTIFICATE OF SERVICE

Undersigned counsel has served the forgoing **Sentencing Memorandum** today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

This 20th day of January, 2026.

s/Sandra Michaels
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