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

UNITED STATES OF AMERICA,)
)
Plaintiff,) CRIMINAL ACTION FILE
v.) NO. 1:22-CR-00171-MLB
)
CARL DELANO TORJAGBO)
also known as)
KARL LUCIUS DELANO,)
)
Defendant.)

BEFORE THE HONORABLE MICHAEL L. BROWN
TRANSCRIPT OF PROCEEDINGS
SEPTEMBER 23, 2025

Proceedings recorded by mechanical stenography
and computer-aided transcript produced by

JANA B. COLTER, FAPR, RDR, CRR, CRC
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Official Court Reporter
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Atlanta, Georgia 30303
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1 APPEARANCES:

2 For the Plaintiff: OFFICE OF THE U.S. ATTORNEY
3 (By: Kelly K. Connors
4 Nicholas L. Evert)

5 For the Defendant: LAW OFFICE OF L. BURTON FINLAYSON
6 (By: L. Burton Finlayson)

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P R O C E E D I N G S

(Atlanta, Fulton County, Georgia, September 23, 2025, in
open court.)

THE COURT: All right. I have us here on a motion
hearing in *United States v. Carl Torjagbo*.

Can I have appearances starting with counsel for the
United States?

MS. CONNORS: Good afternoon, Your Honor.
Kelly Connors and Nicholas Evert for the
United States.

THE COURT: And for the defendant?

MR. FINLAYSON: Leigh Finlayson for Mr. Delano.

THE COURT: Okay. I have two things here. I have
Mr. Delano's motion to vacate or set aside his conviction
under 2255, it's a pro se motion. He is represented by
counsel, he's not entitled to file a pro se motion, so I'm
going to strike that.

MR. FINLAYSON: Your Honor, could I be heard real
quick on that? I'm sorry.

THE COURT: Okay.

MR. FINLAYSON: I respectfully would submit that 2255
is a separate cause of action, it's a civil cause of action.

THE COURT: Well, then --

MR. FINLAYSON: I don't advise him -- I don't

1 encourage him to file it at this time whatsoever, but I don't
2 think -- I don't think -- I have problems with that idea of
3 striking it for that reason.

4 THE COURT: So you don't --

5 MR. FINLAYSON: I do have a problem. I mean, I can't
6 believe I'm arguing this. It's slightly conflicting here to
7 say the least.

8 But I do think because he's -- I don't represent him
9 on that cause of action and I can't -- I couldn't represent
10 him on that cause of action, so to say I -- to say he's
11 represented in the 2255 in that civil action and then
12 strike -- strike it because it's pro se, I just --

13 THE COURT: Well, I will strike it from the criminal
14 case.

15 MR. FINLAYSON: Okay.

16 THE COURT: It's not a part of this criminal case.
17 All right?

18 MR. FINLAYSON: Yeah.

19 THE COURT: It's got a separate civil number.

20 MR. FINLAYSON: Right.

21 THE COURT: But it's not part of the criminal case.
22 Okay?

23 MR. FINLAYSON: Okay.

24 THE COURT: And then the second thing I have is your
25 motion to withdraw. It's based upon I suppose contentions in

1 the petition, according to you.

2 Do you want me to excuse the government so we can
3 talk about it a little bit more?

4 MR. FINLAYSON: Yes, sir. Thank you.

5 THE COURT: Would y'all just step out a minute?

6 (Whereupon the government left the courtroom.)

7 THE COURT: I know that Mr. Torjagbo accuses you of
8 all kinds of ineffective assistance. He accuses everybody
9 else of lying. I don't know if he accuses you of lying, but
10 he accuses everybody else at trial pretty much of lying and
11 you of ineffective assistance.

12 Is there any hope of salvaging this relationship?

13 MR. FINLAYSON: I don't know. I mean, obviously, I
14 feel like I can't help but defend somebody, that's in my
15 blood, that's in my heart.

16 I do think his allegations are -- create at least --
17 they create a real conflict and that's -- I've been looking at
18 the bar rules to -- you know, looking at, you know, is there a
19 personal or economic interest in conflict with me that's
20 material and it --

21 THE COURT: Well, you can't argue any of the
22 ineffective assistance.

23 MR. FINLAYSON: Of course not. I cannot.

24 You know, I will do whatever the Court orders and I
25 will do the best I can for my client no matter what.

1 But he has said some things that I disagree with a
2 lot, so that's --

3 THE COURT: Mr. Torjagbo, what do you say? Do you
4 want me to get you a new lawyer?

5 THE DEFENDANT: Yeah, I think that would be --

6 THE COURT: Were you initially represented by
7 Mr. Silas; is that right?

8 MR. FINLAYSON: Yes.

9 THE COURT: Mr. Finlayson, were you appointed or
10 retained?

11 MR. FINLAYSON: I was appointed.

12 THE COURT: So this will be your third lawyer. I'm
13 going to do that. I'm going to have you go to a magistrate
14 judge and have a new lawyer appointed to represent you. The
15 appointment for this will be in connection with the criminal
16 case to prepare for sentencing.

17 Has the time for post-trial motions expired?

18 MR. FINLAYSON: If it's not, it's close. I would
19 think it has. And I did not file any motion for a new trial
20 nor did I intend to.

21 THE COURT: The date for post-trial motions was
22 September 8th. That was the day he set aside -- filed his
23 motion to set aside or correct under 2255, so it doesn't look
24 like post-trial motions were filed.

25 I am going to have another lawyer appointed to

1 represent you in regards to this criminal case that is
2 proceeding.

3 Okay?

4 If you think you are entitled to an attorney for your
5 other matter, the motion to vacate, you can seek to do
6 something in that case.

7 Okay?

8 I still have a sentencing set for when, November,
9 early November?

10 MR. FINLAYSON: November 3rd.

11 THE COURT: So we're going to have somebody appointed
12 as soon as possible. I don't know what to tell you about
13 this. You are in a tough spot. And you need a lawyer that
14 will represent you. And you need to work with that lawyer on
15 what matters, which right now is sentencing.

16 I have some notes from your testimony that I wrote at
17 the time that I tore out of my notebook because I want to make
18 sure that I have them at the time of sentencing. And that is
19 the next thing that will happen in this case.

20 Ms. Kelley, would you ask the U.S. Attorney's Office
21 folks to come back in?

22 Mr. Finlayson, would you let them know to come back
23 in?

24 (Whereupon the government entered the courtroom.)

25 THE COURT: So Mr. Torjagbo, you want me to dismiss

1 or allow Mr. Finlayson to withdraw; is that right?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay. I am going to grant
4 Mr. Finlayson's motion to withdraw.

5 I'm going to have the defendant sent to a magistrate
6 judge for the appointment of counsel to assist him in the
7 future actions in this case.

8 I am not planning on extending the date for
9 sentencing at this time. I think the time for post-trial
10 motions has already expired.

11 But I'm going to let other counsel decide if they
12 think they need more time or what the appropriate action is
13 going forward.

14 Okay?

15 I told him I think that he is in a tough spot. I
16 made some notes during his testimony and I ripped them out of
17 my notebook and kept them up here ever since so that I have
18 them to look back on at the time of sentencing because I
19 thought some of the things that he said were troubling and the
20 number of people that he blamed. And I think he needs a
21 lawyer to help him for that purpose.

22 Okay?

23 And for everything else.

24 So I will have him go down to a magistrate judge.

25 Ms. Kelley will arrange that so that he can have new counsel.

1 Anything else anybody wants to say?

2 MR. FINLAYSON: No, sir.

3 THE DEFENDANT: No, sir.

4 MS. CONNORS: Your Honor, the only thing I wanted to
5 point out, the government had filed a motion to continue
6 sentencing because of a trial that I have starting.

7 THE COURT: Oh, okay.

8 MS. CONNORS: It was denied. I think the Court
9 wanted to just wait and get some more clarification on the
10 timing. That trial is still going forward, it's a very
11 lengthy trial in front of Judge Totenberg.

12 THE COURT: Oh, yes. I know this. Yes.

13 Is that the Hi-Tech case?

14 MS. CONNORS: Yes, it is, Your Honor. I understand
15 you are familiar.

16 THE COURT: Yes.

17 MS. CONNORS: And right now the sentencing is
18 scheduled for November 3rd. I do not anticipate that that
19 trial is going to be finished by then. We actually had a
20 slight adjustment last week at the pretrial conference where
21 we're not going to start calling witnesses until October 20th.

22 THE COURT: Okay.

23 MS. CONNORS: So because of that, I know that --

24 THE COURT: When do you want to?

25 MS. CONNORS: If -- if it's at all possible, I know

1 that pretrial services told me that they -- if the Court
2 granted the motion to appoint new counsel, then they were
3 going to have to start the PSR process over again of trying to
4 see if the defendant wanted to do an interview and talking to
5 counsel about that, so they wanted me to kind of give a heads
6 up that they probably would need additional time as well.

7 THE COURT: Okay.

8 MS. CONNORS: I do not anticipate my trial is going
9 to be done. We're hopeful we can get done by Thanksgiving.

10 THE COURT: Would you give me -- do you want to do it
11 in December or do you want to do it in January?

12 MS. CONNORS: I think our preference would be
13 January, because of the fact that I would anticipate that we
14 would need to file a sentencing memo and it may be a very
15 tight turnaround if we're trying to do the sentencing in
16 December for us to be able to have that time.

17 THE COURT: Okay. I will do a docket order extending
18 it until what date in December, Ms. Kelley?

19 COURTROOM DEPUTY: We can do January 13th at 2:00.

20 THE COURT: January, I'm sorry, January.
21 January 13th. I will include in my order that if new counsel
22 wants to do it earlier, they can let me know and we'll work on
23 it at that point.

24 Okay?

25 MS. CONNORS: Okay. Thank you, Your Honor.

1 THE COURT: Is it Jared Wheat that's going to trial?

2 MS. CONNORS: Jared Wheat as well as Brandon Schopp.

3 THE COURT: I do not know that gentleman. This was
4 from a long time ago when I was a prosecutor, he was running
5 around with a bunch of guys that I prosecuted.

6 And then for a hot second, I represented one of them
7 when I got out of the United States Attorney's Office until
8 Aaron Danzig and Randy Chartash recused me because of one
9 meeting I went to and made me return a huge retainer check.

10 And then when I came on the Court, I had a Hi-Tech
11 case where they were suing a company that strangely Aaron
12 Danzig was representing that company.

13 MS. CONNORS: Yes.

14 THE COURT: All kinds of weird, and I did not
15 disqualify him in that case, but at any rate, that's an
16 interesting case. That's an old case.

17 MS. CONNORS: It is.

18 THE COURT: And did you say they are handing out
19 fliers last week?

20 MS. CONNORS: I was aware of that, yes. That might
21 have been the date of our pretrial conference.

22 (Whereupon, there was an off-the-record discussion.)

23 THE COURT: Okay. Thank you all.

24 MS. CONNORS: Thank you, Judge.

25 MR. FINLAYSON: Thank you, Judge.

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2 (Whereupon, the proceedings were adjourned at 2:22
3 p.m.)
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REPORTERS CERTIFICATE

I, Jana B. Colter, Official Court Reporter for the United States District Court for the Northern District of Georgia, with offices at Atlanta, do hereby certify:

That I reported on the Stenograph machine the proceedings held in open court on September 23, 2025, in the matter of *United States of America v. Carl Delano Torjagbo also known as Karl Lucius Delano*, case Number 1:22-CR-00171-MLB; that said proceedings in connection with the hearing were reduced to typewritten form by me; and that the foregoing transcript is a true and accurate record of the proceedings.

This the 10th day of November, 2025.

/s/ Jana B. Colter, FAPR, RDR, CRR, CRC
Official Court Reporter

COURTROOM DEPUTY: [1] 11/19
MR. FINLAYSON: [18]
MS. CONNORS: [15]
THE COURT: [36]
THE DEFENDANT: [3] 7/59/210/3

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/s [1] 14/19

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13th [2] 11/1911/21
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