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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
) VOLUME 4
CARL DELANO TORJAGBO)
also known as)
KARL LUCIUS DELANO,)
)
Defendant.)
_____)

BEFORE THE HONORABLE MICHAEL L. BROWN
TRANSCRIPT OF PROCEEDINGS
JULY 24, 2025

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

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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, July 24, 2025, in open court.)

THE COURT: All right. Y'all can be seated.
All right. Everybody ready?

MR. FINLAYSON: Yes, sir.

THE COURT: You all should have a copy of the jury instructions. I'm going to think about today where to move them to, how to move them around. We're going to talk about them right after lunch. Okay?

So between now and right after lunch, make sure that you go through them and have any final requests for changes or things like that. They're your instructions, so if there's anything you want to change, let me know. If there is something out of order, let me know. Although I'll be reshuffling the order, but if there is any problem with it, let me know. Okay?

All right. You can bring them in.

COURTROOM SECURITY OFFICER: Yes, sir.

MS. CONNORS: I'm sorry, Judge.

THE COURT: Yeah.

MS. CONNORS: One thing I wanted to follow up on is yesterday we moved to admit two summary exhibits. And we ended up leaving it at we were going to resolve it, we

1 certainly don't have to resolve it right this second, but just
2 wanted to make sure that we do.

3 THE COURT: Yes. That's just an issue of whether
4 they will go back to the jury or whether they were just for
5 use with that witness. We'll talk about that. Okay?

6 MS. CONNORS: I appreciate it, Your Honor.

7 COURTROOM SECURITY OFFICER: All rise.

8 (Whereupon, the jurors entered the courtroom.)

9 THE COURT: All right. Y'all can be seated.

10 Everybody good? Any problems, concerns?

11 Okay. All right. Call your next witness, please.

12 MR. EVERT: The government calls Scott Carauna.

13 - - -

14 SCOTT CARAUNA,

15 A witness herein, having been first duly sworn, was examined
16 and testified as follows:

17 - - -

18 COURTROOM DEPUTY: Thank you.

19 For the record, will you please state and spell your
20 first and last name?

21 THE WITNESS: My name is Scott Carauna.

22 C-A-R-U-A-N-A.

23 COURTROOM DEPUTY: Thank you.

24 DIRECT EXAMINATION

25

1 BY MR. EVERT:

2 Q. Good morning, Special Agent Caruana. Where are you
3 employed?

4 A. Good morning. I'm currently a special agent with the FBI
5 in the Atlanta division.

6 Q. And are you actively working?

7 A. I am not. I am going through the retirement process.

8 Q. And when you were actively working for the FBI, what was
9 your title?

10 A. I was a special agent and I've been an special agent for a
11 little bit over 23 years. I worked on the complex financial
12 crimes squad. And I was on that squad for my -- the entirety
13 of my 23 years.

14 I worked violations which included mail fraud, wire
15 fraud, bank fraud, money laundering, the PPP program, or PPP
16 fraud, payroll protection program, investment fraud, Ponzi
17 schemes, just to name a few.

18 Q. And prior to your work at the FBI, do you have any work
19 experience that would be relevant to a case like this?

20 Q. I do. I was a certified public accountant. I worked at a
21 global accounting consulting firm for about eight years where
22 I worked in the tax compliance and tax consulting section and
23 left there after about eight years as a senior manager to
24 become a special agent with the FBI.

25 Q. And are you familiar with a case involving Karl Delano,

1 formerly known as Carl Torjagbo?

2 A. Yes, I am.

3 Q. Do you see Mr. Delano in the courtroom today?

4 A. I do. He's at the defense table in the tan suit.

5 MR. EVERT: Please let the record reflect that the
6 witness identified the defendant.

7 THE COURT: Okay. Thank you. It will.

8 BY MR. EVERT:

9 Q. So how -- how were you involved with this case?

10 A. So I was the original case agent. And I opened the
11 investigation back in January of 2022.

12 Q. And what led you to start investigating the case?

13 A. So around that time of January of 2022, the payroll
14 protection program, I'll say PPP, fraud was rampant. The
15 PPP loans that were provided to people were -- it was a matter
16 of public record, it was presented on the Internet.

17 So I was perusing the Internet on a specific area,
18 ZIP code, and going through the pages of pages of PPP loans
19 that were given. And most of the loans were about in the
20 \$18,000 range, \$18,000 and some change.

21 And then all of a sudden about a nine and a half
22 million dollar PPP loan popped up, which kind of struck -- it
23 just struck my interest.

24 Q. Did anything else about that loan cause you to look a
25 little closer?

1 A. So that -- that was rather large. And based upon my
2 training and experience, I knew that a 9 and a half million
3 dollar PPP loan, it would have to be a substantial company,
4 size of a company to get a loan that large, because the
5 PPP loan is based upon the payroll of the employees at a
6 company.

7 So from there, you know, I did a little bit more due
8 diligence before I actually opened the formal investigation.

9 Based -- based upon public record, the loan was given
10 to a company by the name of Kremkov Industries. I pulled that
11 up on the Internet, the Georgia Secretary of State, saw that
12 it was a relatively newly formed company in the State of
13 Georgia. It had an address of the -- the principal place of
14 business for the company, pulled that up on the Internet, it
15 was a location, it was a very modest residence in
16 Douglasville, Georgia, which is in the Northern District of
17 Georgia, which is the area that we cover.

18 And it just didn't -- it didn't make sense that a
19 very large -- what should have been a very large company to
20 get that size a loan was headquartered in Douglasville,
21 Georgia, in a very modest house and it was a newly formed
22 company. So from there, we opened up -- the FBI opened up a
23 formal investigation into Kremkov Industries.

24 Q. And was there anything about the type of company that
25 Kremkov Industries purported to be that gave you pause?

1 A. Yes. The -- Kremkov was opened up as a goldmining company
2 in Georgia.

3 Q. Are you familiar with many goldmines in the Douglasville,
4 area?

5 A. I am not, no.

6 Q. So I'm going to --

7 MR. EVERT: If we could put Government's Exhibit 1 up
8 on the screen, please, which is already in evidence.

9 BY MR. EVERT:

10 Q. Is this the -- and then looking at Page 1, can you see the
11 date of incorporation? It should be in that bottom right-hand
12 corner there.

13 A. Date of incorporation was January 4th of 2021.

14 Q. And are you familiar with the requirements of the PPP
15 program --

16 A. Yes, I am.

17 Q. -- broadly?

18 A. Yes.

19 Q. And when were -- when were -- were there any requirements
20 about when a business had to have been in operation?

21 A. So according to the rules, a business had to be in
22 operation on or before February 15th of 2020. And the date of
23 incorporation of Kremkov Industries was substantially after
24 that required date.

25 Q. And so did there come a time when you -- you mentioned

1 there came a time when you opened up a formal investigation;
2 is that correct?

3 A. Correct.

4 Q. What did that formal investigation entail?

5 A. So with the -- knowing that, you know, with a PPP loan,
6 the -- the money is provided to the applicant. And from
7 there, it's just a matter of following -- you know, follow the
8 money, where did the -- you know, where did the money go to,
9 what accounts did it go into, the bank accounts of Kremkov and
10 just follow the monies. Determine what the money was used
11 for.

12 Under the PPP program, the -- which was instituted
13 during the COVID time, the money was supposed to be used
14 for -- primarily to retain and pay the employees of companies
15 during that COVID time period.

16 So it -- it's a paper case and it's follow the money
17 to see where the money came -- you know, which accounts it
18 went into and what the money was used for.

19 And looking for -- to determine whether or not the
20 money was used to pay for payroll for employees, for the --
21 you know, and there was a certain other criteria that the
22 money could be used for, like rent and utilities, that kind of
23 thing. But for the most part, the money was supposed to be
24 used for -- to pay the employees during that time period.

25 Q. And as part of your investigation, was what you were --

1 did you --

2 A. So to follow the money, my first step was to issue
3 subpoenas to the financial institution which provided the
4 loan, which was Chase.

5 I subpoenaed the records, got the financial records,
6 the banking records from Chase, whatever information they had
7 related to Kremkov, bank accounts related to people who were
8 related to Kremkov, whatever -- you know, I prepared a
9 subpoena, got those bank records where I was able to identify
10 the money coming into the account.

11 And then, again, following the money to see where
12 that money went. And it -- that money was then transferred
13 into a variety of other different accounts. The first account
14 was transferred -- was transferred into another Kremkov
15 account. And then the money was transferred into various
16 other accounts of the defendant's.

17 Q. So in the course of your investigation, did you identify
18 accounts at PNC Bank related to Mr. Delano?

19 A. Yes, I did.

20 Q. And if you would look at Government Exhibits 300, that
21 should be in your binder there, 300A, 300B, 301, 301A to C,
22 302, 302A to E, 303, 303A, 304.

23 And these are documents that you've had a chance to
24 review beforehand?

25 A. Yeah.

1 Q. But we'll find them.

2 A. There's a different binder.

3 Q. And I'll just read them off for the record, 311 through
4 313 and 315. So I'll read that again, because I know that was
5 a lengthy list.

6 300A, 300B, 301, 301A through 301C, 302, 302A through
7 E, 303, 303A, 304, 311 through 313, and 315.

8 A. Yes, these are all records that I used during my
9 investigation.

10 Q. And are these all records from PNC Bank?

11 A. Yes.

12 MR. EVERT: I would move to admit -- and these are
13 subject to the authenticity stipulation. And I would move to
14 admit them at this time.

15 THE COURT: Any objection?

16 MR. FINLAYSON: No objection.

17 THE COURT: Okay. They are admitted.

18 BY MR. EVERT:

19 Q. And in the course of your investigation, did you also
20 identify accounts at Bank of America related to Mr. Delano?

21 A. Yes, I did.

22 Q. Could you please look at Government's Exhibits 305 and
23 305A through I.

24 A. 305A through I?

25 Q. Yes. And 305 itself as well.

1 A. Okay. Yes, these are all of the Bank of America records.

2 MR. EVERT: I would move to admit -- these are also
3 subject to the authenticity stipulation. And I would move to
4 admit them as well.

5 THE COURT: 305 and 305A through I?

6 MR. EVERT: Yes, Your Honor.

7 THE COURT: All right. Any objection?

8 MR. FINLAYSON: No objection.

9 THE COURT: All right. They are admitted.

10 MR. EVERT: And I'd also like to read a stipulation
11 at this time.

12 THE COURT: Okay. Again, an agreed upon fact that
13 you have to accept as a part of this case. Okay? A
14 stipulated fact, and agreed upon fact.

15 Go ahead.

16 MR. EVERT: At all times material to the third
17 superseding indictment, JPMorgan Chase Bank, PNC Bank and Bank
18 of America were each a financial institution as defined in
19 Title 18 United States Code Section 20 and it's -- and their
20 deposits were insured by the Federal Deposit Insurance
21 Corporation, also known as FDIC. And the parties hereby
22 stipulate and agree to that fact.

23 THE COURT: Agreed?

24 MR. FINLAYSON: Agreed.

25 THE COURT: Okay. Go ahead.

1 BY MR. EVERT:

2 Q. So -- so did there come a time when you invited other
3 investigation -- other investigative agencies to join your
4 investigation?

5 A. Yes, there was. First off, I invited the TIGTA, which is
6 the Treasury Inspector General for tax administration, a
7 special agent of that office assisted in the investigation.
8 And then at a later date, invited a special agent from the
9 criminal investigative division of the Internal Revenue
10 Service.

11 Q. And why did you invite those other agencies to join the
12 investigation?

13 A. All a point of the investigation, it expanded from the PPP
14 fraud investigation into fraudulent filings, which we
15 suspected -- alleged fraudulent filings of tax returns, so --
16 well, TIGTA was brought in earlier on because they handled PPP
17 as well.

18 But IRS was brought in at a later date once we
19 discovered the potential fraudulent tax returns that were
20 filed, or I brought those in when I discovered that.

21 Q. And so you mentioned that there was a PPP loan and then
22 also potentially fraudulent tax return filings.

23 Were you able to obtain the IP -- was the
24 investigation able to uncover the IP addresses associated with
25 the filing of the PPP loan and the filing of the tax returns?

1 A. The IP addresses were identified. And I requested the
2 records for those IP addresses. But the company that
3 maintained -- supposedly maintained them was Comcast and they
4 don't -- Comcast does not maintain those records for a very
5 long period of time.

6 MR. EVERT: So if we could pull up, please, the
7 snippet of Government's Exhibit 220, which is that Excel
8 sheet, side by side with Government Exhibit 101B, both of
9 which are already in evidence. And if we could zoom into that
10 IP address column on both of these.

11 BY MR. EVERT:

12 Q. So the one on the left is from the tax -- the filing -- is
13 the IP addresses associated with the tax returns; is that
14 correct?

15 A. Correct.

16 Q. And the one on the right is the IP address associated with
17 the filing of the PPP application; is that correct?

18 A. Correct. And you'll notice that they are both the same --
19 they are the same IP addresses.

20 Q. So you mentioned that you weren't able -- that -- I
21 believe you said -- did you say it was Comcast or the --

22 A. I believe it was Comcast. And dependent upon the company,
23 the service provider, they have retention policies that are
24 different. Comcast doesn't retain the IP address data for a
25 very long time.

1 Q. So -- so the data -- so the data indicates that these IP
2 addresses were both used and that they are the same, but when
3 you say that they don't retain the data, what would that data
4 that Comcast might retain be?

5 A. So the IP addresses identify a location of where the
6 service is being provided. And, you know, when -- during an
7 investigation, you see the IP address, but what is the
8 underlying data behind that IP address, it's the subscriber
9 information, it's who -- who the subscriber is, what -- what
10 the actual location is, whether it's a residence or a
11 business.

12 Comcast did not retain that information, so I wasn't
13 able to identify the true -- I mean the actual subscriber for
14 that IP address, but noticed that it was a commonality between
15 the tax returns that were filed in -- you'll have to refresh
16 my memory with the tax returns, either Mr. Delano's name or
17 Kremkov Industries' name. I think it was Mr. Delano's name,
18 because it was a 1040.

19 And that was the same IP address for Mr. Delano's
20 1040 was used for the PPP loan, that was applied in -- for in
21 Kremkov Industries name, which Kremkov Industries is
22 Mr. Delano.

23 Q. Thank you.

24 MR. EVERT: So if we could take these down please.
25 And pull up Government's Exhibit 101, which is in evidence.

1 BY MR. EVERT:

2 Q. So what is this?

3 A. That is the PPP application.

4 Q. And on Page 1, there is -- there is listed a -- what is
5 listed as the business address?

6 A. So the -- well, the business legal name is
7 Kremkov Industries, LLC. The business address is 3081
8 Leatherleaf Trail in Douglasville, Georgia, 30135.

9 The primary contact for that industry is
10 Carl Torjagbo, with an email address of torjagbo,
11 T-O-R-J-A-G-B-O-C, @gmail.com.

12 Q. And are you familiar with the boundaries of the Northern
13 District of Georgia?

14 A. Yes, I am.

15 Q. And is Douglasville, Georgia, in the Northern District of
16 Georgia?

17 A. It is.

18 Q. And so turning to Page 2, when did -- when did Mr. Delano
19 submit this?

20 A. So it --

21 Q. If you look at the bottom there.

22 A. The application was submitted on February 16th of 2021.

23 Q. And did anything --

24 A. Which again is at -- well, yeah, it's February 16th, 2021.

25 Q. Did anything about this application stick out to you when

1 you reviewed it? As part of this application, were there --
2 was this application the only document that was attached or
3 did it have other documents attached to it?

4 A. So the -- the application is lengthy and a substantial
5 amount of documents were submitted with the application to
6 support -- again, the payroll protection or the PPP loan is
7 based upon the payroll amount.

8 So in addition with the filled out application where
9 the defendant acknowledged that all the requirements are met,
10 a substantial list, I believe it was like 71 pages of 493
11 employees that Kremkov Industries had was submitted along with
12 the application to Chase Bank.

13 Q. And did any of the names on that list stand out to you?

14 A. There are a variety of different names. And perusing the
15 list, there were a lot of names -- well, a handful of names
16 that kind of struck me by surprise. One was Keanu Reeves, who
17 is a -- was a major Hollywood actor, Bruce Willis, another
18 Hollywood actor, there was Gene Hackman, who was a Hollywood
19 actor, along with Jason Bourne, Jason Bourne was played
20 by -- it was a trilogy that was played by Matt Damon in the
21 movies, so those kind of struck out at me as interesting.

22 Q. Did the name Charlie Brown --

23 A. Charlie Brown was there.

24 Q. Who is Charlie Brown?

25 A. Charlie Brown, with Snoopy, cartoon character back in the

1 day.

2 Q. How about the name Oliver Twist, did that stick out?

3 A. Oliver Twist, Isaac Newton in physics.

4 Q. Who is Oliver Twist?

5 A. Oliver Twist was -- he was in a play, I guess.

6 Q. Is he a character in a Charles Dickens novel?

7 A. Possibly.

8 Q. All right.

9 THE COURT: In fairness, he's an accountant, not an
10 actor.

11 BY MR. EVERT:

12 Q. So excuse me. What year were the payroll records for?

13 A. I believe they were for -- you'd have to refresh my
14 memory.

15 MR. EVERT: If we could pull up Page 81 of
16 Government's Exhibit 101, please.

17 THE COURT: Did you say a play?

18 THE WITNESS: Yeah, I did.

19 THE COURT: What play were you thinking about?

20 THE WITNESS: I don't know.

21 THE COURT: It might be.

22 THE WITNESS: I'm thinking -- I don't think -- I
23 guess Charles Dickens, I was kind of equating those two
24 together.

25 THE COURT: I was trying to think if you were going

1 Broadway or something. I'm sorry. I digress.

2 BY MR. EVERT:

3 Q. So what year was this payroll for?

4 A. So it was for 2020.

5 Q. And then did anything about the EIN number that was
6 submitted in connection with this application stick out to
7 you?

8 A. So the -- one way TIGTA was able to facilitate and help
9 through the investigation is they have the information about
10 the EINs, the employee identification numbers, and it was
11 determined that that EIN was -- or at least the EIN that was
12 used by Kremkov was issued by the IRS after that
13 February 15th, 2020 requirement date for PPP.

14 Q. And why was that, why was that significant to you?

15 A. Well, again, it shows that the company legally wasn't in
16 existence after the PPP program had ended.

17 MR. EVERT: And if we could please put up
18 Government's Exhibit 201, which is in evidence. And if we
19 just look at the top of the document.

20 BY MR. EVERT:

21 Q. What is the address associated with this return?

22 A. 3081 Leatherleaf Trail, Douglasville, Georgia, 30135. And
23 that's the same address that was on the Georgia Secretary of
24 State for Carl Torjagbo or Kremkov Industries as well as the
25 address on the PPP application.

1 Q. And turning to Page 17, what date was this received by the
2 IRS?

3 MR. EVERT: If we can just blow up that top portion
4 there, please.

5 BY MR. EVERT:

6 Q. Okay.

7 A. So the receive date was February 13th of 2021.

8 Q. So the PPP application was February 16th. This was
9 February 13th, both 2021? Were you able to determine where
10 Mr. Delano was living during that period?

11 A. He was living -- based -- the investigation revealed that
12 he was living in the Northern District of Georgia.

13 Q. How were you able to determine that?

14 A. Well, based upon his financial records, his driver's
15 license had the Leatherleaf Trail address on it. And all the
16 documents -- well, all the documents that he had filed with
17 the bank and the IRS showed that Leatherleaf Trail address,
18 which is in the Northern District of Georgia.

19 Q. Did you also look at any transaction data from his credit
20 card --

21 A. Oh, yes.

22 Q. -- to determine whether he was making purchases at that
23 time?

24 A. Oh, well, yes. So he physically resided in -- based upon
25 the bank records, I looked at some transactions during this --

1 like this weekly time period from February 13th through
2 February 16th. And there were multiple transactions that were
3 physically made in the Atlanta area, covered by the Northern
4 District of Georgia.

5 Q. Like what kind of --

6 A. I remember there was a QT, there was an exotic dancing
7 establishment, there were -- I'd have to look at the
8 transactions.

9 Q. Any restaurants or -- we can pull up Government's
10 Exhibit --

11 A. I believe there were a couple of restaurants, yeah.

12 Q. And then so this is the -- if you look at the statement
13 period at the top, if we would pull that up.

14 MR. EVERT: And, yeah, Page 45 of 211, yes, thank
15 you. Or if you -- I'm sorry, it should be up a little bit
16 above this.

17 BY MR. EVERT:

18 Q. If you look in the top left corner there, the statement
19 period?

20 A. Yeah, so that's a statement period for the PNC account
21 number ending 5837 for the period 2/12/21 through 3/14/21.

22 MR. EVERT: And then if we back out, please.

23 BY MR. EVERT:

24 Q. And then look in the bottom right. Whose name is on this
25 account?

1 A. Carl Torjagbo with that 3081 Leatherleaf Trail address in
2 Douglasville.

3 MR. EVERT: And then if we can turn to the next page,
4 please. And we can just pull up the top few transactions.

5 BY MR. EVERT:

6 Q. Where are those taking place?

7 A. Okay. Yeah, so --

8 Q. Looking at February --

9 A. February 13th, Fannie's Cabaret in Atlanta, Georgia,
10 February 14th, and this is 2021, Walmart, February 14th, we
11 have Kay Jewelers in Douglasville, Georgia, the Walmart was in
12 Douglasville, Georgia, again Fannie's Cabaret in Atlanta,
13 Georgia, and then a QT Douglasville, Georgia.

14 And then even after that, the charges are in the
15 Douglasville, Georgia area, Lithia Springs, Georgia area,
16 which all are located in the Northern District of Georgia.

17 Q. And you mentioned --

18 MR. EVERT: And we can take that down. Thank you.

19 BY MR. EVERT:

20 Q. You mentioned that you saw records of him making -- of --
21 well, you followed the money, correct?

22 A. Correct.

23 Q. Did -- did you see records of him making a number of
24 purchases?

25 A. Yes, I did.

1 Q. If you would please look in your binder. And I believe
2 you've had the chance to review these before.

3 But what's been premarked for identification as
4 Government's Exhibit 401, 401A, 401B, 402 through 417.

5 There's another binder up there that might be it,
6 too. I can help you if you need it.

7 A. I've got it here. So 401.

8 Q. 401, 401A, 401B, and 402 through 417.

9 A. I'm sorry, repeat that again, 401A, 401B.

10 Q. 401, 401A, 401B, 402 through 417.

11 A. 402.

12 Q. Through 417.

13 MR. EVERT: And these are subject to the stipulation
14 of authenticity.

15 MR. FINLAYSON: That's correct.

16 THE COURT: Any objection?

17 MR. FINLAYSON: No objection.

18 THE COURT: All right. They're admitted.

19 MR. EVERT: All right. Thank you.

20 THE COURT: Do you want me to go over which ones they
21 are?

22 THE WITNESS: No, I've got them here.

23 THE COURT: All right.

24 THE WITNESS: Thank you. I appreciate it.

25

1 BY MR. EVERT:

2 Q. All right. And once you've had a chance to look at them,
3 just let me know and we'll --

4 MR. EVERT: And while he's looking --

5 THE WITNESS: Okay. Yes, these are all records that
6 I obtained throughout the investigation and that I am familiar
7 with. And these were used to help me follow the money of
8 where the PPP proceeds went.

9 MR. EVERT: Understood.

10 If we could please pull up Page 10 of GX 103.

11 BY MR. EVERT:

12 Q. What account is this for?

13 A. So this -- this is the Chase account for
14 Kremkov Industries with the last four digits of 8755.

15 MR. EVERT: And if we could please pull up the
16 deposits and addition section of this document.

17 BY MR. EVERT:

18 Q. What does that bottom transaction reflect?

19 A. So on March 29th of 20 -- so 2021 --

20 Q. Yeah.

21 A. It's the deposit from the Small Business Administration of
22 the PPP proceeds into the Kremkov Industries' account.

23 Q. Is it from the Small Business Administration or does it
24 just say small business?

25 A. It just says small business.

1 Q. And you -- you said that that was March 29th of 2021,
2 correct?

3 A. Correct.

4 Q. And how much money was that?

5 A. The amount of the deposit was \$9,554,425.

6 Q. And based on your investigation, do you know what the
7 source of that money was?

8 A. It was the proceeds of the PPP loan or the application
9 that Kremkov Industries obtained.

10 Q. And let's --

11 MR. EVERT: If we could turn to Page 7 of
12 Government's Exhibit 301.

13 BY MR. EVERT:

14 Q. And then looking at the top right corner, who is this
15 account for?

16 A. So that's an account for Kremkov Industries, last four
17 digits of 9499, and I missed the bank on the first page.

18 MR. EVERT: If we can zoom out and go back one page.

19 THE WITNESS: I believe it's PNC. Yeah, PNC Bank.

20 MR. EVERT: And then if we could jump back, the
21 transaction on 4/27, if we go down -- down a little bit. Next
22 section down to the deposits.

23 BY MR. EVERT:

24 Q. So the transaction on 4/27, do you know what that
25 transaction was?

1 A. Yeah. So that \$3,366,240.76 deposit was the refund that
2 the IRS issued to the defendant based upon that 1040 tax
3 return that he filed.

4 Q. And just above that there is another \$3 million deposit.
5 Were you able to tell where that came from?

6 A. I did. That was a check that was written -- written from
7 the Chase Kremkov account to Kremkov Industries, it was
8 written by Kremkov Industries to Kremkov Industries from a
9 Chase account and deposited into a PNC account Of
10 Kremkov Industries.

11 MR. EVERT: If we could pull up Government's -- if we
12 could pull up Government's Exhibit 301B, which is already in
13 evidence.

14 BY MR. EVERT:

15 Q. Is that the check you were just talking about?

16 A. It is.

17 Q. So --

18 A. And what stood out on that is that the -- in the memo line
19 or on this check, the for line, it indicates payroll. And it
20 stood out because, again, in my training and experience, this
21 was a PPP loan, it's supposed to be used to pay for payroll
22 and so if payroll is written on this check as a transfer or a
23 deposit, theoretically, it's not going to cause any red flags.

24 Q. Was there anything about the Chase account that led you to
25 believe that Mr. Delano would have been unable to pay payroll

1 from that account?

2 A. If I remember right, the Kremkov Industries' Chase account
3 really had no money in it prior to the deposit of the PPP
4 proceeds.

5 Q. And during your time as an FBI agent, have you
6 investigated how people conceal the source of their funds?

7 A. Multiple transfers is standard in -- to conceal sources of
8 the funds. It makes the tracing of the money difficult. And
9 a lot -- it's done a lot of times where it's just transferred
10 from one account to the next to the next and then kind of like
11 shotgun blasts to multiple different accounts, which is the
12 same thing that I found in this investigation.

13 The other thing that -- that I've discovered in -- in
14 investigating PPP fraud is that a lot -- a lot -- so if a PPP
15 loan is taken out by a company.

16 MR. FINLAYSON: Objection. Objection, Your Honor.

17 THE COURT: Basis?

18 MR. FINLAYSON: Profile, this is profiling
19 information, it's not --

20 THE COURT: Would y'all step out for just a second?

21 COURTROOM SECURITY OFFICER: All rise.

22 (Whereupon, the jurors exited the courtroom.)

23 THE COURT: Okay. Y'all can be seated.

24 Have I heard the door shut yet? There it is.

25 Tell me what your concern is.

1 MR. FINLAYSON: And there's been a bit of this. And
2 it's -- it's profile information, as in other cases there's
3 this and in this and this. And we've heard a bit of it
4 already.

5 But to -- you know, to say -- I mean, I think the
6 agent should testify what he saw in this case, not what he saw
7 in other cases. And he's just -- it's trying to create a
8 profile that -- and I just don't think it's proper to go
9 there.

10 THE COURT: What do you say?

11 MR. EVERT: So, I mean, I think he is testifying and
12 will testify about what he saw in this case and how that --
13 and the significance of that to him.

14 So I think -- you know, I think it's proper to
15 explain like this is -- this is how money laundering works.
16 There's layering, there's transactions from account to account
17 with different names.

18 I think it's -- I think it's proper for him to
19 explain based on his training and experience that this is --
20 this is how this works and why it happens. Because otherwise,
21 I don't -- I don't know that it's clear what the -- what the
22 significance of it is.

23 THE COURT: I mean, I'm not sure that the right word
24 is profiling.

25 MR. FINLAYSON: Well --

1 THE COURT: That's not in today's world. Profiling
2 in today's world sort of has a connotation of grouping people
3 because of race, ethnicity or something like that. And he's
4 certainly not doing that.

5 What he's explaining is the types of things that they
6 look for in criminal cases.

7 MR. FINLAYSON: Which is not relevant, I would
8 submit.

9 THE COURT: Well, it is, because he's going to
10 explain how he got to where he got.

11 MR. FINLAYSON: And I would submit that how he got
12 there is not what the trial -- what we're here for. It's
13 where he got and what he saw, what he did. And what he
14 actually -- and then we've got a lot of why he went there and
15 how he did it.

16 And typically an officer's motivations or an agent's
17 motivations are not -- are not relevant to the trial. And so
18 I don't think -- I don't think he should be allowed to testify
19 to every little thing he did and why did you do that. That's
20 not -- that's not a relevant issue for trial.

21 MR. EVERT: I mean, I would --

22 THE COURT: I smelled what I thought was marijuana
23 coming from the car, so I asked him to step out.

24 I saw a guy running from a bank, I thought that was
25 suspicious, so I followed him.

1 MR. EVERT: I know that everybody that runs in
2 Atlanta smokes marijuana when they're running. I mean, it
3 seems like they do, but -- or when you drive around, you're
4 like where is that coming from. But maybe not the best
5 analogy.

6 But I think when he starts going into well,
7 everybody -- all of these other people that I've investigated
8 did it in this way, it's suggesting that he did it this way.
9 And also it feels like --

10 THE COURT: Well, I think he's trying to suggest
11 that.

12 MR. FINLAYSON: And I think he --

13 THE COURT: I mean, the government is trying to
14 suggest that.

15 MR. FINLAYSON: Then my other concern about this is
16 that it becomes expert testimony.

17 THE COURT: No, I don't think it does. Why would it
18 become expert testimony?

19 MR. FINLAYSON: Because he's providing specialized
20 knowledge that we don't -- that other people don't otherwise
21 have.

22 THE COURT: Okay. What I'm going to ask you to do is
23 I'm going to ask you to ask him in terms of what was he
24 looking for.

25 MR. EVERT: Okay.

1 THE COURT: And then why was he looking for that.

2 MR. EVERT: Okay.

3 THE COURT: Okay.

4 MR. EVERT: Yeah.

5 THE COURT: And I'm going to have you tie it to that.
6 Okay?

7 And do you want me to instruct to the jury that they
8 are to consider what he's looking for only in terms of
9 understanding what he did and that's the limited reason they
10 can use that?

11 MR. FINLAYSON: Sure.

12 THE COURT: Okay. All right. You can bring them
13 back in. And let's --

14 Hold on one second. And let's try to keep it rather
15 direct in what he was trying to do in this case and why he was
16 doing it in this case, rather than writ large what people who
17 are committing fraud sometimes do. Okay?

18 MR. EVERT: Sure, yes.

19 THE COURT: I think that's really the relevance of it
20 is explaining his testimony as to why he might pull a
21 different account or look at a different account or why this
22 might mean something.

23 For example, I think he explained most people get
24 \$18,000, this one was \$9 million and that was a reason he did
25 more.

1 Okay. All right. Let's bring them in.

2 COURTROOM SECURITY OFFICER: All rise.

3 (Whereupon, the jurors entered the courtroom.)

4 THE COURT: I'm going to let him ask his first
5 question and then I'll give them an instruction.

6 All right. Y'all can be seated.

7 BY MR. EVERT:

8 Q. So you testified earlier that you were looking at
9 different accounts controlled by Mr. Delano.

10 What were you looking for when you were -- when you
11 were looking at -- looking at those different accounts?

12 THE COURT: All right. He's going to explain a
13 little bit of why he did some of the things that he did, okay?

14 And I'm allowing that testimony in order for you to
15 understand exactly that, why he did what he did and what it
16 meant during his investigation. But that's the limited
17 purpose of it. Okay?

18 You cannot consider it for anything else other than
19 understanding his testimony. Okay?

20 Does everybody understand that instruction?

21 You can't use it more broadly to say that the
22 defendant must have done what's alleged in this case, it's for
23 you to understand this witness's testimony. Okay?

24 Any objection to that instruction?

25 MR. FINLAYSON: No, sir.

1 THE COURT: From the government?

2 MR. EVERT: Oh, no, Your Honor.

3 THE COURT: Okay. All right. Go ahead.

4 THE WITNESS: So the thing that stuck out to me is
5 the money, the PPP proceeds were deposited into
6 Kremkov Industries' account, which is a corporate account.

7 It was transferred to another Kremkov corporate
8 account. And then from there, it was transferred into an
9 individual account, Mr. Delano's, the defendant's, individual
10 bank account.

11 And the reason why that was important to me, and I'm
12 going to try to tread lightly here just because I don't
13 want -- but what's important is that the PPP proceeds have to
14 be deposited into the applicant's account, so if it's a
15 business account, it has to be transferred into a business
16 account. If it's a business account, it can't be transferred
17 into -- from the bank into a personal account, the proceeds
18 would be rejected by -- or the transfer would be rejected by
19 the bank.

20 BY MR. EVERT:

21 Q. And why is that, what -- what's the -- can you -- can you
22 explain a little bit more why that is?

23 A. The proceeds have to go to the entity that is applying for
24 the loan. If it's a corporate loan, it needs to go to that
25 corporation, not to an individual. And that's a red flag if

1 it -- if a corporation -- if a corporation PPP proceeds are
2 going to an individual, that's a red flag.

3 Q. And you testified that funds ultimately went into
4 accounts -- went from accounts in the Kremkov name to personal
5 accounts, correct?

6 A. Correct. They went from a corporate account in Kremkov's
7 name to another corporate account in Kremkov's name to then an
8 account in the defendant's name.

9 Q. And were there accounts in another name as well?

10 A. Yes, there was.

11 Q. What was that name?

12 A. Originally, it was Carl Torjagbo, and then there was --
13 there were additional accounts in Karl Lucius Delano's name
14 and then Flying -- FlyingJack Freight's name, which is another
15 corporation that the defendant incorporated or started.

16 Q. And we'll talk more about them in a little bit.

17 MR. EVERT: So if we could look at Government's
18 Exhibit 302B, which is in evidence, and turn to Page 1.

19 BY MR. EVERT:

20 Q. Whose name is --

21 A. Can I make one clarification?

22 The personal accounts -- I would have to see the
23 records, but I'm not quite clear if there were personal bank
24 accounts in both Carl Torjagbo's name and Karl Lucius Delano's
25 name, so I correct that. I'm not quite clear unless I see the

1 original bank accounts again.

2 Q. Understood. Thank you for clarifying.

3 So on -- whose name is on this account?

4 A. This -- the name on this account is a PNC Bank account in
5 the name of Carl Torjagbo ending in 9849.

6 Q. And on Page 2, below deposits and other additions, can you
7 please read the entry dated 4/19?

8 A. So on 4/19 of 2021, this was a \$100,000 online transfer
9 from an account ending in 9498.

10 Q. And if we turn to Government's Exhibit 300B, whose name is
11 on PNC 4999 -- 9499?

12 A. So 9499, the name on the account was Kremkov Industries
13 with the -- that Leatherleaf Trail address, so this is where
14 that \$100,000 came from, Kremkov Industries.

15 Q. And then looking at Government's Exhibit 302C, whose name
16 is on this account?

17 A. So this was the account that the money went into, and
18 that -- the name on that account is Carl Torjagbo, with the
19 same address, 3081 Leatherleaf Trail.

20 Q. And then on Page 2, could you please read the entry dated
21 May 11th of 2021?

22 A. So on May 11th, 2021, that was a \$6 million transfer from
23 that 9499 account, which was the account in the name of
24 Kremkov Industries.

25 Q. And what was the source of that \$6 million based on your

1 investigation.

2 A. That was a combination -- it came from the Kremkov
3 account, which would have been -- it was the PPP proceeds as
4 well as the IRS tax refund that Kremkov received.

5 Q. And I'm showing --

6 MR. EVERT: If we could please pull up Government's
7 Exhibit 401.

8 BY MR. EVERT:

9 Q. What is this?

10 A. So that is a -- it's called a settlement statement. It's
11 a statement that reflects the -- a real estate transaction and
12 this is dated June 2nd of 2021.

13 And in this case, a buyer by the name of
14 Carl Torjagbo with that same Leatherleaf Trail address
15 purchased a property located at 5114 Greythorne Lane in
16 Marietta, Georgia. And the -- and that property is located in
17 the Northern District of Georgia.

18 And the place of the settlement was in Alpharetta,
19 Georgia, which is in the Northern District of Georgia. So
20 this reflects the purchase of a property by Mr. Torjagbo from
21 the property owner of 5114 Greythorne Lane.

22 Q. And just below all of that, what -- what is the contract
23 sales price?

24 A. The contract sales price is \$1,675,000.

25 Q. And turning to Page 4, please, what is the title of

1 this -- this document?

2 A. So that's a purchase and sale agreement dated April 20th
3 of 2021.

4 Q. And if you look at the bottom of the page, right next to
5 the buyer's initials, can you see the date?

6 A. April 20th of 2021.

7 Q. So is that about three weeks after Mr. Delano received the
8 PPP money?

9 A. It is.

10 Q. And turning to Page 12 of this exhibit, which was -- which
11 was -- was this part of this document?

12 A. This document up on the screen right now?

13 Q. Was this -- was this submitted as part of -- was this
14 received as part of --

15 A. Yes, it was part of the purchase -- or the real estate
16 package that I subpoenaed reflecting that purchase of that
17 property, yes.

18 Q. And what account is that from?

19 A. This is the Chase account of Kremkov Industries ending in
20 8755.

21 Q. And why would this -- why would this document have been
22 included as part of the real estate --

23 A. To document --

24 Q. -- closing documents?

25 A. In my training and experience, it would be included to

1 document the -- that funds are available to purchase the
2 property.

3 Q. And looking at the bottom -- the bottom here -- or well,
4 if you look at the ending balance, what is the balance in this
5 account?

6 A. \$9,554 -- \$9,554 -- \$9,554,515.

7 Q. And then if we look at the deposits and additions, what
8 is -- what is that 3/29 transaction?

9 A. That's the deposit of the PPP proceeds, which is the bulk
10 or substantial -- the entire amount of the funds in the
11 account.

12 Q. Just about 100 bucks in the account other than that?

13 A. Correct.

14 Q. And were you able to look at what this residence looks
15 like?

16 A. I did. It was part of my investigation.

17 Q. And I'm -- and if you could look at in your binder what's
18 been premarked for identification as Government's Exhibit 451.

19 A. Okay.

20 Q. Based on your investigation, do these photographs fairly
21 and accurately depict 5114 Greythorne Lane as you know it to
22 look?

23 A. They do.

24 MR. EVERT: I move to admit Government's Exhibit 451.

25 THE COURT: Any objection?

1 MR. FINLAYSON: No objection.

2 THE COURT: Okay. 451 is admitted.

3 MR. EVERT: And if we could please pull up
4 Government's Exhibit 451.

5 BY MR. EVERT:

6 Q. What does this depict?

7 A. That is the front of the residence located at 5114
8 Greythorne Lane.

9 Q. And then if we could look at Page 2. What does that
10 depict?

11 A. That is the rear of the residence.

12 Q. All right. And if we could please turn to Government
13 Exhibit 403, which is already in evidence. What -- what is
14 this?

15 A. So that's another settlement statement to reflect the
16 purchase of a property by Karl Lucius Delano for a property
17 located at Tract 4 Fiber Drive, Cartersville, Georgia, 30120.

18 Q. And what is the contract sales price?

19 MR. EVERT: If we could zoom out. And then pull it
20 up right, right there. Yeah. Thank you.

21 BY MR. EVERT:

22 Q. Okay.

23 A. Contract sales price is \$95,000.

24 Q. And if we could just go back to the name, did you learn
25 that the defendant changed his name at a certain point?

1 A. I did.

2 Q. What did he change it from and to?

3 A. He changed his name from Carl Torjagbo to Karl Lucius
4 Delano. And the Karl Lucius Delano is the name that's on this
5 settlement statement.

6 Q. And when -- when was that in relation to his receipt of
7 the PPP money and the -- and the tax refund?

8 A. I would have to see the exact -- that exact date, but
9 the -- I believe it was after he received the proceeds.

10 MR. EVERT: If we can pull up the -- if we could pull
11 up Government's Exhibit 13, please, is already in evidence.

12 BY MR. EVERT:

13 Q. So if we look in the top right-hand corner.

14 A. Yeah. So the name change was filed July 29th of 2021,
15 which was a couple of months after the receipt of the PPP
16 proceeds.

17 Q. And why was the name change significant to you?

18 A. Again, in these types of investigations, things are done
19 to try to deceive --

20 MR. FINLAYSON: Objection. Same Objection,
21 Your Honor, or similar objection. Relevancy, 401.

22 THE COURT: Again, I'm going to allow the witness
23 to -- I'll overrule the objection and allow the witness to
24 answer the question, but caution you that it's to be
25 considered by you for a very limited purpose and that is to

1 consider where he was looking, not to determine that the
2 defendant did it for that purpose. You'll have to decide that
3 from all of the evidence. You might not even have to decide
4 that issue.

5 Okay. Does everyone understand my instruction?

6 Okay. Go ahead.

7 THE WITNESS: It was a red flag to me.

8 BY MR. EVERT:

9 Q. And if we look at Government's Exhibit 405, which is
10 already in evidence. What is this?

11 A. This is another -- it represents a real estate
12 transaction.

13 Q. And --

14 A. For the purchase of a property located at 101 Holt Drive
15 in Acworth, Georgia, by FlyingJack Freight and Logistics and
16 that property is located in the Northern District of Georgia
17 as well.

18 Q. And what is the contract sales price for this -- for this
19 purchase?

20 A. The sale price of the property is \$155,000. And my
21 investigation revealed that FlyingJack Freight and Logistics
22 is a company that is -- was owned and operated by the
23 defendant.

24 Q. Did you obtain documentation related to the incorporation
25 of FlyingJack Freight and Logistics?

1 A. Yes, I did.

2 Q. If you could please look at what's been premarked for
3 identification as Government's Exhibit 14 in your binder.

4 MR. EVERT: This is subject to the authenticity
5 stipulation.

6 BY MR. EVERT:

7 Q. It would be in your binder. Or we can pull it up on the
8 screen.

9 A. I'm sorry.

10 Q. Just not display it to the jury yet.

11 MS. CONNORS: I think Ms. Kelley has to do that. It
12 would probably be easier to look at it in the binder.

13 BY MR. EVERT:

14 Q. Government's Exhibit 14 in the binder?

15 A. I think that's in another binder somewhere.

16 COURTROOM DEPUTY: Are you publishing it or not
17 publishing it yet?

18 MR. EVERT: Not publishing it yet because it hasn't
19 been admitted yet.

20 COURTROOM DEPUTY: Okay.

21 BY MR. EVERT:

22 Q. What -- what is this?

23 A. So this was a document obtained during the investigation.
24 It's the incorporation documents for FlyingJack Freight and
25 Logistics.

1 MR. EVERT: And if we could just zoom in before we --
2 well, first I would move to admit this document.

3 MR. FINLAYSON: No objection.

4 THE COURT: Okay. It is admitted.

5 MR. EVERT: And if we --

6 THE COURT: It's exhibit?

7 MR. EVERT: 14.

8 THE COURT: 14.

9 MR. EVERT: So if we could just zoom in on the top
10 half and publish it to the jury. Just the top half there, up
11 to here (indicating). Just a little bit further. Perfect.
12 All right. If we could publish that, please.

13 BY MR. EVERT:

14 Q. So looking at -- looking at this first paragraph, when was
15 FlyingJack created?

16 A. August 17th of 2021.

17 Q. And just to be clear, did this company exist at the time
18 the PPP loan was applied for?

19 A. It did not.

20 Q. And did this company exist at the time that the money from
21 the tax return was received?

22 A. It did not. It was incorporated after the fact.

23 Q. And did FlyingJack have its own bank account?

24 A. It did.

25 MR. EVERT: If we could please pull up --

1 THE COURT: You said it did or it didn't?

2 THE WITNESS: It did. Yes, it did. FlyingJack
3 Freight and Logistics had its own bank account.

4 BY MR. EVERT:

5 Q. And if we're referring to FlyingJack, we know we're
6 referring to FlyingJack Freight and Logistics?

7 A. Correct.

8 MR. EVERT: If we could pull up Government's
9 Exhibit 305, please.

10 BY MR. EVERT:

11 Q. What is -- what is this?

12 A. So this is the customer profile information for the
13 FlyingJack bank account showing an address of 5114 Greythorne
14 Lane in Marietta, Georgia.

15 Q. And what bank was this at?

16 A. I believe it was --

17 Q. If you can turn to -- was it at Bank of America?

18 A. I believe, yes, it was. I believe it was at Bank of
19 America.

20 Q. Thank you. And so that 5114 Greythorne Lane address, is
21 that the address of the house that we just saw a picture of?

22 A. Yes, it is. And the signer, which is -- on the customer
23 profile, on the signature card, has Carl Torjagbo listed as
24 the signer.

25 Q. And what was the source of the overwhelming majority of

1 the funds that's came into this account?

2 A. It was the money from the Kremkov bank accounts.

3 Q. And was that -- was it --

4 A. I'm sorry. Which the source of the funds were from the
5 PPP proceeds and the IRS refund.

6 Q. Did Mr. Delano purchase any assets for FlyingJack?

7 A. Yes, he did.

8 Q. What -- what did he purchase for FlyingJack?

9 A. He purchased multiple semitrucks, I believe there were 12,
10 and then also approximately 12 semitruck trailers, so it was
11 the tractor and the trailer.

12 Q. And about how much in total did he spend on all of that?

13 A. I believe it was about \$900,000.

14 Q. And do Government Exhibits 409 through 417 reflect the
15 purchase of those trucks and trailers?

16 A. Those are the ones that we looked at earlier?

17 Q. Yes.

18 A. Yes, they do. And that stuck out to me because that was
19 not payroll, which was what the PPP program was designed for.

20 Q. Was there any mention of FlyingJack Freight and Logistics
21 in the PPP application?

22 A. There was not, no.

23 Q. Now if we could please discuss Government's Exhibit 406,
24 which is already in evidence. What -- what is this?

25 A. This is a purchase of a 2014 Lamborghini Aventador.

1 Q. And if we could please turn to Page 2.

2 A. And it's dated April 15th of 2020 -- well, that may be a
3 different date.

4 Q. If we can turn to Page 22, or, I'm sorry, Page 2.

5 Looking at the middle of the page on the right, what
6 is the total sales price?

7 A. Total sales price for that vehicle is \$332,999.80.

8 Q. What's the year, make and model of this vehicle?

9 A. It was a 2014 Lamborghini Aventador.

10 Q. And on this document, who's listed as the buyer of the
11 vehicle?

12 A. Karl Lucius Delano at that 5114 Greythorne Lane.

13 Q. And was that the name on the PPP application?

14 A. It was not.

15 Q. What was the name of the person whose -- what was the name
16 on the PPP application?

17 A. Kremkov Industries.

18 Q. And who -- who was the person that -- what was the name of
19 the person?

20 A. Carl -- Carl Torjagbo.

21 Q. And did that name appear on the tax return?

22 A. This Karl Lucius Delano name?

23 Q. Correct.

24 A. You'll have to refresh my memory.

25 Q. Did -- so the tax return, when was that filed?

1 A. No, the name on the tax return.

2 Q. Oh, yeah.

3 MR. EVERT: If we could pull up 201, please.

4 THE WITNESS: I get confused on what name was used
5 for what.

6 BY THE COURT:

7 Q. Oh, no problem. Yeah.

8 A. Yeah, so the name on the tax return was Carl Torjagbo.

9 Q. Okay. And so then going back to 406, please, Page 2, what
10 was the name of the dealership here?

11 A. Atlanta Autos on Cobb Parkway in Marietta, Georgia, which
12 is in the Northern District of Georgia.

13 Q. Have you seen this vehicle before?

14 A. I have.

15 Q. When did you see it?

16 A. I don't recall the specific date, but I seized it from the
17 Lamborghini dealership when it was there for repairs.

18 Q. And I'm showing you what's -- if we could look at
19 Government's Exhibit 452 in your binder, it should be right
20 after the picture of the house in the binder.

21 A. Oh, 452?

22 Q. Yeah.

23 A. Okay.

24 Q. What -- what is this?

25 A. That is -- those are photographs of that Lamborghini

1 documented on those statements parked in the FBI parking lot
2 for temporary storage after I seized it.

3 Q. Do these photographs fairly and accurately depict the
4 vehicle as it appeared when you saw it?

5 A. Yes.

6 MR. EVERT: I move to admit Government's Exhibit 452.

7 MR. FINLAYSON: No objection.

8 THE COURT: All right. 452 is admitted.

9 MR. EVERT: Could we please publish it. Thank you.

10 BY MR. EVERT:

11 Q. So what is this?

12 A. That is the Lamborghini that I seized. And that is the
13 Lamborghini that was purchased by funds -- with funds
14 from -- it was commingled funds of the PPP proceeds and the
15 IRS tax refund.

16 Q. And turning to Page 2, same car?

17 A. Yes.

18 Q. Different angle?

19 A. Yes.

20 Q. All right. If we could please discuss Government's
21 Exhibit 404, which is already in evidence.

22 MR. EVERT: And pull that up, please.

23 BY MR. EVERT:

24 Q. What is this?

25 A. That is another purchase -- documentation for another

1 vehicle that Carl Delano Torjabgo purchased.

2 Q. And what is the year, make and model of the vehicle?

3 A. That is a 2022 BMW M850XI.

4 Q. And what is the location of the dealership for this
5 vehicle?

6 A. It's got an Atlanta, Georgia, address, which is in the
7 Northern District of Georgia.

8 Q. And what is the -- looking at the middle of the page, what
9 is the purchase price for this vehicle, total vehicle price
10 right there?

11 A. So on the bottom, the amount due on delivery was
12 \$118,299.79. But there was a down payment, so the total
13 vehicle cash price was \$120,799.79.

14 Q. Have you seen this vehicle before?

15 A. I have.

16 Q. When did you see it?

17 A. The FBI seized this vehicle as well and it was transported
18 to the FBI lot in Atlanta for temporary storage and I saw it
19 at the lot.

20 Q. If we could please look at Government's Exhibit 453 in
21 your binder. What is this?

22 A. That is the BMW that is listed on the purchase agreement
23 that we just saw.

24 Q. Do those photographs fairly and accurately depict the
25 vehicle as it appeared when you saw it?

1 A. It does. And the VINs on those purchase agreements
2 matched the vehicles that these photographs represent.

3 Q. This and the other one as well?

4 A. Correct.

5 MR. EVERT: Okay. I move to admit Government's
6 Exhibit 453.

7 MR. FINLAYSON: No objection.

8 THE COURT: It's admitted.

9 MR. EVERT: Could we please display Government's
10 Exhibit 453.

11 BY MR. EVERT:

12 Q. Is this the front of the car?

13 A. It is.

14 Q. And turning to the next page.

15 A. Side profile, yes.

16 Q. Same car?

17 A. Yes.

18 Q. All right.

19 MR. EVERT: Now, could we please pull up Government's
20 Exhibit 402 which is already in evidence.

21 BY MR. EVERT:

22 Q. What is this?

23 A. That is another purchase agreement or purchase
24 documentation with the buyer as Carl Delano Torjagbo at the
25 5114 Greythorne Lane address in Marietta, Georgia, purchasing

1 a 2021 Land Rover Range Rover Velar.

2 Q. And just below that, what's the total sales price? That
3 should be on the screen.

4 A. Total sales price is -- do you want to scroll down a
5 little bit, just to -- because that includes the finance costs
6 and all of that. I just want to make sure that that's the
7 accurate price.

8 Okay. So total price would be \$92,520.

9 Q. And who -- you mentioned the buyer was Karl Delano?

10 A. Correct.

11 Q. Have you seen this vehicle before?

12 A. I have.

13 Q. When did you see it?

14 A. That was at the location of -- of the defendant's arrest.
15 And that was seized by the FBI and then transported by our
16 office for temporary storage as well.

17 Q. And where -- where geographically was it when you seized
18 it?

19 A. It was in the Dallas, Georgia, area, which is the Northern
20 District of Georgia.

21 Q. And if you could please turn in your binder to
22 Government's Exhibit 454.

23 A. Okay.

24 Q. What is that?

25 A. That is the Range Rover that we just discussed.

1 Q. Does it fairly and accurately depict the vehicle as it
2 appeared when you saw it?

3 A. It does. Yes, it does.

4 MR. EVERT: I would move to admit Government's
5 Exhibit 454.

6 MR. FINLAYSON: No objection.

7 THE COURT: Okay. 454 is admitted.

8 MR. EVERT: And can we please publish this to the
9 jury.

10 BY THE COURT:

11 Q. This is the --

12 A. That is the vehicle that we just discussed that was
13 purchased. And again, the -- my investigation traced the
14 proceeds of the PPP funds and the IRS tax refund into the
15 purchase of this vehicle and the other vehicle that we just
16 discussed and it wasn't payroll related.

17 MR. EVERT: And then if we could please turn to
18 Government's Exhibit 407, which is in evidence.

19 BY MR. EVERT:

20 Q. What is this?

21 A. So this is a purchase and sale agreement of a -- we'll
22 call it a yacht that I identified throughout the investigation
23 as well. And subpoenaed these records. And these are the
24 records that represented the purchase of a yacht by
25 Carl Torjagbo. And the make and model of the yacht was an

1 Astondoa, Kartessa 3, it's a 72GLX. It's a 1998 76 footer.

2 Q. And what was the purchase price of this?

3 A. The purchase price was \$510,000.

4 Q. And was there a deposit that needed to be put down for
5 that?

6 A. There was. I believe it was -- okay, a \$51,000 deposit
7 was provided from one of Mr. Delano's bank accounts. I can't
8 recall if it was his personal account or FlyingJack provided
9 that \$51,000 deposit.

10 Q. Did he ever end up paying the full amount of that
11 \$510,000?

12 A. He did not, because after I identified it, I obtained a
13 seizure warrant for that -- those funds and seized the funds.

14 MR. EVERT: Let's turn to Government's Exhibit 408.

15 BY MR. EVERT:

16 Q. What is this?

17 A. That is documentation of a medical procedure, specifically
18 plastic surgery, that was purchased by Carl Torjagbo.

19 Q. And on Page 1, the first date of contact, what is that?

20 A. First date of contact was April 5th of 2021, which was
21 just shortly after the receipt of the PPP proceeds.

22 Q. Do you recall off the top of your head about how many days
23 after?

24 A. I believe it was March 29th of 2021, which was when the
25 proceeds were deposited, I believe.

1 Q. So about a week later?

2 A. About a week later.

3 Q. All right.

4 A. And again, there were -- there was no funds or very little
5 funds in his accounts prior to the receipt of that PPP
6 deposit.

7 Q. And so apart from the money from the PPP loan and the
8 money from the tax return, in all the financial records, did
9 you see any substantial earnings --

10 MR. FINLAYSON: Objection, Your Honor. I can't let
11 this sit. Can we clarify what the plastic surgery was for?

12 THE COURT: Hold on. You can do it during
13 cross-examination, it's not -- step out a second. Okay?

14 COURTROOM SECURITY OFFICER: All rise.

15 (Whereupon, the jurors exited the courtroom.)

16 THE COURT: You can't be like in the middle of his
17 direct I want to ask one more question right here, so I'm
18 going to object. That's not even an objection.

19 MR. FINLAYSON: It's very misleading to hang out
20 there.

21 THE COURT: He scheduled some plastic surgery, I get
22 it, everybody's wondering what it is. I am, too.

23 But that's cross -- I don't care what it's for.
24 You're dying to say it. But if he puts it in, so be it. If
25 not, you put it when you want.

1 But you know it's not proper to stand up and be like
2 I want to ask one clarifying question in the middle of his
3 direct. That's just not like not the law, it's not -- it's
4 just kind of like a -- it's just made up.

5 MR. FINLAYSON: I think it's misleading to the jury
6 to hang out there.

7 THE COURT: It's not. He's left it hanging out
8 there. I grant you that. Maybe it's going to come up. I
9 don't know.

10 But there's no such thing as I'm objecting because
11 it's hanging out there and I want the jury to know something
12 now, that seems -- that makes it seem better rather than them
13 having this big old hanging chad out there or whatever it is.
14 Okay?

15 So let's just do it the right way and -- I don't -- I
16 don't care if you ask it or not.

17 MR. EVERT: Frankly, it was a procedure called
18 gladiator abs, and I thought that might be too prejudicial, so
19 that's why I wasn't going to go there, but...

20 MS. CONNORS: It was prejudicial --

21 MR. FINLAYSON: It's not penis enlargement. I mean,
22 you know --

23 THE COURT: Whoa, look. I try to be -- I try to be a
24 little informal, but that's not, right. Okay? And all the
25 side talk is not right either.

1 Okay. I try to be conversational, because it makes
2 it better, but y'all have got to be -- y'all have got to act
3 appropriate. Okay?

4 I'm going to let the witness -- I'm going to bring
5 the jury back in. And you can decide to do whatever you want.
6 And he can cross him the way that he wants.

7 And my job is if you ask a question that's wrong, I
8 rule on it, so you don't have to -- you do have self
9 restraint, but you do what you want to do and he can do what
10 he's supposed to do. And we'll all do it the right way.
11 Okay?

12 I'm pretty good at objections, but we can't have that
13 like kind of stuff. Okay?

14 MR. FINLAYSON: I'm sorry. I apologize.

15 THE COURT: All right. Bring them on in. Thanks.

16 We're going to take a break around 10:30-ish.

17 MS. CONNORS: Your Honor, we're going to be playing
18 that call. Do you want to do the break before the call?

19 THE COURT: Yes. When you get to that point, just
20 let me know.

21 MR. EVERT: It's right after this line of
22 questioning, so...

23 THE COURT: Okay. Good enough. Do you want to
24 break -- so we're about to get -- this is the last of the sort
25 of -- oh, if we could --

1 COURTROOM SECURITY OFFICER: Ready?

2 THE COURT: Yes.

3 COURTROOM SECURITY OFFICER: All rise.

4 THE COURT: Just tell me when you want to break,
5 that's fine. We could be talking sidebar. It's not a big
6 deal to send them out again. Okay? Even if it's two
7 questions from now, whatever you want to do.

8 MR. EVERT: It's about that.

9 THE COURT: Okay.

10 (Whereupon, the jurors entered the courtroom.)

11 THE COURT: All right. Y'all can be seated.

12 Go ahead, sir.

13 BY MR. EVERT:

14 Q. So apart from the -- apart from the money from the
15 PPP loan and the money from the tax return, in all the -- in
16 all of the financial records, did you see any substantial
17 earnings or income that would have made the purchases of the
18 real estate, the vehicles, the yacht, the plastic surgery
19 we've been talking about possible?

20 A. No, I did not.

21 MR. EVERT: I think this would be a good time.

22 THE WITNESS: And I did not see any payroll
23 expenditures as well.

24 MR. EVERT: I think this would be a good time for the
25 break.

1 THE COURT: How long is the --

2 MR. EVERT: It's about 35 minutes. And then I've got
3 probably 15 or 20 minutes of questions, maybe less than that.

4 THE COURT: Okay. We are going to take our
5 mid-morning break right now. Okay?

6 We have some big chunks that come afterwards and
7 rather than interrupting it for that, we're going to take our
8 midmorning break now. And we'll be back in about ten minutes.
9 Okay?

10 Now, did they have coffee and snacks in there today?

11 JUROR: Yes.

12 THE COURT: And you have got plenty of water, too.

13 JUROR: Yeah.

14 THE COURT: All right.

15 COURTROOM SECURITY OFFICER: All rise.

16 (Whereupon, the jurors exited the courtroom.)

17 THE COURT: Okay. Y'all can be seated.

18 I'm going to -- right before we bring the jury back
19 in, I'm going to spend a couple of minutes, I'm going to give
20 you-all a copy of the current version of the jury
21 instructions, where I've put them in the right order.

22 I'm going to spend five -- three minutes talking with
23 you through a couple of things that are highlighted in there
24 for your consideration over the lunch hour.

25 Okay?

1 All right. We'll see you in a couple of minutes.

2 COURTROOM SECURITY OFFICER: All rise.

3 MR. FINLAYSON: How long? I'm sorry.

4 THE COURT: Seven minutes. All right?

5 (Whereupon, a recess was taken.)

6 THE COURT: Y'all can be seated.

7 So very quickly going through this. Okay?

8 I just want to flip through this real quickly and
9 point some things out for you.

10 At the beginning, I've changed it a little bit to
11 indicate on Page 1 that I'm going to give the instructions
12 before they hear closing arguments.

13 On Pages 2 and 3, there was just some -- there was a
14 duplicate instruction. And then the highlighted portion has
15 to do with whether or not the defendant testifies, we have to
16 consider that. Okay?

17 Moving on, Pages 6 and 7, there was a duplicate
18 instruction depending on whether or not the defendant
19 testifies, so the highlighted portion needs to be included if
20 he does testify. If he doesn't testify, the highlighted
21 portion comes out, I believe.

22 Page 8, I've put the transcript instruction in that
23 location and that's one of the things I want you-all to
24 consider is the location of the various instructions.

25 Going on to --

1 MR. FINLAYSON: Your Honor, I just don't think there
2 is going to be an exhibit number for the transcript. I think
3 it's just going to be tracking on the screen.

4 THE COURT: Oh, so we don't need that at all?

5 MS. CONNORS: That's right, Your Honor.

6 THE COURT: Perfect.

7 MS. CONNORS: The jury would just have access to
8 strictly the audio.

9 THE COURT: The jury will only have the audio?

10 MS. CONNORS: I'm sorry, for deliberations.

11 THE COURT: Good. Okay. Fine. Then we'll take that
12 out.

13 All right. Then Page 10, I put the on or about
14 instruction there before we get into what the specific
15 instructions are. Okay?

16 As well as the paragraph right before that about
17 alternate ways in which an offense can be committed.

18 Then on Page 22, I've highlighted this issue about
19 aiding and abetting, it's just -- I know that it is -- that
20 that provision is charged. But if I were a jury, I would just
21 be like what are they talking about, I haven't heard about
22 anybody else. So just think about that. I don't have to hear
23 about it, just think about it. Okay?

24 Then I've put the 404(b) evidence instruction right
25 after that. Okay?

1 And then -- oh, good faith would come after that.

2 Okay?

3 I plan to give the instruction up until the end of
4 page -- what you have as Page 27 and give them the limited
5 instruction on 28 after your closing arguments. Okay?

6 Any questions about the way I've organized this for
7 your consideration?

8 MR. FINLAYSON: No questions about that.

9 THE COURT: Okay. So then when we get back from
10 lunch, my question is going to be anything you want to change
11 or objections to these instructions, other than the objections
12 that were made about the couple of issues that the defense
13 raised. Okay?

14 All on the same page?

15 MS. CONNORS: Yes, Your Honor.

16 THE COURT: My goal is to keep this moving so that
17 right after lunch, we can be printing out the final that I'm
18 going to read and making sure that we're not -- the jury is
19 not waiting for us to finalize instructions.

20 All right?

21 All right. Bring the jury in. Thank you.

22 COURTROOM SECURITY OFFICER: All rise.

23 (Whereupon, the jurors entered the courtroom.)

24 THE COURT: All right. Y'all can be seated. Go
25 ahead, please.

1 MR. EVERT: Just a couple of things I wanted to clean
2 up before moving on to the next topic. If we could pull up
3 Government's Exhibit 300A, please.

4 BY MR. EVERT:

5 Q. What is this?

6 A. It's a PNC Bank statement. It's the account registration
7 and agreement for PNC Bank. The name listed on it is
8 Carl Torjagbo.

9 Q. And if you go down to the signature.

10 A. The -- it's signed by Carl Torjagbo with a signature there
11 and the account number ends in 9814.

12 Q. And there's two other account numbers as well?

13 A. Oh, I'm sorry. 9814, we've got 9822 and then 9849.

14 Q. Are these three of the accounts -- the PNC accounts we
15 were discussing earlier?

16 A. Yes, they are.

17 MR. EVERT: And then if we could turn to 300B,
18 please.

19 BY MR. EVERT:

20 Q. What is -- what is this?

21 A. It's another PNC Bank signature card account registration
22 agreement card listing the title -- or the name on the account
23 as Kremkov Industries with the 3081 Leatherleaf Trail,
24 Douglasville address.

25 Q. And that -- that -- can you read the last four digits of

1 that identification number for Kremkov Industries?

2 A. The TIN there?

3 Q. Yeah.

4 A. 8332.

5 Q. And then if -- if we go to the bottom, whose signature is
6 on this account?

7 A. Carl Torjagbo.

8 Q. And what's the date?

9 A. January 29th of 2021.

10 Q. So this -- that's -- is that the date when this account
11 would have been opened?

12 A. Yes, and it shows the -- well, the application was
13 January 28th, and then it was opened the day after.

14 Q. And then I believe there was an issue --

15 A. And I don't know if I testified to it, but the account was
16 9499.

17 Q. Oh, yes, thank you.

18 And then there was an issue -- earlier I was asking
19 you about plastic surgery. Did you look at some of the
20 procedures that were done there?

21 A. I did.

22 Q. Did any stand out to you?

23 A. The document reflected certain procedures, yes.

24 Q. What -- what -- anything stand out to you about the
25 procedures?

1 A. It was listed as gladiator abs.

2 Q. All right. Did there come a time when Mr. Delano,
3 formerly known as Mr. Torjagbo, was arrested?

4 A. Yes, there was.

5 Q. Where was he arrested?

6 A. He was arrested in Dallas, Georgia. It was at a large
7 trucking storage lot, which was basically an empty lot that
8 was gated and secured. And the tractors and trailers that I
9 testified to earlier, most of them were present in that lot
10 and he was arrested inside that lot.

11 Q. And when was he arrested?

12 A. It was May of 2022, May -- it was like May 11th, 12th,
13 13th, somewhere around there of 2022.

14 Q. When Mr. Delano was arrested, did he have any
15 identification on him?

16 A. Yes, he did.

17 Q. If you could turn to Government Exhibit 44 in the binder,
18 please. It would probably be the first binder.

19 A. Okay.

20 Q. What -- what is that?

21 A. These are two driver's -- Georgia driver's license that
22 were obtained from the defendant subsequent to his arrest.

23 Q. And he had both of these when he was arrested?

24 A. Yes.

25 Q. And if we could --

1 MR. EVERT: I would move to admit Government's
2 Exhibit 44.

3 MR. FINLAYSON: Your Honor, my only objection would
4 be renewal of anything from below that was raised.

5 THE COURT: Okay. Subject to that, it's admitted.

6 MR. EVERT: And if we could please display
7 Government's Exhibit 44.

8 So looking at the ID on the left. If we could zoom
9 in on that, please.

10 BY MR. EVERT:

11 Q. What's the name on that?

12 A. Karl Lucius Delano.

13 Q. And then what is the address?

14 A. 5114 Greythorne Lane, Marietta, Georgia.

15 Q. And then if we could look at the other -- the other ID
16 card.

17 A. And it's got a date of birth of 1979.

18 MR. EVERT: Put that back up.

19 BY MR. EVERT:

20 Q. And then on the other -- what is the name on that?

21 A. Carl Delano Torjagbo with the 3051 Leatherleaf Trail,
22 Douglasville, Georgia, address with a date of birth of
23 September 10th of 1979.

24 Q. After Mr. Delano was arrested, did he agree to speak with
25 you?

1 A. Yes, he did.

2 Q. When he was arrested, were -- did you advise him of his
3 Miranda rights?

4 A. Yes, I did.

5 Q. Did he agree to waive those rights and speak with you?

6 A. He did waive those rights and voluntarily agreed --
7 voluntarily agreed to speak with me.

8 Q. Did he sign a form reflecting the agreement to speak with
9 you?

10 A. Yes, he did.

11 Q. If you could turn in your binder to number -- Exhibit
12 Number 43.

13 A. Okay.

14 Q. What is that?

15 A. This is the advice of rights that I administered to him
16 subsequent to his arrest on -- to the defendant on May 12th of
17 2022, approximately 9:58 a.m.

18 And it was witnessed by -- that top signature is my
19 signature. And then there was another special agent present
20 with me who witnessed this form as well. And the signature
21 under the consent area was the defendant's signature.

22 MR. EVERT: And if we could move to admit that,
23 please.

24 MR. FINLAYSON: Your Honor, I would only renew
25 objection from below.

1 THE COURT: Okay. Subject to that, it's admitted.

2 MR. EVERT: If we could please display Government's
3 Exhibit 43.

4 BY MR. EVERT:

5 Q. All right. And so you -- you were testifying about a
6 number of signatures.

7 A. Yes.

8 Q. Whose signature -- whose signature is on the line
9 that's -- on that first witness line?

10 A. So the signature on the first witness line in the bottom
11 left-hand corner is my signature.

12 The second signature is the signature of another FBI
13 special agent that was present with me during the interview.

14 Q. And then whose signature is below the statement I have
15 read this statement of my rights and I understand what my
16 rights are. At this time, I'm willing to answer questions
17 without a lawyer present?

18 A. That is the defendant's signature.

19 Q. So who was present at the time of this interview?

20 A. So this was immediately after Mr. Torjagbo's -- or the
21 defendant's arrest. It was conducted in my government-issued
22 bureau vehicle. I was present as well as another special
23 agent by the name of Marissa Pressley. I was seated in the
24 back seat, back left seat of my vehicle, the defendant was in
25 the back right seat of the vehicle next to me, and Agent

1 Pressley was in the front passenger seat, the car was running,
2 the air-conditioning was turned on.

3 Q. And you should have in front of you a CD titled -- with a
4 sticker that says Government's Exhibit 41.

5 A. Yes.

6 Q. What is that?

7 A. The interview was recorded audibly, by audio, and this is
8 a disc which contains the audio of that interview.

9 Q. And how do you recognize that this is that disc?

10 A. I reviewed the audio prior to today's proceedings and
11 initialed it. And this is the exhibit that is initialed with
12 my initials.

13 Q. And is that the entire recording for purposes of trial
14 today?

15 A. Yes, it is.

16 Q. And does it accurately capture your interview with
17 Mr. Delano as it occurred on May 12th of 2022?

18 A. Yes, it does.

19 Q. And was there a transcript also prepared to appear on the
20 screen to assist the jury today?

21 A. Yes, there was and there is.

22 MR. EVERT: So I would move to admit the audio as
23 Government's Exhibit 41 and then the synched transcript would
24 just be a demonstrative.

25 MR. FINLAYSON: Renew objection from below. Nothing

1 else.

2 THE COURT: Okay. Subject to that, it's admitted.

3 So keep in mind you're going to see a transcript,
4 okay? But you need to listen to the words in the recording.
5 Okay? You will not have the words back there with you, the
6 written words that you'll see on the screen, you will only
7 have the recording. Okay?

8 Do you understand that?

9 The words are there to help you, but if you hear
10 something different from the words, go with what you hear.
11 But know that you will not have the words -- the written words
12 with you in the jury room.

13 Is that correct, counsel?

14 MR. EVERT: Yes, Your Honor.

15 THE COURT: Any objection to the instruction I've
16 given them?

17 MR. FINLAYSON: No, sir.

18 THE COURT: Okay. Go ahead, please.

19 THE WITNESS: Can I clarify something?

20 BY MR. EVERT:

21 Q. Yes?

22 A. So in this recording, you will hear the voice of a third
23 special agent, that was another special agent that was on the
24 lot. We had a team of agents out there. And we were
25 executing the seizure warrants of the tractors and trailers

1 and the Range Rover that was in the lot as well.

2 And that agent approached the vehicle from the
3 outside through the window asking for some keys or the keys
4 were for some of the vehicles, so you will hear that on the
5 audio as well.

6 MR. EVERT: All right. So with the Court's
7 permission, I will play the recording.

8 THE COURT: Please do.

9 MR. EVERT: Will you please play the recording.

10 (Whereupon, the recording was played)

11 THE COURT: Can you pause it? I'm going to ask you
12 to go back before I interrupted, but can y'all hear it okay?

13 JUROR: Um-hmm.

14 THE COURT: It sounds to me like it's only coming out
15 of my speaker. Do y'all have other speakers over there?

16 JUROR: Um-hmm.

17 THE COURT: Are you sure?

18 Okay. It seems suspicious. Just rewind it 10 or 15
19 seconds, would you. Thanks.

20 MR. EVERT: Thanks.

21 (Whereupon, the recording was played)

22 BY MR. EVERT:

23 Q. So in the recording, Mr. Delano said that
24 Kremkov Industries was a mining company; is that right?

25 A. Correct.

1 Q. Did you see anything in any of the records that would be
2 consistent with Mr. Delano operating a mining company?

3 A. No, I did not.

4 Q. When you interviewed him, did Mr. Delano estimate the
5 maximum number of employees that Kremkov had?

6 A. Yes, he did.

7 Q. How many did he say?

8 A. It was approximately 50, 60.

9 Q. Was that consistent with what was in his PPP application?

10 A. It was not, no.

11 MR. EVERT: Could we please pull up Government's
12 Exhibit 101, which is in evidence. Let's look at Page 1,
13 middle of the page.

14 BY MR. EVERT:

15 Q. How many employees did he claim to have?

16 A. 493.

17 Q. And turning to Page 141 of the same application, what is
18 this?

19 A. That's a Form 941. And it's a form that's used to report
20 quarterly payroll to the IRS.

21 Q. And question number one, how many employees did he say he
22 had?

23 A. 493.

24 Q. And for what months was this?

25 A. January, February, March of 2020.

1 MR. EVERT: And then let's move on to the next one.

2 And let's just go quickly to the next page.

3 BY MR. EVERT:

4 Q. And who signed this?

5 A. Carl Torjagbo.

6 Q. All right. And was this submitted as part of the PPP loan
7 application?

8 A. Yes, it was.

9 MR. EVERT: Can we turn to Page 143, please.

10 BY MR. EVERT:

11 Q. What is this?

12 A. It's another 941 for 2020 in the -- it's for the quarter
13 of April, May and June of 2020, filed by Kremkov Industries.

14 Q. And what's the number of employees who received wages,
15 tips and other compensation for the -- for the pay period from
16 Kremkov Industries?

17 A. 493.

18 Q. All right.

19 MR. EVERT: And then if we could go two pages down.

20 BY MR. EVERT:

21 Q. Who signed this?

22 A. Carl Torjagbo.

23 Q. All right.

24 MR. EVERT: Let's go to the next page. Blow that up.

25

1 BY MR. EVERT:

2 Q. What time period is this for?

3 A. July, August, September of 2020.

4 Q. And what's this document?

5 A. It's another 941 for 2020, quarterly payroll reporting to
6 the IRS filed by Kremkov Industries.

7 Q. And what's the number of employees who received wages, or
8 other compensation from Kremkov Industries?

9 A. 493.

10 MR. EVERT: And let's turn to the next page, the
11 following page. My apologies.

12 BY MR. EVERT:

13 Q. Who signed this?

14 A. Carl Torjagbo.

15 Q. All right.

16 MR. EVERT: Let's go to the next page, please.

17 BY MR. EVERT:

18 Q. What is this?

19 A. Another form, a 941 of 2020 filed by Kremkov Industries
20 for the quarter of October, November, December of 2020.

21 Q. What company is this for?

22 A. Kremkov Industries.

23 Q. What's the number of employees who received wages, tips or
24 other compensation for the pay period of October, November,
25 December of 2020?

1 A. 493.

2 MR. EVERT: And if we can go two pages down.

3 BY MR. EVERT:

4 Q. Who signed this document?

5 A. Carl Torjagbo.

6 Q. All right.

7 MR. EVERT: And then if we can turn to the next page,
8 please.

9 BY MR. EVERT:

10 Q. What is this?

11 A. That's a Form 940 for 2020. And it's a form that's filed
12 with the IRS to report federal unemployment tax that is
13 withheld from payroll. And it's filed -- it was filed by
14 Kremkov Industries.

15 MR. EVERT: And then if we go down just a little bit.

16 BY MR. EVERT:

17 Q. What's the total payments to all employees in -- in the --
18 for this year?

19 A. 4 -- \$45,861,255.93.

20 Q. And what -- what year was this for?

21 A. Was it 2020? 2020.

22 Q. And the COVID-19 pandemic, when was that, when did that
23 start?

24 A. It was 2020, beginning of 2020, end of '19, beginning of
25 2020.

1 Q. And two pages down, who is this signed by?

2 A. Carl Torjagbo.

3 Q. Now, Mr. Delano claimed in his interview that he never
4 planned to ask for forgiveness.

5 Under the PPP program, were you allowed to provide
6 false information to a lender if you didn't plan to ask for
7 forgiveness?

8 A. No, you were not.

9 Q. Now, in the recording, Mr. Delano claimed that his loan
10 was based on earnings. Have you reviewed that -- that loan
11 application?

12 A. Yes, I did.

13 Q. Does anything in that document suggest that the loan
14 amount was based on earnings?

15 A. No, it does not.

16 Q. Mr. Delano claimed that his loan was based on how much he
17 actually made and not the number of employees he had. How was
18 the amount of the loan he received calculated?

19 A. The amount of the loan is calculated based upon a formula
20 which involves the amount of payroll for employees.

21 Q. And was there anything in the application that would
22 indicate that the \$9,554,425 that the loan was sought for was
23 sought based on income?

24 A. Say that one more time.

25 Q. Did anything in the application suggest that he was

1 seeking \$9,554,425 based on income?

2 A. No, it did not.

3 Q. In the interview, Mr. Delano admitted that his operations
4 were in -- or -- well, I'll strike that.

5 Where -- what did Mr. Delano say with respect to
6 where his operations were during the interview?

7 A. Africa.

8 MR. EVERT: If we could go to Page 1 of Government's
9 Exhibit 101.

10 BY MR. EVERT:

11 Q. And if you could read page -- Question Number 7, please.

12 A. Question number 7: Is the United States the principal
13 place of residence for all employees included in the
14 applicant's payroll calculation above.

15 Q. And what did he answer in response to that question?

16 A. There is a check in the column for the yes box.

17 Q. And Mr. Delano -- what did Mr. Delano claim in his
18 interview about how he had been able to purchase the house and
19 the cars?

20 A. With his own money.

21 Q. And was that with the PPP money?

22 A. He just said it was with his own money.

23 Q. Did your analysis show that those -- those items were not
24 purchased with PPP money?

25 A. My analysis showed that they were purchased with PPP money

1 or -- and/or the federal tax refund money.

2 Q. Based on the records that you've seen, did Mr. Delano's
3 lifestyle change after he obtained the PPP loan and the tax
4 refund?

5 A. Yes.

6 Q. In what way?

7 A. Well, based upon the financial records that I obtained
8 from the bank accounts, there was very minimal activity. He
9 had -- he was renting and leasing certain items.

10 And once he obtained the substantial PPP money and
11 the tax refund, he started paying hundreds of thousands of
12 dollars in cash for real estate, vehicles, his personal
13 residence. And there was nothing indicative of that prior to
14 the deposit of the PPP money and the refund, IRS refund check.

15 Q. Apart from the money from the PPP loan and the tax refund,
16 were there ever any million dollar influxes of cash into any
17 of Mr. Delano's bank accounts that you saw?

18 A. None that I saw in the bank records that I obtained.

19 MR. EVERT: No further questions. Thank you.

20 THE COURT: Okay. Cross-examination for this
21 witness?

22 MR. FINLAYSON: Thank you, sir.

23 CROSS-EXAMINATION

24 BY MR. FINLAYSON:

25 Q. How are you, sir?

1 A. Good.

2 Q. I'm going to ask you a few questions. Let's start with
3 sort of the back and then we'll move back to the front.

4 So you arrested Mr. Delano on May the 12th, 2022,
5 right?

6 A. Correct.

7 Q. And that was -- that was in -- was that in Cartersville?

8 A. That was in Dallas, Georgia.

9 Q. Dallas, Georgia. And that was at the trucking lot for
10 FlyingJack, right?

11 A. Yes.

12 Q. And that was the business he was -- he was developing
13 there on that truck lot?

14 A. Correct.

15 Q. And there were, what, nine tractor-trailers up there?

16 A. Yeah, I think it turned out to be about nine.

17 Q. And you and the government seized every one of those,
18 right?

19 A. Yes, we obtained seizure warrants from the Court and
20 seized what we had seizure warrants for at that time.

21 Q. Okay. And you seized the Range Rover?

22 A. Yes.

23 Q. And you asked him where is the -- where are your other
24 cars, where is the BMW, he told you that's back at the house,
25 right?

1 A. Yes.

2 Q. And you were able to go seize that?

3 A. Yes.

4 Q. And you were able to seize the Lamborghini from the car
5 dealership where it was being repaired?

6 A. Yes.

7 Q. Okay. He didn't hide those things from you in any way,
8 did he?

9 A. No.

10 Q. Okay. And his house, I guess he didn't really hide the
11 house from you, did he?

12 A. No.

13 Q. And it's -- it was in his name, right?

14 A. Yes.

15 Q. And then the pieces of property that were bought for
16 FlyingJack, were those in the name of FlyingJack or were they
17 in his personal name?

18 A. I mean, I would have to go back and look at the records --

19 Q. Okay.

20 A. -- to clarify.

21 Q. But when you went to FlyingJack, FlyingJack led you right
22 back to Karl Delano, right?

23 A. Yes.

24 Q. And, I mean, that was the person who incorporated
25 FlyingJack, right?

1 A. Well, the actual incorporation did not indicate
2 Carl Torjagbo. But the addresses and the operations of
3 FlyingJack was Carl Torjagbo.

4 Q. Well, it wasn't a hard -- it wasn't hard for you to follow
5 that paper trail, was it?

6 A. I'm not going to say it was hard or easy. I mean, it
7 was -- there's a process involved.

8 Q. But was there a -- did he have another name that we don't
9 know about? Is there some -- I'm trying to --

10 A. I don't know. Does he?

11 Q. I'm asking you.

12 A. I don't know. I mean, I know the names that I discovered
13 during the investigation.

14 Q. My question to you is: When you went to investigate
15 FlyingJack, did you have any problem associating it with
16 Mr. Delano?

17 A. No, because the records that I obtained amongst --
18 during -- throughout the investigation all pointed back to the
19 defendant.

20 Q. It went right there, right?

21 A. Correct.

22 Q. Let's talk about the name. When you first started looking
23 at him, I guess you knew him as Carl Delano Torjagbo, right?

24 A. Yes.

25 Q. And Delano was his middle name, right?

1 A. That's what it showed, yes.

2 Q. Okay. Do you have some reason to believe that it wasn't?

3 A. I mean, that's the name that he used. That's the name
4 that was documented on the documents.

5 Q. Okay. And then when he changed his name, he became Karl
6 Lucius Delano, right?

7 A. That's what the documents show, yes.

8 Q. So the middle name became his last name, correct?

9 A. That's what the documents show, yes.

10 Q. Okay. You talked about the movement of funds from bank
11 account to bank account, right?

12 A. Yes.

13 Q. And you've been doing this a long time, right, sir?

14 A. I testified approximately 23 years.

15 Q. Okay. And you have -- you talked -- you alluded to like
16 sort of other cases of money laundering. What -- what
17 other -- what money launderers might do in other situations,
18 right?

19 A. Yes.

20 Q. And one of the things you mentioned was like sending money
21 through multiple accounts to hide, I guess, the owner or the
22 source or to hide who's dealing with it, right?

23 A. Correct.

24 Q. In this case, we had money coming from Chase Bank -- well,
25 I guess it came from the government to Chase Bank to

1 Kremkov Industries, right, that was like the first -- let's
2 say that's sort of the first step, right?

3 A. Yes.

4 Q. And that Kremkov Industries, that's Mr. Delano, right?

5 A. Yes.

6 Q. And that's -- that's at Chase Bank is where that first
7 deposit goes in, right?

8 A. Correct.

9 Q. And then that money goes from the Chase Bank to
10 Kremkov Industries at PNC Bank, right?

11 A. Yes.

12 Q. And that PNC Bank, that's in the name Karl Delano, right?

13 A. Yes.

14 Q. So it's not like a third-party name or some other person,
15 right?

16 A. Yeah, it went from Kremkov to Kremkov to Karl Delano.

17 Q. Right. That's a pretty simple trail, right?

18 A. Once you got the bank records, yes.

19 Q. Yeah. Kremkov to Kremkov to Karl Delano?

20 A. The problem is, is that's what called layering. Because
21 if the money was deposited from a corporate PPP loan into a
22 personal account, it would never have been issued.

23 Q. So --

24 A. So it had to go to multiple accounts to a personal
25 account.

1 Q. So it went from one account to a second account then to
2 Karl Delano, correct?

3 A. Right. That's what the records show.

4 Q. And PPP money eventually has got to get to a personal
5 account, right?

6 A. Not for a company, no.

7 Q. Well, it's got to be paid out -- if it's paid out to
8 employees, that's going to personal accounts?

9 A. It's -- it could be. It could be issued by check, it
10 could be issued by wire, it could be issued by payroll, but
11 it's going to an employee, which is what the program was
12 designed for.

13 Q. Eventually it's going to go to a personal account?

14 A. It depends. Because not all the PPP money is destined for
15 payroll. Like I testified, some of the money could be used
16 for rent and utilities and such as part of the program, but
17 the majority of it is supposed to get paid out to payrolls of
18 a U.S. established company for their -- for their wages.

19 Q. Well, let's talk about that. The requirements are that
20 the employees have a principal residence of the United States.
21 That's what the paperwork says, right?

22 A. No, it said the -- we can go back and look at the -- the
23 exhibit to clarify.

24 Q. I don't know that I have that number off the top of my
25 head.

1 MR. EVERT: 101.

2 MR. FINLAYSON: All right. 101.

3 BY MR. FINLAYSON:

4 Q. Number 7: Is the United States the principal place of
5 residence for all employees included in the applicant's
6 payroll calculation.

7 A. Okay. Yeah.

8 Q. That's what it says, right?

9 A. It does. And Mr. Torjagbo indicated in the interview that
10 all of his employees were in Africa, besides 50 or 60.

11 Q. Let me ask you a question, sir.

12 A. Sure.

13 Q. The question is that's what the form said, that's --
14 that's what was certified. The principal place of residence
15 was in the United States, correct, sir? Is that correct?

16 A. The question --

17 Q. Is that correct?

18 A. The question you just read was Number 7.

19 Q. Yes, sir.

20 A. Can we pull that back up again?

21 Q. Sure.

22 A. So what that says is: Is the United States the principal
23 place of residence for all employees included in the
24 applicant's payroll calculation above. And it's checked yes.

25 Q. Thank you, sir.

1 A. Yes.

2 Q. That's what it says, correct?

3 A. Yes.

4 Q. You don't dispute that?

5 A. No.

6 Q. Principal place of residence?

7 A. Yes.

8 Q. For all employees, correct?

9 A. Correct.

10 Q. Okay. It doesn't say the company has to be all based in
11 the United States, does it?

12 A. Not Number 7.

13 Q. No. It says the workers, in Number 7, it says the workers
14 have to have their principal place of residence in the
15 United States.

16 A. That's what Number 7 says, yes.

17 Q. Okay. And principal place of residence, do you even know
18 that means?

19 A. That's -- I'm not -- I'm not -- I'm a special agent. I
20 don't determine what a principal place of residence is.

21 Q. It's defined by another department, right?

22 A. Exactly.

23 Q. IRS maybe? Do you know?

24 A. I don't know who -- what -- who designed that language,
25 but principal place of residence is where a person -- is their

1 principal -- it's where they reside.

2 Q. Where their principal place of residence is, right?

3 A. Correct.

4 Q. So you could be -- a principal place of residence in the
5 United States, you could be working outside of the country in
6 a mine or on an oil rig, correct?

7 A. Okay. And the evidence that I found showed that there
8 was --

9 Q. That's not my question.

10 THE COURT: Hold on. Let him answer the question.

11 THE WITNESS: There was no evidence of 493 employees
12 at all. And Mr. Torjagbo told me that he only had 50 or 60.

13 BY MR. FINLAYSON:

14 Q. Well, let's ask about that. You asked him a very -- first
15 of all, we'll back up. You guys arrested him, right?

16 A. Yes.

17 Q. And when I say you guys, it was like ten people, right?

18 A. We'd have to go back to the documents. I don't know
19 exactly how many people we had. It was three years ago.

20 Q. You were there, right?

21 A. Absolutely, I was there.

22 Q. You don't remember?

23 A. Not every person that was there from three years ago, no.

24 Q. That's not my question.

25 A. We had -- we had -- we had a sizeable amount of agents

1 there to -- to effect the arrest and the execution of the
2 seizure warrants. If it was ten, I don't know exactly. It
3 could be 9, could have been 11.

4 Q. Fine. Could be 9, could be 11?

5 A. Yes.

6 Q. Guns were drawn, right?

7 A. Yes. It was an arrest operation.

8 Q. That means guns were drawn?

9 A. Yes.

10 Q. It was a takedown?

11 A. Yes.

12 Q. There were people with automatic like submachine-gun type
13 weapons?

14 A. No, we had a combination of pistols and assault rifles
15 that are not -- that are not automatic.

16 MR. EVERT: Objection.

17 THE COURT: Grounds.

18 MR. EVERT: It might be better to discuss outside the
19 presence of the jury.

20 THE COURT: Okay. Step outside a second.

21 COURTROOM SECURITY OFFICER: All rise.

22 (Whereupon, the jurors exited the courtroom.)

23 THE COURT: What's the issue?

24 MR. EVERT: Your Honor, at defense counsel's request
25 we sliced out all of the audio related to the arrest and the

1 guns at the arrest.

2 And now he's -- rather than what was actually in the
3 recording, he's trying to -- he's trying to get a skewed
4 version of that -- of what happened into the record. So we
5 would ask that if he wants to discuss -- if he wants the
6 information about the takedown, there is approximately 7 or so
7 more minutes of audio that we're happy to play, but this is
8 not -- this was done at his request, that that was cut out, so
9 we don't think it's proper for him to be going into what he
10 asked to cut.

11 THE COURT: Did you ask that it get cut out?

12 MR. FINLAYSON: I thought -- my recollection of that
13 whole process was it was at a -- first of all, the tape had
14 stopped, it was sort of a revising of the discussion.

15 I don't mind playing it, if you want to play it, it's
16 fine. I just didn't think it was relevant in terms of what --
17 what -- it's fine. It wasn't -- this -- obviously I didn't
18 mind this part, because I'm asking about it, but -- and I'm
19 not trying to skew anything. I think when we're talking about
20 a defendant's state of mind who's making a statement to
21 officers after being arrested, I think I'm totally entitled to
22 go into.

23 THE COURT: In think you are, too. I think the
24 government's point is not that.

25 The government's point is that it's unfair for you to

1 keep it out and then put it in because it makes it like look
2 like the government is doing something deceptive.

3 Is that the government's point?

4 MR. EVERT: Yes. That's the point. And yeah, and
5 this is what he asked for and now he's doing it. It's just
6 not -- it's not fair.

7 THE COURT: Yes, it seems -- I get it.

8 MR. FINLAYSON: And I apologize if that's how it's
9 perceived. I don't -- I don't -- my recollection -- my
10 recollection of why I didn't want that in wasn't this. So
11 I -- I don't mind playing that part. I don't -- I don't --
12 I'm not trying to -- I wasn't trying to mislead them and bait
13 and switch. I really --

14 THE COURT: I understand that but --

15 MR. FINLAYSON: But I don't mind playing it.

16 THE COURT: It seems to them as if it's in the arena.
17 What do you want to do about it?

18 MR. EVERT: I mean, I don't know because we --

19 THE COURT: I have to let him get into it.

20 MR. EVERT: The problem is we've diced up this
21 recording because of this, so now I think we're going to have
22 to -- I don't know, what's -- it's going to -- yeah, it's
23 going to take some time to reclip it, unfortunately.

24 THE COURT: Do you mean the portion of the recording
25 that leads up -- that starts the initial encounter the whole

1 time he's interviewed?

2 MR. EVERT: No, so the initial part of the encounter
3 isn't recorded. There's about -- I think it's -- I don't
4 remember off the top of your head exactly how much, but I
5 think it's about seven minutes where then after the interview
6 concludes, Mr. Delano says you guys didn't need to come here
7 with all those machine guns and stuff. And he actually
8 chuckled.

9 The notion that it's like he's scared, he's doing
10 this because he was scared. Like if you listen to the
11 recording, that's just not what happened.

12 And then, you know, he says, look, I mean, the
13 reason -- I don't remember exactly off the top of my head, but
14 it was like, look, we can't be too careful. Everybody is
15 going home to their families safe today or something like
16 that.

17 And so, I mean, just presenting it as this like
18 military op where it's going to scare him, that is just a
19 skewed depiction of it and so --

20 MR. FINLAYSON: I mean, she's pulled my email about
21 it. In the email, I said I don't see a need to go into the --
22 tape's stopped. And I said I don't see a need to go into this
23 specific thing.

24 But I have no specifics about -- I mean, he's
25 complaining -- the defendant is complaining about why did you

1 have to do all of this stuff, so I'm fine with that. I didn't
2 really think this was an issue, obviously, but if they want to
3 play the rest of it, I think it's totally fine.

4 THE COURT: The problem is now that they're here,
5 they don't have the rest of it ready to go.

6 MR. FINLAYSON: I'm sorry about that.

7 THE COURT: So I guess what we could do is we can --
8 you can go on with your cross-examination. I'm going to give
9 the agent leeway to explain the context.

10 And then I'm going to allow the government to get
11 back into it on redirect, including if you need to have --
12 showing him the transcript -- do you have a transcript of this
13 portion?

14 And you can ask him questions then about how that
15 went. And you can say is that part of -- do you have a
16 recording of that portion, too.

17 And then the jury will know at least there was a
18 recording of it that neither of you decided to play. I mean,
19 I don't know.

20 MR. EVERT: I mean, I think that -- I don't think
21 that really solves it, because he's saying -- I mean, he
22 says -- I don't know the exact words off the top of my head,
23 but he chuckles when he's like you didn't have to come here
24 with like all of this --

25 THE COURT: Did you have him ask that?

1 Did he chuckle?

2 Did you talk with him about it?

3 Yes.

4 Did he seem upset?

5 No.

6 Why do you say that?

7 Because there was even a part where he chuckled about
8 having all of these guns. And we told him that we did it for
9 this reason or the other.

10 Can't you explain that context?

11 Did he seem like to you that he felt intimidated or
12 threatened by any of these guns or things?

13 No, he didn't.

14 I mean, I don't know if that's what he would say or
15 not, but I think you can do that.

16 MR. EVERT: Yeah. I -- yeah, I mean, I think his --
17 I mean, I think the -- you know, hearing the defendant chuckle
18 is much more powerful than the agent saying he didn't think he
19 was intimidated, but...

20 THE COURT: But you can --

21 MR. EVERT: And we'll try to do our best to get it
22 respliced and, I mean --

23 THE COURT: Yes.

24 MR. EVERT: But yeah, I just --

25 THE COURT: I get it. I don't think that -- I don't

1 think the defendant was in that email saying we don't see any
2 need to go here. I don't think he was trying to bait and
3 switch you.

4 MR. EVERT: Right. I mean, I guess --

5 THE COURT: What he was trying to do was say that's
6 not really a part of it.

7 But I can see how you've got some feelings about
8 that, because you had a part of the tape that at his request
9 you took out, which you think is contrary to the image he's
10 trying to paint.

11 MR. EVERT: And to be clear, that's what that part of
12 the recording is. It's not --

13 THE COURT: Yes.

14 MS. CONNORS: There's nothing else, so I don't -- I
15 really don't see what else -- not need it, like not wanting to
16 get into that would be other than this specific issue that
17 he's into.

18 THE COURT: Well, let's just -- we've got to move
19 forward from here. And I've got to let him get into the
20 circumstances surrounding the encounter. But I'm going to
21 give you plenty of leeway on redirect to flush this out.

22 Do you understand that?

23 MR. FINLAYSON: I do.

24 THE COURT: Do you agree with that?

25 MR. FINLAYSON: I think it's fair.

1 THE COURT: Okay.

2 MR. FINLAYSON: And I think I just -- so my
3 intention, I don't mean to beat this much more anyway, is to
4 look at the beginning, because at the beginning of the
5 takedown, they're inherently traumatic. And maybe the
6 aftermath wasn't so bad. But I think -- I think I'm focusing
7 on the beginning.

8 THE COURT: And the jury will understand all of this.
9 He didn't seem upset or confused or intimidated during the
10 interview, but at any rate.

11 Okay. Everybody got the ground rules? I'm going to
12 let you do what you're trying to do despite what you-all
13 talked about before.

14 But I'm going to give the government some leeway on
15 redirect in order to make sure that they can illuminate it.

16 And if you want to bring him back later to play that
17 part of the tape, you can do that out of order. Whatever you
18 need to do.

19 MR. EVERT: Appreciate it. Thank you.

20 THE COURT: Okay. Thank you. All right. I think
21 everybody ought to try the case they want. And when these
22 types of things happen, we all have just got to adjust and
23 you'll both get there.

24 But I think both of you are trying to do what you're
25 allowed to do, so communication or miscommunication in the

1 prep ought not prevent it.

2 MR. FINLAYSON: Sorry.

3 THE COURT: Okay. Let's bring them back in. Thank
4 you.

5 COURTROOM SECURITY OFFICER: All rise.

6 (Whereupon, the jurors entered the courtroom.)

7 THE COURT: Go ahead. Oh, I'm sorry. You may be
8 seated. Go ahead. I'm sorry.

9 BY MR. FINLAYSON:

10 Q. Agent Caruana, we were talking about the takedown on
11 May 12th, 2022, correct?

12 A. Yes.

13 Q. And that's the day that you guys arrested Mr. Delano?

14 A. Yes.

15 Q. And is it fair -- let's put it this way, it was a standard
16 takedown operation; is that fair?

17 A. This was a law enforcement operation. There's never a
18 standard law enforcement takedown, because we never know what
19 we are going to encounter. So this was an arrest operation
20 that we tried to plan for to the best of our ability. But
21 there's still a myriad of unknowns when you get to a situation
22 like that.

23 Q. And there's also a seizure operation as well?

24 A. And then we were executing a seizure operation as well, so
25 there were many agents there. The exact amount, I don't

1 recall, but we had many agents there.

2 Q. And what were those agents wearing?

3 A. So we -- we -- again, because it's a law enforcement
4 operation, we were in our tactical vests, clearly identified
5 with FBI. We had our issued handguns, we had issued rifles,
6 we had our med kits on us. We had -- so we were plainly
7 identified as FBI agents.

8 And when -- when we executed the arrest, the -- you
9 know, we clearly announced our presence and things happened
10 very quickly without incident. And I believe that typically
11 happens for us. And in this situation, it's because we came
12 in force and we were able to take control of the scene
13 quickly.

14 Q. Okay. And Mr. Delano didn't fight with you in any way?

15 A. Did not fight, did not seem concerned, did not scare. I
16 think he was a little bit startled, but once I got him into
17 the car and he sat there, there was a period of time that he
18 sat in the air-conditioner -- air-conditioned car before I
19 spoke with him. He had time to settle down.

20 When I -- when I spoke with him, I spoke with him
21 prior to what was caught on that recording to explain the
22 situation, build rapport, explain the federal system with him.

23 Q. And my question was he didn't fight with you?

24 A. No, he didn't.

25 Q. Thank you. And my next question is: He didn't try to run

1 away from you?

2 A. No, he didn't.

3 Q. Okay. He didn't pull a gun on you?

4 A. No, he didn't.

5 Q. And nobody else did, either, right?

6 A. No.

7 Q. Okay.

8 A. And there were multiple people in that lot as well that we
9 had no idea who they were. So we were able to take control of
10 that scene with the force that we had, a reasonable amount of
11 force, and thankfully things turned out fine.

12 Q. And you put Mr. Torjagbo -- Mr. Delano, you put him on the
13 ground face down, I assume?

14 A. As soon as we executed the arrest and we identified
15 ourselves, absolutely, yes.

16 Q. And you cuffed him behind his back?

17 A. Yes.

18 Q. Okay. Did you put the other people on the ground?

19 A. We did not.

20 Q. And those were workers --

21 A. Because we only had one subject.

22 Q. And those were just workers out there working on the truck
23 lot, right?

24 A. Once we identified who they were, yes.

25 Q. Okay.

1 A. We've -- we identified who they were and they turned out
2 to be workers on the truck lot. The Judge that was indicated
3 in the recording, the painters that were putting the logos on
4 the trailers.

5 Q. Okay.

6 A. But we had to sort all of that out.

7 Q. Sure. And by your investigation, FlyingJack was a
8 legitimate company, right?

9 A. It was a company that Mr. Torjagbo used PPP proceeds and
10 illegally gotten funds from the IRS to purchase trucks and
11 trailers and real estate.

12 Q. Okay. So --

13 A. Whether it was a legitimate operation, I don't know.

14 Q. You don't have any evidence that it was not, right?

15 A. All I have is evidence of the use of those funds.

16 Q. Well, let's talk about the use of the funds.

17 So you had -- originally the PPP loan was
18 \$9.5 million from Chase Bank, right?

19 A. Correct.

20 Q. And they clawed back pretty quickly \$6.5 million, right?

21 A. That's what my understanding is, yes.

22 Q. So that only \$3 million went over to the next Kremkov
23 account, right?

24 A. Whatever -- whatever the number was, yes.

25 Q. So \$3 million from PPP and then there's \$3.4 million from

1 the tax return, right?

2 A. You said about 3 and a half million.

3 Q. 3.4?

4 A. Or 3.4. Yeah, whatever the numbers show. There was the
5 money from the IRS refund.

6 Q. And that goes into the same account, right?

7 A. Yes.

8 Q. Now, the purchases for FlyingJack, they weren't all of
9 that money, were they?

10 A. Yeah. None of it had to do with payroll.

11 Q. That's not my question. The part -- let me ask it better.
12 So he bought all the trucks at FlyingJack, right?

13 A. Correct.

14 Q. He bought all the land at FlyingJack, right?

15 A. Correct.

16 Q. He had to pay all that insurance you were talking about,
17 right?

18 A. Correct.

19 Q. I guess there were some license fees or there were some --
20 there's some kind of registration fees, that kind of thing?

21 A. Anything to establish a trucking company with PPP funds he
22 had to pay for.

23 Q. But the money that went to FlyingJack was less than
24 \$3 million, right?

25 A. Yes. I think I testified the quantification of the money

1 that he used to at least purchase the trucks and trailers was
2 about \$900,000.

3 Q. Right. And the land, one piece was maybe about \$100,000?

4 A. Yes.

5 Q. Maybe the other piece I want to say a little less than
6 that?

7 A. Correct.

8 Q. So that gets us to about a million two or something like
9 that.

10 A. Okay.

11 Q. Does that sound about right? You don't disagree?

12 A. I mean, it's -- it sounds reasonable, but unless we
13 actually get into the financial records and all that to
14 quantify it specifically, I mean, it's a ballpark.

15 Q. A ballpark. But it's definitely less than \$3 million,
16 right?

17 A. Absolutely, yeah.

18 Q. Okay. And the PPP loan was \$3 million, right?

19 A. Yes.

20 Q. And the tax return was \$3 million or 3.4 or 5?

21 A. Yes.

22 Q. So when the money goes to FlyingJack, you can't say that
23 it was PPP money that went to FlyingJack, can you?

24 A. Yes, you can, because the money was commingled in one
25 account. And when it's commingled, then it's commingled funds

1 at that point.

2 Q. So you don't --

3 A. And at the end of the day, it doesn't matter, because it's
4 still fraudulent money.

5 Q. That's if --

6 A. If any dollar was used to pay for FlyingJack's assets,
7 it's -- it's a fraud.

8 Q. That's your theory, right?

9 A. It's coming from the PPP funds and the stolen IRS refund
10 check.

11 Q. So the --

12 A. Because there was no money in the account before these --
13 these deposits were put into the account.

14 Q. Okay. So the purchases, the house that was purchased, you
15 don't actually know which funds the house came from, do you?

16 A. It came from stolen funds.

17 Q. That's your theory, right?

18 A. No, that's what the evidence showed.

19 Q. Okay. So we have money from the tax return, right?

20 A. Yes.

21 Q. That's \$3.4 million goes into the account?

22 A. Yes.

23 Q. And you've got money from PPP that goes into the account?

24 A. Correct.

25 Q. You can't say that PPP money went into the house, can you?

1 A. It was commingled, so a portion of it could have -- could
2 have been, yes.

3 Q. Could have, okay.

4 A. And when we looked at the bank records, I believe he had
5 \$100 or so or some change in the account prior to the deposit
6 of both of these fraudulent proceeds.

7 Q. Did you ever look at his overseas accounts?

8 A. I did not identify any overseas account, so I don't know
9 if any overseas account exists.

10 Q. Okay. Did you look?

11 A. We tried to get whatever bank records we could based upon
12 the evidence that we obtained.

13 Q. So --

14 A. And I need to clarify something, too, because when you
15 focused on Item Number 7, so that's one of the reasons why I
16 bought in TIGTA -- can I clarify?

17 THE COURT: Are you answering this question.

18 MR. FINLAYSON: No.

19 THE WITNESS: No.

20 THE COURT: Oh, you want to go back to something
21 else?

22 THE WITNESS: Yes.

23 THE COURT: They can ask you about that on redirect.
24 Okay? Sorry.

25

1 BY MR. FINLAYSON:

2 Q. So let's go back to something that you asked him that we
3 just heard on the recording. Did you --

4 A. That I asked who?

5 Q. Mr. Delano, I'm sorry.

6 A. During the interview?

7 Q. Yes.

8 A. Okay.

9 Q. So you testified -- well, you were asking him how many
10 employees did you have at Kremkov, right?

11 A. Yes.

12 Q. And he was having trouble giving you a number, right?

13 A. Yes.

14 Q. And you said come on, just give me a ballpark, kind of
15 like we just did.

16 A. Right.

17 Q. He was asking just to give him a ballpark, right?

18 A. Right.

19 Q. And then you asked him, you said let's say 2020, 2021,
20 that was your question, and I can -- if you want to look at
21 it?

22 A. I remember that, yeah.

23 THE COURT: The jury will think -- again, remember
24 what a witness says is not necessarily the evidence -- or a
25 question is. Y'all will have to think about it.

1 If he says that's what it was, maybe that's evidence,
2 too. But y'all will have to remember what the testimony was
3 in the transcript, or in the recording, and you will have it
4 back there, too.

5 BY MR. FINLAYSON:

6 Q. And you remember, it was you asked him 2020, 2021,
7 correct?

8 A. Yes.

9 Q. That's two years, right?

10 A. Yes.

11 Q. He answered probably about 50, right?

12 A. Again, if you -- he's -- 50 to 60. We can go back to the
13 transcript.

14 Q. I can refresh your recollection if you want to be
15 refreshed.

16 A. Sure.

17 Q. Okay.

18 A. Okay. Let's say 2020, 2021. He affirms.

19 THE COURT: Okay. Hold on. Hold on.

20 THE WITNESS: Probably about 50.

21 MR. FINLAYSON: That's good.

22 THE COURT: You guys know how to do this. You've
23 asked him. Now you can say does that refresh your memory.

24 THE WITNESS: Yes.

25 THE COURT: Okay. Now you have to testify from your

1 memory, not from what you read. Okay?

2 THE WITNESS: Okay.

3 THE COURT: All right. It's technical but that's the
4 way you've got to do it. Okay?

5 THE WITNESS: Yes.

6 BY MR. FINLAYSON:

7 Q. So what you do now remember, sir?

8 A. It refreshes my memory.

9 Q. Well done. He said probably about 50, right?

10 A. Yes.

11 Q. In response to let's say 2020, 2021?

12 A. Yes.

13 Q. That's two years, right?

14 A. Yeah, it was two years that were presented in the
15 question.

16 Q. Okay. Now, you talked about the 941s, right?

17 A. Yes.

18 Q. The 941 forms were for 2020, weren't they, sir?

19 A. Correct.

20 Q. They're not for 2021?

21 A. Correct.

22 Q. There were no 941 and 940 forms for 2021?

23 A. Not that we had.

24 Q. Okay.

25 A. The 493 employees that he listed on those forms were for

1 2020, though.

2 Q. Thanks. So you talked about you found payments for
3 plastic surgery, right?

4 A. Yes.

5 Q. Now, let's be very clear. It's not for his face, right?
6 He didn't get plastic surgery --

7 A. I mean, I can testify to what the document said it was
8 for.

9 Q. Tell us. What did it say it was for?

10 A. If you can refresh my memory on that, so...

11 Well, I mean I testified it was for gladiator -- it
12 was for gladiator abs.

13 THE COURT: Stop. Stop. Stop. You cannot refresh
14 his memory by pointing to a part of your body, Mr. Finlayson.

15 MR. FINLAYSON: Well --

16 THE COURT: If there's a document that indicates it,
17 you can show that to the witness.

18 Or you can testify about what you think you recall.

19 But let's just -- let's do it right without --

20 MR. FINLAYSON: Comedy.

21 THE COURT: Yes, or signaling. Let's just let the
22 jury get what really is evidence. I'm sorry to do this in
23 front of you. It's kind of making sausage right now.

24 Okay. But do you remember from your mind what it
25 was?

1 THE WITNESS: I do. And it was for gladiator abs,
2 but there -- there was -- there was a lot of documentation on
3 that, the --

4 BY MR. FINLAYSON:

5 Q. That's all I need.

6 A. -- the medical records, so I wanted to make sure that I
7 got it absolutely correct.

8 Q. Okay.

9 A. But it was gladiator abs.

10 Q. It was not his facial -- he didn't have his face
11 reconstructed?

12 A. I don't recall anything about facial reconstruction on
13 the -- on the plastic surgery documentation.

14 Q. Thank you. And you don't have any evidence that he's had
15 his face reconstructed or something like that, right?

16 A. Not that I saw, no.

17 Q. Okay. Now, when you interviewed him, he told you that he
18 was -- he had moved the money into -- he was putting the money
19 into FlyingJack, right?

20 A. Yes.

21 Q. And he told you that he intended to take it as a loan and
22 not asking for forgiveness, right?

23 A. That's what he -- he stated, yes.

24 Q. You learned along the way he was actually a pilot, right?

25 A. Yes.

1 Q. And did you find his pilot licenses and that sort of
2 thing?

3 A. I don't recall if -- if I did or not. It's been three
4 years.

5 Q. Okay.

6 A. But I knew he was a pilot and I looked into that, yes.

7 Q. Okay. You asked him about Monica Sweeten, right?

8 A. Correct.

9 Q. And I gather because you had seen the \$40,000 transferred
10 in and out of -- I guess \$40,000 went to her and came back or
11 came from her and went to her?

12 A. I did see that, yes.

13 Q. And you saw the money where there was actually a deposit
14 that came in for \$40,000?

15 A. I believe so. I also saw she was listed as an employee
16 for Kremkov Industries --

17 Q. Well --

18 A. -- as well on that 493 employee list.

19 Q. Okay. Right. And that name, by the way, that was -- it
20 was just Monica Sweeten, right?

21 A. Yes.

22 Q. No middle name?

23 A. I think it said Monica Sweeten.

24 Q. No middle name?

25 A. It said Monica Sweeten.

1 Q. Thank you. No date of birth, correct?

2 A. Correct.

3 Q. No Social Security number?

4 A. Correct.

5 Q. So same possible name, but you don't know that it was her?

6 A. Correct.

7 Q. Okay. Now -- and to be clear she's not any kind of victim
8 in this case, right? She wasn't defrauded money or something
9 of that nature?

10 A. She was a witness in the case.

11 Q. Right. Okay. Now, and she -- I mean, she needed help
12 buying a house is what was going on, right?

13 A. According to what the defendant told me is that she needed
14 help buying the house.

15 Q. Okay. And you don't have any reason to dispute that, do
16 you?

17 A. I would have to refresh my memory on the interview of
18 Monica Sweeten at that time.

19 Q. That's okay. She testified already. It's okay.

20 A. Okay.

21 Q. All right. Now, let's talk about the list of 493 names.
22 So you looked at that list and some names caught your eye,
23 right?

24 A. They did.

25 Q. And we talked about Oliver Twist, right?

1 A. Yes.

2 Q. Charlie Brown?

3 A. Yes.

4 Q. Keanu Reeves?

5 A. Correct.

6 Q. Bruce Willis?

7 A. Correct.

8 Q. A Gene Hackman, correct?

9 A. Yes.

10 Q. John Snow ring a bell?

11 A. I don't remember John Snow on there, but there could be.

12 Q. Right. And those jumped out at you, right?

13 A. They were -- yeah, they jumped out.

14 Q. Yeah. They didn't -- you thought maybe they weren't real?

15 A. Based upon what the evidence had shown to that point,

16 it -- they were red flags.

17 Q. Okay. And that would be a red flag to the bank as well,

18 wouldn't it?

19 A. That you would have to talk to the bankers about and what

20 they actually look at.

21 Q. Okay.

22 MR. FINLAYSON: One moment, Your Honor.

23 THE COURT: Yes.

24 MR. FINLAYSON: Nothing further, Your Honor.

25 THE COURT: Okay. Any redirect?

1 MR. EVERT: Yes, briefly. Thank you.

2 REDIRECT EXAMINATION

3 BY MR. EVERT:

4 Q. So you were asked on direct [sic] examination about the
5 circumstances of the arrest, correct?

6 A. Correct.

7 Q. And did Mr. Delano talk to you about the circumstances of
8 the arrest?

9 A. He did after we interviewed him.

10 Q. Did he seem traumatized by that -- by that experience?

11 A. Not at all. In a recording that I have of that
12 interaction actually shows that he chuckled when he asked me
13 that question.

14 Q. We'd like to supplement the exhibit and add Government's
15 Exhibit 42 to the -- to what -- to the current exhibit that's
16 the recording. Or I guess it would just be a separate
17 exhibit.

18 THE COURT: Was it a recording of this portion?

19 MR. EVERT: We were able to get that.

20 THE COURT: Any objection?

21 MR. FINLAYSON: No. I mean, considering where we
22 are, I think it's appropriate, but I would renew the objection
23 from below.

24 THE COURT: Okay. So you're going to hear a little
25 bit more of the recording now, that includes this portion, it

1 sounds like. Okay?

2 Again, it might or might not have words on it, you
3 won't have the transcript portion when you go back there.
4 Okay?

5 All right. Go ahead, please.

6 MR. EVERT: If we can go ahead and play that, please.

7 (Whereupon, the recording was played)

8 BY MR. EVERT:

9 Q. All right. Thank you. So how would you describe
10 Mr. Delano's tone when he was talking about the takedown?

11 A. He was very calm. He didn't seem concerned. He wasn't --
12 he didn't seem afraid or scared. And everything that -- I
13 mean, I informed him that he could refuse whatever he wanted
14 to refuse and he continued to voluntarily speak with me.

15 Q. And when you interviewed him, did -- did Mr. Delano
16 specifically say that he used the PPP money for -- did he tell
17 you that he used the tax money to buy the house?

18 A. If he's -- if he's labeling his personal money as the tax
19 money, he could have meant that. He said he did not use the
20 PPP money, he used his personal money. The only money --
21 additional money I found in his accounts was the tax money.

22 Q. And were -- was the tax money -- how -- how would you
23 distinguish between the tax money and the PPP money?

24 A. When it's commingled, you can't. You look at the
25 beginning balance and you see what the flow -- the flow of

1 funds are and you kind of run a daily balance of -- and I --
2 you know, I didn't do the detailed financials of that, but
3 when you run a daily balance, you can see what that balance is
4 and compare that to the purchases.

5 Q. And were those two sources of money, were they both in the
6 same account?

7 A. They were, yes. Initially, yes.

8 Q. And defense counsel asked you if you looked at any
9 international banking records, correct?

10 A. I did not identify any international banking records.

11 Q. And did you ask Kremkov Industries if -- if -- for any
12 records they had that might be relevant to this case?

13 A. I believe I did subpoena Kremkov for -- for those records,
14 yes. And I did not receive anything. I believe I subpoenaed
15 Kremkov Industries as well as FlyingJack. And there was no
16 documentation that was returned.

17 MR. EVERT: If we could pull up Government's
18 Exhibit 406, please.

19 BY MR. EVERT:

20 Q. So defense counsel asked you -- what -- what is this
21 exhibit?

22 A. That was the purchase of the 2014 Lamborghini.

23 Q. So defense counsel asked you if Mr. Delano purchased the
24 Lamborghini in his own name, right?

25 A. Yes.

1 Q. And if we go to the next page, whose name is on it?

2 A. It's Karl Lucius Delano is the buyer.

3 Q. But then if we go to the next page, Page 3, where did the
4 wire come from that paid for that, that paid \$269,999 for
5 that?

6 A. It was an incoming wire from FlyingJack Freight and
7 Logistics for \$269,999.80.

8 Q. And defense counsel asked you -- you know, you asked him
9 to ballpark how many employees Kremkov Industries had, right?

10 A. Correct.

11 Q. Would you say that 50 or 60 is in the same ballpark as
12 493?

13 A. No, it is not. And that's what I was getting at during
14 the interview.

15 Q. And you also asked -- you asked him how many employees he
16 had in 2020 and 2021, right?

17 A. Yes.

18 Q. Did you also ask him what was the maximum number of
19 employees he had?

20 A. Yes.

21 Q. Did he ever -- did he -- any number that was anything
22 close to 493?

23 A. He did not, no.

24 Q. If someone misrepresents what -- if someone obtains money
25 fraudulently, is that their personal money?

1 A. No.

2 Q. And if somebody says -- if somebody misrepresents
3 information to the IRS in order to get a return and they, in
4 fact, get a -- get money from the IRS, does that mean that
5 that money is their personal money?

6 A. No.

7 MR. EVERT: Nothing further. Thank you.

8 MR. FINLAYSON: Very briefly.

9 THE COURT: Okay.

10 RECROSS-EXAMINATION

11 BY MR. FINLAYSON:

12 Q. You just said that -- we heard a second recording, right?

13 A. Yes.

14 Q. And you said Mr. Delano did not seem scared when he was
15 talking to you, I guess in that recording?

16 A. Yes.

17 Q. He said he was scared in that recording. We just heard
18 it, right?

19 A. Yes.

20 Q. And he was complaining about the AR16s and the guns that
21 were displayed on him?

22 A. Yes.

23 Q. He said you could have just come to my house, I would have
24 come out, right?

25 A. Yes, after he chuckled.

1 Q. So you think he was happy about it?

2 A. His -- his demeanor at the time, he was not -- he was not
3 scared. He -- he said he was scared and that's what the
4 reporting captured, but he was not scared. And you could tell
5 in his demeanor in the recording.

6 Q. So ten agents take him down, put him face down on the
7 ground.

8 A. He wasn't -- he wasn't scared at the time of the
9 interview. He was not under duress. I mean, obviously that's
10 going to startle you. And he was scared -- he may have been
11 scared at that time.

12 And that's why I testified that there was a time
13 period of a cooling off period before I actually started
14 interviewing him and reading him his rights. And he
15 ultimately agreed to voluntarily interview.

16 Q. Are you a mind reader, sir?

17 A. No.

18 Q. So whether he was scared or not --

19 A. I just testified that he probably was scared --

20 THE COURT: Hold on.

21 THE WITNESS: -- at the beginning of the arrest.

22 BY MR. FINLAYSON:

23 Q. He probably was scared?

24 A. Yes.

25 Q. Most people would be scared if ten agents with guns put

1 them face down on the ground, wouldn't they?

2 A. I would be, too. And then what transitioned after the
3 fact is what is in question. The demeanor at that point
4 during the interview.

5 Q. Do you have --

6 A. His state of mind and his demeanor, his actions, you know,
7 we -- we try to look at all of that stuff.

8 Q. And he brought this -- you guys had already stopped
9 recording and he brought this up, right?

10 A. Yes.

11 Q. And he -- so you started recording again?

12 A. Yes.

13 Q. And he said you didn't have to do this, you didn't have to
14 come with these M16s and AR15s. That's what he said, right?

15 A. What the recording -- the recording speaks for itself.

16 Q. I can't remember, I'm sorry, the type of guns.

17 A. Yeah.

18 Q. But guns. And he said he was scared. That's what he
19 said?

20 A. Yes.

21 Q. Okay. Now, moving on, you did not locate any foreign
22 business records, right, or foreign bank accounts, right?

23 A. Yes.

24 Q. You just testified that you had issued subpoenas on
25 Kremkov, right?

1 A. Correct. If I'm not mistaken, I believe -- I believe I
2 did. If we can refresh my memory if we have those subpoenas.
3 But I recall that, yes, I did issue subpoenas to
4 Kremkov Industries and FlyingJack.

5 Q. Okay.

6 A. And I received no records in return.

7 Q. And that -- that was after May the 12th of 2022, right?

8 A. I believe it was. I mean I believe I issued them to his
9 attorney, emailed them to his attorney.

10 Q. Right. And that was after he was arrested and in jail,
11 right?

12 A. Yes.

13 Q. Thank you.

14 A. Yes.

15 THE COURT: Anything on re-redirect?

16 MR. EVERT: One question.

17 FURTHER DIRECT EXAMINATION

18 BY MR. EVERT:

19 Q. When you were interviewing Mr. Delano, did you have any
20 concern that he was so scared that he didn't know what he was
21 talking about?

22 A. No, I had no concerns with that.

23 MR. EVERT: No further questions. Thank you.

24 THE COURT: Okay. May the witness be excused?

25 MR. FINLAYSON: Yes, sir.

1 MR. EVERT: Yes.

2 THE COURT: All right. Thank you, sir. Appreciate
3 your time.

4 Next.

5 MS. CONNORS: The United States calls Adrienne
6 Richardson.

7 THE COURT: Come on up.

8 - - -

9 ADRIENNE RICHARDSON,

10 A witness herein, having been first duly sworn, was examined
11 and testified as follows:

12 - - -

13 COURTROOM DEPUTY: Thank you.

14 For the record, will you please state and spell your
15 first and last name?

16 THE WITNESS: Adrienne Richardson, A-D-R-I-E-N-N-E,
17 Richardson, R-I-C-H-A-R-D-S-O-N.

18 COURTROOM DEPUTY: Thank you. You may be seated.

19 DIRECT EXAMINATION

20 BY MS. CONNORS:

21 Q. Ms. Richardson, can you tell the jurors where you're
22 currently employed?

23 A. Here at the United States Attorney's Office.

24 Q. And what's your position with the United States Attorney's
25 Office?

1 A. I am a forensic auditor.

2 Q. And how long have you been in that position?

3 A. About eight and a half years.

4 Q. And prior to working with the U.S. Attorney's Office, did
5 you have any other training and experience in any kind of
6 auditing activities?

7 A. Yes. Actually, I've been an auditor probably about 25
8 years.

9 Q. And what about do you have any certifications relevant to
10 your position as an auditor?

11 A. Yes. So I am a certified fraud examiner, I'm a certified
12 economic crimes forensic examiner, and I am certified forensic
13 investigator.

14 Q. Now, in terms of working as an auditor, what are some of
15 the things that you do?

16 A. So as an auditor, you go through and here at the
17 United States Attorney's Office, I review bank statements, any
18 type of financial documents to try to create some type of
19 money flow chart for the attorneys in the cases that they're
20 working on.

21 Q. And in regards to the case involving Karl Delano, formerly
22 known as Carl Torjagbo, is that what you did?

23 A. Yes, umm-hmm.

24 Q. So did you have access to certain records that had been
25 collected as part of the investigation in this case?

1 A. Yes, I did.

2 Q. And what kind of records did you have?

3 A. So I had bank records, credit card statements and auto
4 statements.

5 Q. And in regards to bank records, were there some specific
6 banks that you were looking at the records from?

7 A. Yes.

8 Q. What were those?

9 A. So I reviewed statements from Bank of America, Chase Bank
10 and PNC Bank.

11 Q. Now, in terms of those accounts, were those personal
12 accounts or business accounts?

13 A. They were both.

14 Q. Now, in terms of specifically the identified exhibits that
15 have been involved in this case, prior to testifying, did you
16 have an opportunity to review the marked exhibits from the
17 government?

18 A. Yes, I did.

19 Q. And in terms of some of those records, are the bank
20 records contained in Government's Exhibits 103, 103A, and 301
21 through 304, including any sub exhibits, items that you
22 reviewed?

23 A. Yes, they were.

24 Q. Did you also review signature cards for accounts?

25 A. Yes, I did.

1 Q. And did you also review Government's Exhibit 305 related
2 to a Bank of America account?

3 A. Yes, I did.

4 MS. CONNORS: And, Your Honor, I would just note for
5 the record, all of those have previously been admitted.

6 THE COURT: Okay.

7 BY MS. CONNORS:

8 Q. Now, did you -- you mentioned some credit cards. What
9 credit card accounts did you look at?

10 A. So Chase and PNC.

11 Q. And in regards to Chase, if you can tell us, was that
12 Exhibit 310 for the government?

13 A. Yes, I do believe it was.

14 MS. CONNORS: Now, let me check. I don't believe
15 that 311 and 310 have been previously admitted.

16 BY MS. CONNORS:

17 Q. So if you could look in the binder. And we do have
18 several binders. There's also another one right there. It
19 will be the one that says 300 exhibits.

20 A. Let me get my glasses on. That's two.

21 Q. And I apologize, I think we can actually avoid that,
22 because it looks like we did go ahead and admit those
23 Governments 311, 313, were there some PNC credit cards that
24 you looked at?

25 A. Yes, there were.

1 Q. Okay. Now you also mentioned an auto loan.

2 A. Yes. Yes, it was Wells Fargo auto loan.

3 Q. Okay. Now that one I think we have not admitted yet.

4 MR. EVERT: Correct.

5 MS. CONNORS: Correct. Okay.

6 BY MS. CONNORS:

7 Q. So for Exhibit 314, could you look in that binder and look
8 at those records?

9 A. Hang on. Yes.

10 Q. Okay. Are -- now, that's a thick binder.

11 A. Voluminous, voluminous.

12 Q. So, Ms. Richardson, in regards to Exhibit 314, are those
13 records related to the auto loan that you reviewed?

14 A. Yes, they are.

15 MS. CONNORS: Your Honor, I would move to admit
16 Government's Exhibit 314.

17 MR. FINLAYSON: No objection.

18 THE COURT: Okay. It's admitted. Thank you.

19 BY MS. CONNORS:

20 Q. And did you also review any purchase records as part of
21 your activities in this case?

22 A. Oh, yes, I did, um-hmm.

23 Q. Okay. And were those purchases of some particular types
24 of items?

25 A. Yes. Yes, they were.

1 Q. What are some examples?

2 A. So I reviewed the purchase of several vehicles as well as
3 several real estate purchases.

4 Q. Okay. Did you also look at records related to a yacht
5 down payment?

6 A. Oh, yes. Um-hmm. Yeah, there was a yacht.

7 Q. And in terms of vehicles, would that have been like car
8 purchases as well as truck and trailer purchases?

9 A. Trucks and trailers, yes, um-hmm.

10 Q. Now, Ms. Richardson, to prepare for your testimony, did
11 you summarize the bank records?

12 A. Yes. I wouldn't dare let you flip through all of this.

13 Q. Okay. And is that because they are indeed voluminous
14 records?

15 A. Very voluminous, yes.

16 Q. And if you would look at Government's Exhibit 501, which
17 is likely in a much smaller binder.

18 A. Okay. Excuse me, everyone. Your Honor.

19 THE COURT: You're fine.

20 THE WITNESS: That's smaller. Oh, yes.

21 BY MS. CONNORS:

22 Q. And, Ms. Richardson, do you recognize that exhibit?

23 A. Yes, ma'am.

24 Q. And what is it?

25 A. So this is my version of summarizing all of the financial

1 information into a smaller format.

2 Q. Okay. And to create that summary exhibit, did you use the
3 records that we just discussed in terms of bank records, other
4 financial documents, purchase records, essentially anything
5 that may be an exhibit?

6 A. Yes, I did.

7 Q. And in terms of the content in that exhibit, does it
8 accurately reflect the information contained in all of those
9 records?

10 A. Yes, it does.

11 MS. CONNORS: Your Honor, I would move to admit
12 Government's Exhibit 501.

13 MR. FINLAYSON: No objection for this purpose.

14 THE COURT: Okay. We'll talk about the caveat there
15 at a break.

16 MR. FINLAYSON: Fair.

17 THE COURT: All right. But 501 is admitted.

18 MS. CONNORS: Thank you, Your Honor.

19 And if we can go ahead and bring up Exhibit 501.

20 BY MS. CONNORS:

21 Q. Now, Ms. Richardson, this is 27 pages under one exhibit.

22 A. Um-hmm.

23 Q. So if we're referring to any of the specific pages, if
24 you'll point out the page number, that would be helpful.

25 A. Absolutely.

1 Q. And if you don't, hopefully, I will remember.

2 A. Yes, ma'am.

3 Q. But in terms of Page 1, what is this -- what information
4 is being summarized?

5 A. So on Page 1, I basically went through all of the bank
6 statements and put a listing of what bank name, the name that
7 was on the account, the account number and the date that that
8 account was opened.

9 Q. And if you can look in terms of the first three
10 accounts --

11 A. Umm-hmm.

12 Q. -- were they all opened on the same day?

13 A. Yes, ma'am. June 1st, 2015.

14 Q. And for those particular accounts, are those business
15 accounts or personal accounts?

16 A. Those are personal accounts.

17 Q. Now, in terms of the next two accounts, one with Chase and
18 one with PNC --

19 A. Um-hmm.

20 Q. -- are those business or personal accounts?

21 A. Those are business accounts.

22 Q. And what's the name of the business on the account?

23 A. Kremkov Industries, LLC.

24 Q. And when were -- when were those accounts opened?

25 A. So the one at Chase was opened on January 25th of 2021.

1 And the one at PNC was opened January 28th of 2021.

2 Q. And then finally, there's a Bank of America account. When
3 was that account opened?

4 A. So that account was opened on August the 26th, 2021.

5 Q. Now, in terms of the deposits into the initial accounts,
6 were you able to review some information about those personal
7 accounts?

8 A. Yes, I was.

9 MS. CONNORS: And if we can go to Page 2.

10 BY MS. CONNORS:

11 Q. And what is this page reflecting?

12 A. So this is a summary of the deposits for the year of 2020,
13 that actually shows you for the three accounts that were open
14 at that timeframe, I summarized the accounts ending in the
15 last four digits, so we didn't have to put the entire account
16 number, so it would be for the account ending in 9814, the
17 9822 and 9849.

18 Q. And again, these accounts had been opened since 2015?

19 A. Yes, they were.

20 Q. Why were you focusing on 2020?

21 A. So the PPP application was actually submitted with tax
22 documents as well as payroll for the year of 2020, so I
23 started my analysis from that point.

24 Q. Okay. And in terms of what we just saw on Page 1 --

25 A. Umm-hmm.

1 Q. -- did you review any bank accounts under
2 Kremkov Industries that were opened in 2020?

3 A. There were no bank statements opened in -- for Kremkov in
4 2020.

5 Q. Is that because those accounts weren't open until January
6 of 2021?

7 A. Yes, these were not opened until January of 2021.

8 Q. Okay. And are you -- were you also reviewing tax -- other
9 tax documents that were involved in this case?

10 A. For?

11 Q. For the calendar year or tax year 2020?

12 A. Yes, yes, yes.

13 Q. So was that an additional reason why you're focusing on
14 2020 as the year for the deposits?

15 A. Yes, yes.

16 Q. Now, if you can explain just these categories, some of
17 them may appear self-explanatory, but I want to make sure that
18 we can get it all on the record. In terms of bank credit,
19 what was that?

20 A. So with the bank credit, any time you have -- like if
21 someone has -- you have a dispute with the bank and you want
22 them to -- like you're saying that's not my charge, I want
23 that money back. That was a good bit of that money.

24 And then the other credit would be like if they
25 charged you, say, a banking fee for an ATM fee, but yet they

1 should not have charged you, so they refund you that money
2 back, that is that money also.

3 Q. Okay. Cash in is just cash --

4 A. Cash in the door, yes, ma'am.

5 Q. Okay. And then a check or was that multiple checks?

6 A. No, that was one check. And then the interest payment
7 would be the amount of money that the bank actually gives you
8 interest on your account for holding money in their bank.

9 And then the U.S. Treasury check was a stimulus check
10 that a lot of people got, you know, from -- during COVID.

11 Q. And in terms of these deposits into this account, you have
12 a note on this summary. Are there other transactions that are
13 not reflected?

14 A. So there were transfers in between the accounts, whenever
15 you transfer money like from your savings to your checking,
16 and this, that and the other, for fear of double counting, I
17 did not include transfers going back and forth, because that's
18 all the same money.

19 Q. Okay. And so in terms of deposits into these three PNC
20 accounts during 2020, what was the total?

21 A. The total amount was \$2,139.36.

22 Q. Now, that's additional deposits in 2020.

23 A. Um-hmm.

24 Q. At the outset of 2020, was there money in the -- in these
25 bank accounts?

1 A. Prior to 2020, correct, yes, there were, um-hmm.

2 Q. Okay. So were you able to look at -- through the calendar
3 year 2020 any kind of disbursements on the account?

4 A. Yes, I did see.

5 Q. Did you see disbursements?

6 A. Yes.

7 MS. CONNORS: And if we can move to Page 3 of the
8 exhibit.

9 BY MS. CONNORS:

10 Q. Is that what is reflected here?

11 A. Yeah. So this is a summary of the disbursements for that
12 same timeframe, for the year of 2020, for the same three
13 accounts in totality.

14 Q. Okay. So we just saw there's not -- there's not a
15 significant amount of deposits coming in, but there is money
16 going out of that account?

17 A. Correct, yes.

18 Q. Now, for the disbursements, were you also excluding any
19 potential account-to-account transfers?

20 A. Yes, I did not include any transfers in between savings,
21 checking or whatever accounts.

22 Q. Okay. And can you give the jury an idea of how you kind
23 of categorized the different disbursements?

24 A. Sure. So like for the one that says credit card loan and
25 it says Chase, instead of listing, say, 12 payments to Chase

1 Bank, I just lumped them altogether to Chase Bank, correct.
2 And same thing with if you do PNC, the same thing with
3 Wells Fargo Auto, so that would be -- so I basically just
4 summarized so we just didn't have a whole lot of, you know,
5 transactions listed right there together.

6 Q. So would that be the same thing for like food and drink --

7 A. Yes.

8 Q. -- it might have been multiple purchases at --

9 A. Absolutely. So this is literally for the entire year of
10 2020, so you figure from January 1 to the 31st of December for
11 all three of the accounts. This is where all of the
12 transactions that took place.

13 Q. Okay. And just to confirm, at the beginning of 2020,
14 there was a balance in the account that would have been able
15 to cover these disbursements?

16 A. Yes, ma'am, it was. Yes, um-hmm.

17 Q. And in terms generally of any money that had come in that
18 was available in these accounts in 2020, what was the source?

19 A. So there were some wires that had come in that I saw that
20 were in 2019 that actually was about -- they came in and they
21 sourced this money. So at the beginning of 2020, when I added
22 all of the accounts together for beginning balance of 2020, it
23 was a little bit over \$66,000 for all three accounts.

24 Q. Okay. Now, if we can go to -- let's see. And let's see.

25 In terms of your review, sorry, before we move on, in terms of

1 these disbursements --

2 A. Um-hmm.

3 Q. -- were you able to find any disbursements that appeared
4 to be consistent with ongoing payroll payments?

5 A. Oh, no. I did not see any payroll payments.

6 Q. Did you see any disbursements that would appear consistent
7 with operating a business?

8 A. No, ma'am.

9 Q. And what would be you looking for, for those things?

10 A. So whenever you're looking at business expenses, like most
11 people, you have payroll expenses, you might have some
12 accounting expenses, some rent that you pay, you know,
13 utilities or what you have and none of that was available.

14 MS. CONNORS: Okay. Let's see. Okay. And if we can
15 go to Page 4.

16 BY MS. CONNORS:

17 Q. And what is summarized on this page?

18 A. So at this point, this is the summary of all of the
19 accounts that were open as of March 28th of 2021. So as you
20 see, you've also -- I've now included Chase Bank with Kremkov
21 and PNC that has Kremkov. So this would be the balances for
22 all five of the accounts now as of March 28th of 2021.

23 Q. And in terms of the total, has it decreased from what you
24 were seeing at the beginning of 2020?

25 A. Yes, um-hmm. Yeah, yeah, yeah.

1 Q. And why was it that you selected March 28 of 2021 to
2 summarize the balances?

3 A. So I was looking to see how much money was actually in the
4 accounts prior to the PPP money actually being deposited into
5 the accounts.

6 Q. And so that we're specific, in terms of Chase Bank on
7 March 28th of 2021, what was the balance in
8 Kremkov Industries' account?

9 A. For Chase Bank it was \$105.

10 Q. And for PNC Bank, the Kremkov account ending in 9499 what
11 was the balance on March 28 of 2021?

12 A. It was \$107.10.

13 Q. And I think you already mentioned it, was there a deposit
14 into one of these accounts on March 28th -- or, I'm sorry,
15 March 29 of 2021?

16 A. Yes, ma'am. Yes, there was.

17 Q. And what was that deposit?

18 A. That deposit was the \$9 million for the PPP from
19 Chase Bank, yeah.

20 Q. Okay.

21 MS. CONNORS: And if we can go to Page 5.

22 BY MS. CONNORS:

23 Q. Is that what is reflected here?

24 A. Yes, ma'am. This is actually the image from the bank
25 statement that shows me the deposit that was made into the

1 Kremkov account ending in 8755.

2 MS. CONNORS: And then if we can go to Page 6.

3 BY MS. CONNORS:

4 Q. And so, Ms. Richardson, can you explain what happened
5 after that \$9.5 million PPP loan went into the Chase Bank
6 account?

7 A. Yes. So this slide is actually giving you information
8 regarding the deposit. It shows you that as of the 29th of
9 March, the loan actually came in for the 9.5, it went into the
10 Chase account in the form of an electronic deposit.

11 Then on April the 9th of 2021, there was a check that
12 was written from that same Chase account for \$3 million.

13 Q. And after that check is written, does something else
14 happen?

15 A. Yes, ma'am. As soon as the check itself is written, it's
16 actually deposited over into the account at PNC of 9499. And
17 PNC then, in turn, that account sends \$100,000 transfer over
18 to one of the other accounts that's 9849.

19 Q. Okay.

20 MS. CONNORS: And can y'all pull up Exhibit 301B for
21 me, please.

22 BY MS. CONNORS:

23 Q. Ms. Richardson, is this a copy of the \$3 million check
24 that you were just referencing?

25 A. Yes, ma'am, um-hmm.

1 Q. And you indicated that this check gets deposited, so which
2 account does it get deposited into?

3 A. So this goes over to the PNC account that is the 9499.

4 MS. CONNORS: And if you can zoom out of that.

5 BY MS. CONNORS:

6 Q. Is -- like at the very bottom, there's a series of some
7 numbers there. The one on the bottom, does it end 9499?

8 A. Yes, ma'am.

9 Q. Okay. Is that reflecting where that check was deposited?

10 A. Yes, ma'am.

11 Q. Now, is 9499 one of the other accounts that is in the name
12 of Kremkov Industries?

13 A. Yes, ma'am.

14 MS. CONNORS: And if we can go back to Exhibit 501.
15 And go to Page 4, please.

16 BY MS. CONNORS:

17 Q. And to remind the jury, what was the balance on -- in that
18 PNC account before the PPP money is received?

19 A. So prior to, for the Kremkov account ending in 9499, the
20 balance is \$107.10.

21 MS. CONNORS: Now, if we can go to Page 6 of this
22 exhibit.

23 BY MS. CONNORS:

24 Q. What ends up -- so you've already talked a little bit
25 about what happens after that \$3 million check gets deposited

1 into 9499.

2 A. Um-hmm.

3 Q. Does it go to another account?

4 A. Yes.

5 Q. Or a portion of the money?

6 A. Yeah. So a portion of the money at that point on April
7 the 19th of '21, there is a \$100,000 internal transfer that
8 goes from 9499 to 9849.

9 Q. And 9849 is an account in what name?

10 A. Carl Torjagbo.

11 Q. Is it a business account?

12 A. No, this is a personal account.

13 MS. CONNORS: And if we can pull up Exhibit 302B and
14 go to Page 2. There you go. And then if you will -- there's
15 a deposit and other additions.

16 BY MS. CONNORS:

17 Q. And in that very top portion, is that what is reflected
18 there, that \$100,000 transfer?

19 A. Yes, ma'am. So this is actually the copy of the actual
20 bank statement that shows that the wire transfer was done
21 online from this account over -- you know, from the 4 --
22 excuse me, the 9499 to the 9849.

23 Q. Okay. And now they're also showing on the screen there's
24 online and electronic banking deductions.

25 A. Yes, ma'am.

1 Q. Are there transfers after that \$100,000 goes into 9849, or
2 then -- is the money then getting transferred out of 9849 to
3 different accounts?

4 A. Yes, ma'am, including on the same day. So on April the
5 19th when the \$100,000 comes in, a full \$50,000 comes right
6 back out of that account over to 9814.

7 And then shortly thereafter, like the next day,
8 there's one for \$10,000 that goes over to that same 9814
9 account and so on.

10 MS. CONNORS: And if we can zoom out of that. And if
11 you'll zoom in on that daily balance detail.

12 BY MS. CONNORS:

13 Q. In terms of the daily balance --

14 A. Um-hmm.

15 Q. -- the daily balance for April 19th is identified, and
16 that's the date that the \$100,000 gets transferred?

17 A. Yes. Yes, ma'am. Yes.

18 Q. Okay. Now before that, the next balance that was
19 provided, it was a little bit over \$10,000?

20 A. Yes, ma'am. Yeah, um-hmm.

21 Q. And you had indicated that even on April 19th, after that
22 \$100,000 comes in, transfers are going back out?

23 A. Immediately, yes.

24 Q. So is that why instead of the balance saying \$100,000
25 plus, it's \$60,000?

1 A. Yes, ma'am. Yes.

2 Q. All right. Okay.

3 MS. CONNORS: If we can go back to Exhibit 501 and go
4 to Page 7. Thank you.

5 BY MS. CONNORS:

6 Q. And so just to be able to go through some of those
7 transfers, is that what is reflected here?

8 A. Yes. So I tried to make it easier on you to be able to
9 see that this is how the money flow was going from -- on the
10 19th, the \$100,00 goes into 9849 and it immediately comes from
11 9849 on the 19th, the \$50,000 goes over to 9814.

12 And then the very next day, \$10,000 goes to 9814.
13 And then two days later, another \$20,000 goes to 9814. And
14 then three days after that, another \$21,000 actually ends up
15 going over to 9814.

16 Q. And in terms of these transfers --

17 A. Um-hmm.

18 Q. -- the maximum amount in that account prior to the
19 \$100,000 deposit was \$10,000; is that right?

20 A. From the day -- yes, um-hmm.

21 Q. And so while this money comes in, \$50,000 is going out --

22 A. Um-hmm.

23 Q. -- \$50,000 transfer could only be a part of at least --
24 would have to be at least a part of the 100,000?

25 A. It would have to be a part of the \$100,00, yes.

1 Q. Okay.

2 MS. CONNORS: And if we can go to Page 8. Thank you.

3 BY MS. CONNORS:

4 Q. And, Ms. Richardson, what is being reflected in this
5 summary?

6 A. So at this point, I went through and looked at the account
7 that was the 9814, since it got so many of the transactions, I
8 wanted to see like what was the balance before the transfers
9 came in. And then what would it end up being at the end of
10 the same timeframe.

11 So once all of the transfers come in, the \$50,000,
12 the \$10,000, the \$20,000, the \$21,000, it ends up with a
13 balance of 20,000, but it started at 91 -- \$9,100.

14 Q. And so that ending balance there --

15 A. Umm-hmm.

16 Q. -- that's where we were -- are on April 26?

17 A. April 26, yes, ma'am.

18 Q. And on April -- after April 26, did something else happen?

19 A. Yes.

20 Q. And what was that?

21 A. So there were credit card payments and loan payments that
22 started going -- going out from the 9814 account.

23 Q. Okay.

24 MS. CONNORS: And if we can go to Page 9.

25

1 BY MS. CONNORS:

2 Q. And could you explain what this summary is -- represents?

3 A. Sure. So when I was looking at the 9814 account for that
4 same timeframe where we saw all these wires coming in the door
5 from the other account, I was looking to see what payments
6 were actually being disbursed.

7 At this point, on April the 22nd, there was a wire
8 for \$17,000 that went out to O'Kelley & Sorohan for a real
9 estate down payment.

10 On the 23rd, there was an Internet payment that was
11 made to Chase Bank for \$10,031, and this was for a personal
12 credit card at Chase Bank.

13 And then on the 23rd also, there was an Internet
14 payment of a little over \$6,400 to Synchrony that was a
15 personal credit card.

16 On the 26th of April, there was a check payment that
17 was made to Wells Fargo Auto for approximately \$24,799.

18 And then a -- on the same day, the 26th, a check
19 payment was made for a little over \$23,000 to PNC Bank, which
20 that was a line of credit at PNC Bank.

21 Q. Okay. And so in relation to these expenditures --

22 A. Um-hmm.

23 Q. -- at -- before the PPP money came into any account, would
24 there have been a balance to cover \$81,000?

25 A. Oh, no. Huh-uh, no.

1 Q. Okay. And are all of these credit card payments going out
2 after that initial \$100,000 is transferred of the PPP money?

3 A. Yes.

4 Q. Now, are you aware -- well, let me ask you, in terms of
5 April 26th being kind of your cutoff date here, was there a
6 reason for that?

7 A. Yes. So after April the 26th, there was an IRS check that
8 was deposited.

9 Q. Okay.

10 MS. CONNORS: And if we can pull up Exhibit 301C.

11 BY MS. CONNORS:

12 Q. Is this a copy of the IRS check?

13 A. Yes, it is.

14 Q. And which account did this money go into?

15 A. This one went into the 9499.

16 Q. And how much was this check?

17 A. This check is \$3,366,240.76.

18 Q. And who was the check issued to?

19 A. Carl Torjagbo.

20 Q. And what account was this check deposited into?

21 A. It was deposited into 9499.

22 Q. Is 9499 a bank account for Kremkov Industries?

23 A. Yes, it is.

24 Q. So even though this check was written as a personal check,
25 it goes into a business bank account?

1 A. That is correct.

2 Q. And is that the same bank account that had already
3 received the \$3 million payroll check deposit?

4 A. It is, yes.

5 MS. CONNORS: And if we can go to -- pull back 501
6 and go to Page 11.

7 BY MS. CONNORS:

8 Q. Now, at this point, is the money from PPP and the IRS tax
9 refund converged in the same account?

10 A. Yes, it has.

11 Q. And so at that point, what is the balance in the account
12 that has received both of those payments?

13 A. So for the 9499 account, the balance would end up being on
14 the 27th of April, 2021, \$6,266,327.86.

15 Q. Now, after that money goes -- the IRS money gets deposited
16 into 9499, what happens?

17 A. So then there is a wire transfer that happens.

18 Q. Okay.

19 A. After that timeframe.

20 Q. Okay.

21 MS. CONNORS: If we can go to Page 11 please. I'm
22 sorry, Page 12.

23 BY MS. CONNORS:

24 Q. And, Ms. Richardson, can you explain what this page is
25 reflecting?

1 A. So this is a summary of transfers between May 10th of '21
2 and May 11th. The account balance for 9849 was actually
3 \$7,300. And then there is a wire that happens on May the 11th
4 of '21 that comes from 9499 to the 9849 account in the amount
5 of \$6 million.

6 Q. Okay. And just to confirm, is 9499 where the PPP money,
7 the \$3 million of PPP money went into and the IRS tax refund
8 check?

9 A. Yes, it is.

10 Q. Prior to either one of those deposits, would 9499 -- did
11 9499 have over \$6 million in it?

12 A. No.

13 Q. And did it only have essentially \$100, \$107 in it?

14 A. \$107.10.

15 Q. Okay.

16 MS. CONNORS: And if we can go to Page 13.

17 BY MS. CONNORS:

18 Q. What happened after \$6 million gets transferred?

19 A. So this slide actually shows you all the transactions from
20 May the 12th of '21 through April 30th of '22. And this shows
21 you the purchases that were made and transfers that were done
22 from the 9849 account.

23 Q. And again, is 9849 a personal account?

24 A. Yes, it is a personal account.

25 Q. And what was the total amount of disbursements from 9849?

1 A. It was \$4,208,888.37.

2 Q. And is that money -- was that spent from PPP money and IRS
3 tax refund money?

4 A. Both, yes.

5 Q. Did this account have any -- in total with his accounts,
6 did he have anywhere close to that amount of money in his PNC
7 accounts prior to the PPP money and the IRS tax money coming
8 in?

9 A. No, huh-uh.

10 Q. And in terms of this summary from the time period of May
11 2021 to April of 2022, you have deposits listed as well to
12 9849?

13 A. Yes.

14 Q. What's the one deposit?

15 A. So this would be interest that's accruing on the account
16 every month, so this is a cumulative of them. So it would be
17 \$1,994.87.

18 Q. And in terms of the disbursements on the account, what
19 types of disbursements did you see?

20 A. So I saw purchases as well as a lot of transfers between
21 accounts.

22 Q. And did you summarize some of these specific purchases?

23 A. Yes, I did.

24 Q. Okay.

25 MS. CONNORS: And if we can go to Page 14, please.

1 BY MS. CONNORS:

2 Q. And, Ms. Richardson, are you familiar with the defendant's
3 purchase of a house in Marietta as Greythorne property?

4 A. Yes, I am.

5 Q. And does this page summarize information related to that
6 purchase?

7 A. Yes, it does.

8 Q. Okay. And can you explain?

9 A. So this particular slide shows you the transactions that
10 would have gone directly for the purchase of the property at
11 Greythorne. So on the -- and I kept it with the \$100,00 that
12 we already knew.

13 So on the 19th of April, you saw again the \$50,000
14 that was transferred from 9849 to 9814. And then again from
15 9814 -- from 9849 to 9814, there was the same day another
16 \$10,000.

17 And then you have a down payment for the home that
18 happens from that same 9814 account, it's wired out to
19 O'Kelley & Sorohan for \$17,000, that's the down payment of
20 that home.

21 And then the transfer that happens on May the 11th,
22 from 9499 to 9849 for \$6 million, that is actually also
23 funding the wire for the purchase of the home at closing on
24 May the 28th for the amount of \$1,660,861.01.

25 MS. CONNORS: Okay. And if we can pull up

1 Exhibit 302A.

2 BY MS. CONNORS:

3 Q. And is this the wire transfer record for the \$1.6 million
4 for the house?

5 A. Yes, ma'am, it is, um-hmm.

6 Q. Okay.

7 MS. CONNORS: And if we can go to Page 2 of that
8 exhibit at the top.

9 BY MS. CONNORS:

10 Q. Did -- did that money go to a First Citizen's Bank & Trust
11 account?

12 A. Yes, it is.

13 Q. And to confirm, the money was being sent out of a PNC
14 account?

15 A. That is correct, yes, ma'am.

16 Q. The defendant's PNC account?

17 A. Yes, that is correct.

18 Q. And what was the source of this transaction?

19 A. The \$6 million transfer.

20 Q. Without the \$6 million transfer, would there have been
21 sufficient funds in that account to send a \$1.6 million wire?

22 A. No, it would not.

23 MS. CONNORS: And if we can pull up 501 again. Thank
24 you.

25

1 BY MS. CONNORS:

2 Q. Are you familiar with a purchase of a piece of property
3 located at Fiber Drive?

4 A. So Page 15 does show that this is the transactions for the
5 property for Fiber Drive.

6 THE COURT: Is this a good time for lunch?

7 Or do you have another better stopping spot in the
8 next 10 or 15 minutes?

9 MS. CONNORS: It will take longer than that, so maybe
10 it is a good time.

11 THE COURT: Okay. Y'all ready for lunch?

12 All right. We're going to have our lunch break.

13 Don't talk about the case, talk about other stuff. The Braves
14 stunk it up again yesterday, so stay away from that topic.

15 COURTROOM SECURITY OFFICER: All rise.

16 (Whereupon, the jurors exited the courtroom.)

17 THE COURT: Okay. We will see you guys in about 55
18 minutes, because we're going to spend a couple of minutes on
19 these instructions.

20 And I know that means you've got to work over your
21 lunch hour, but I don't know if we're going to close today.

22 Do you think we're closing today?

23 MS. CONNORS: I would guess not, because -- I mean
24 especially I'm guessing it would take at least 30 minutes to
25 do the instructions.

1 THE COURT: Is this your last witness.

2 MS. CONNORS: She is, yes.

3 THE COURT: And then do you anticipate putting on a
4 case?

5 MR. FINLAYSON: I do. I have two short witnesses and
6 then Mr. Delano.

7 THE COURT: We might get there. How long do you
8 think your closing will be?

9 MS. CONNORS: I do anticipate it's going to be at
10 least 45 minutes, potentially closer to an hour.

11 THE COURT: All right. We're not going to close
12 today then.

13 MS. CONNORS: Okay.

14 THE COURT: I mean, it just seems like we'd be
15 rushing it, because you've got to both get done and stuff.

16 So we'll come back in an hour and talk about this at
17 the end of the day. Okay?

18 But I want firm thoughts on this at the end of the
19 day and then we'll close first thing in the morning. Okay?

20 But we will get all the evidence in today. Okay?
21 That will give them most of the day tomorrow to deliberate.

22 And then at the end of the day, y'all will have to
23 think now, think down the road, what we're going to do with
24 the young lady who starts a brand-new job that she's really
25 excited for on Monday. And if we don't let her go, she will

1 be behind and miss starting with her peers. I have no opinion
2 on it. Y'all do whatever you want. But you-all will have to
3 let me know what you think. Okay?

4 MS. CONNORS: Thank you, Your Honor.

5 MR. FINLAYSON: Thank you.

6 (Whereupon, a lunch recess was taken.)

7 THE COURT: Okay. Y'all can be seated.

8 The marshals wisely reminded me that we're going to
9 take a -- if the defendant is going to testify, I need you to
10 just say, Judge, can I have a couple of minutes so that he can
11 move up here outside the presence of the jury, because I think
12 he's still shackled, right?

13 Yes, okay. So we're all on the same page.

14 I appreciate the marshals reminding me of that.

15 All right. You can bring them in.

16 MS. CONNORS: Oh, I thought -- are we doing anything
17 with the jury instructions?

18 THE COURT: No. We're doing them at the end of the
19 day.

20 MS. CONNORS: Oh, at the end of the day.

21 THE COURT: I took back our lunchtime.

22 MS. CONNORS: Sounds good.

23 THE COURT: Yes.

24 COURTROOM SECURITY OFFICER: All rise.

25 (Whereupon, the jurors entered the courtroom.)

1 THE COURT: All right. Y'all can be seated.

2 Okay. Go ahead.

3 MS. CONNORS: Thank you, Your Honor.

4 BY MS. CONNORS:

5 Q. Okay. Ms. Richardson, right before the break we were just
6 getting into this page, so I think you already mentioned some
7 information, but just so we can backtrack and make sure that
8 we get the full picture here, can you explain what's being
9 described on Page 15 of Exhibit 501?

10 A. Sure. So this is a slide with respect to the transactions
11 that took place for the Fiber Drive property. So this would
12 be the -- our \$6 million transfer that came from the PNC 9499
13 to the 9849 on May the 11th.

14 And then 9849 actually sent out a wire in the amount
15 of \$7,000 on September 20th of '21 to North Atlanta Law Group.
16 This would have been the down payment or deposit for the Fiber
17 Drive property.

18 And then on the 27th of October, 9849 wired out
19 \$91,076.66 to North Atlanta Law Group for the closing
20 transaction that took place for that same property.

21 Q. Okay. And let's look at the wire transfer information.

22 MS. CONNORS: Can we pull up Exhibit 302A and go to
23 Page 11. Thank you.

24 BY MS. CONNORS:

25 Q. And, Ms. Richardson, does this document relate to that

1 wire transfer for a little over \$91,000?

2 A. Yes, ma'am. Yes.

3 Q. And is that what's in that payment instructions?

4 A. Yes. It's to wire out the \$91,000, yes.

5 Q. Okay. And whose account was sending that money?

6 A. The Carl Torjagbo account ending 9849.

7 Q. Okay. And account ending in 9849 had about \$7,300 in it
8 before it got a \$6 million transfer?

9 A. That is correct, yes.

10 Q. And that \$6 million transfer was sourced from PPP money
11 and IRS check money.

12 A. That is correct.

13 MS. CONNORS: And if we can go to Page 12. Thank
14 you.

15 BY MS. CONNORS:

16 Q. Look at the top, what was the -- which bank received this
17 money?

18 A. Cadence Bank.

19 Q. And just to be clear, the account that sent the money, was
20 that PNC?

21 A. Yes, it is.

22 Q. Okay.

23 MS. CONNORS: And if we can go back to Exhibit 501,
24 please, and go to Page 16.

25

1 BY MS. CONNORS:

2 Q. And are you familiar with the purchase of a property at
3 101 Holt Drive?

4 A. Yes, I am.

5 Q. Okay. And is that what's described here as purchase
6 transactions?

7 A. Yes. It is, yes.

8 Q. And can you go through this page of the exhibit?

9 A. Sure. So again, our same transfer, May the 11th, that is
10 from the 9499, the \$6 million that goes over to 9849.

11 On February the 7th of '22, PNC 9849 got a cashier's
12 check in the amount of \$500,000, and it was deposited over
13 into the Bank of America account ending in 1199.

14 And then on February the 18th, that Bank of America
15 account ending in 1199 wired \$5,000 over to Ganek PC for the
16 down payment of the Holt Drive property.

17 And then that same account, Bank of America ending in
18 1199 wired out on March the 7th of '22 a wire in the amount of
19 \$150,005.13 to Ganek PC for the closing of that property on
20 Holt Drive.

21 Q. Okay. And Bank of America account ending in 1199 is in
22 the name -- is in what name?

23 A. FlyingJack.

24 Q. Now, did the FlyingJack account, it opened approximately
25 when?

1 A. I do believe it was August. We can go back to our
2 exhibit. So on our Page 1 of our summary of bank accounts, it
3 is -- it shows that it was opened August the 26th of 2021.

4 Q. So at the time that the PPP money and IRS check money are
5 received, was there any money in a bank account related to
6 FlyingJack?

7 A. No, huh-uh.

8 Q. And in terms of this \$6 million transfer, was there --
9 would there have been -- I'm sorry. Let me go to the \$500,000
10 cashier's check, at any point prior to -- between March 29th
11 of 2021, which is the date of the PPP deposit --

12 A. Um-hmm.

13 Q. -- and February 7th of 2022 --

14 A. Um-hmm.

15 Q. -- did \$500 come in that was not PPP or IRS money?

16 A. Did \$500 come in that's --

17 Q. \$500,000 into 9849?

18 A. That was not part of the -- I'm making sure I'm
19 understanding.

20 Q. The PPP or the IRS money.

21 A. No, no, no. No, no.

22 Q. Okay. And in terms of -- we saw some information earlier
23 about any kind of potential deposits into 9849 that were not
24 the PPP money and not IRS money.

25 A. Correct.

1 Q. And do you recall approximately how much that was?

2 A. As far as what was actually in both of the accounts prior
3 to?

4 Q. Anything that got deposited into 9849 after March 29th of
5 2021 that was not PPP or IRS tax money?

6 A. Just our -- our interest funds that went in. You would
7 have had interest every month into that account.

8 Q. Is that approximately 1900 or so dollars?

9 A. That would have been for the whole timeframe.

10 Q. Okay.

11 A. Yeah, umm-hmm.

12 Q. Okay. But that was it?

13 A. That's it. Yeah, that's it.

14 MS. CONNORS: And if we can go ahead and pull up
15 Government's Exhibit 305F. And if we'll go to the next page.
16 And then the page after that.

17 BY MS. CONNORS:

18 Q. Does this -- is this a copy of the cashier's check
19 related -- that \$500,000 cashier's check?

20 A. Yes. For the February 7th, yes.

21 Q. Okay. And cashier's check, is that written directly from
22 a bank account or is that -- the individual's bank account or
23 is the bank issuing that check?

24 A. So the bank issues the check, but you go in and you do the
25 withdrawal of the funds from whichever account that you have

1 at that bank. They issue a cashier's check for whatever
2 amount and to whomever you request.

3 Q. Okay. And so in relation to this specific cashier's
4 check --

5 A. Umm-hmm.

6 Q. -- did you see the corresponding withdrawal of \$500,000
7 from 9849 to fund the check?

8 A. Yes, I did, um-hmm.

9 Q. Okay.

10 MS. CONNORS: And if we could pull up Exhibit 305I.

11 Thank you.

12 BY MS. CONNORS:

13 Q. And we're looking at Page 4 and the very top transaction.
14 And what is that showing?

15 A. So this is actually -- the bank statement is showing you
16 where they actually wired the funds from this account over to
17 Ganek for the purchase of the -- and they actually have the
18 address there of the 101 Holt Drive.

19 MS. CONNORS: And if we can go back to Exhibit 501,
20 Page 17.

21 BY MS. CONNORS:

22 Q. Okay. And what is being summarized here?

23 A. So this is a summary of all of the real estate purchases
24 that I reviewed. So for the Greythorne Lane property, this is
25 the full amount that was paid in the amount of \$1,677,861.01.

1 The amount for the Holt Drive of \$155,005.13.

2 And the Tract 4, which is the Fiber Drive, that gives
3 you the \$98,000.

4 For a total of real estate purchases in the amount of
5 \$1,980,842.80.

6 Q. Thank you.

7 MS. CONNORS: And if we can go to Page 18.

8 BY MS. CONNORS:

9 Q. What is being summarized on Page 18?

10 A. I also reviewed some vehicles, and this was for the 2022
11 BMW M850XI.

12 Q. And is this a purchase that the defendant made?

13 A. Yes. Yes.

14 Q. And in regards to these transactions, what happened?

15 A. So again we're looking at our \$6 million transfer that
16 happened on May the 11th that went to the 9849. The 9849
17 account on August the 3rd of 2021, there is a check card
18 purchase, so that's kind of like when you have your debit
19 card, you go and you run your debit card, it comes up as a
20 check card purchase on your bank account, for the amount of
21 \$2,500 to Global Imports.

22 And then PNC account 9849 on January the 11th of '22
23 wired \$500,000 over to the Bank of America account that ends
24 in 1199. And then that same Bank of America account, 1199,
25 withdrew -- a cashier's check came out, that was printed at

1 the bank on the 24th of January, '22, in the amount of
2 115,250.79 written to Global Imports.

3 That same account, Bank of America account ending
4 1199, same day, there was another check card purchase again
5 where they swiped their card in the amount of \$3,049 at Global
6 Imports.

7 MS. CONNORS: And if we can pull up Exhibit 302A.
8 And go to Page 20.

9 BY MS. CONNORS:

10 Q. And is this a wire transfer or a transfer record related
11 to that \$500,000?

12 A. Yes, ma'am, umm-hmm.

13 Q. And does this show that it's Carl Torjagbo who's sending
14 money?

15 A. Yes. Yes. From the PNC account, yes.

16 Q. Okay. And in terms of the date that this money is going
17 out, what is the date?

18 A. It is January 11th, 2022.

19 Q. Is that date after September of 2021?

20 A. Yes, it is.

21 Q. You're aware of whether or not the defendant changed his
22 name on that date?

23 A. On specifically that date? I did not know what was the
24 specific date of the name change.

25 Q. Do you know if he did change his name?

1 A. I had gotten information saying that he had changed his
2 name.

3 Q. Is his new name Carl Torjagbo -- I'm sorry, Karl Delano?

4 A. Delano, yes. That's the name I was told.

5 Q. On January 2022 to buy a BMW, it's still listing
6 Carl Torjagbo?

7 A. Yes, it is.

8 MS. CONNORS: And if we can go to -- I'm sorry,
9 before I go there.

10 BY MS. CONNORS:

11 Q. This money is going into a business account at FlyingJack?

12 A. In the name of FlyingJack, yes, that is correct.

13 Q. And then this BMW gets purchased out of a FlyingJack
14 account; is that right?

15 A. That is correct, yes.

16 Q. Okay.

17 MS. CONNORS: If we can go to 305E. Thank you.

18 BY MS. CONNORS:

19 Q. And then at the top here, is this the cashier's check that
20 paid that wire -- or, I'm sorry, that paid for the BMW?

21 A. Yes. That appears to be that, yes. Um-hmm, yep.

22 Q. And what was the source of funds for this cashier's check?

23 A. It would be the \$6 million that was sent over.

24 MS. CONNORS: And if we can go to Exhibit 501,

25 Page 19.

1 BY MS. CONNORS:

2 Q. And, Ms. Richardson, can you explain what this page
3 summarizes?

4 A. Sure. So this is the 2021 Land Rover Range Rover
5 purchase. Again, our same \$6 million transfer, May 11th from
6 9499 to 9849.

7 The 9849 account on August the 4th of '21 wired
8 \$87,020 over to Niello Imports II. And then there's a PNC
9 account 1837 that's actually a credit card, the PNC credit
10 card, that was charged August the 6th of '21 for \$3,500 at the
11 same vendor.

12 Q. And in regards to this, I'm going to go ahead and pull up
13 Exhibit 302A, Page 3.

14 Is this the wire or the transfer information related
15 to that transaction?

16 A. Yes, ma'am, it is. Yes.

17 Q. And is this, again, the defendant sending money over?

18 A. Yes, it is.

19 Q. Okay.

20 MS. CONNORS: And if we could go to the next page.

21 BY MS. CONNORS:

22 Q. And at the top, is it a Bank of America account that the
23 money is going into?

24 A. Yes, ma'am. Yes.

25 Q. And what was the source of these funds?

1 A. This was the same \$6 million transfer.

2 MS. CONNORS: And then if we can go to Exhibit 501,
3 Page 20. There you go. Okay.

4 BY MS. CONNORS:

5 Q. Did the defendant purchase a Lamborghini?

6 A. Yes, ma'am. Yes.

7 Q. And what does this page summarize?

8 A. So this is the summary of transactions for the purchase of
9 the 2014 Lamborghini. Our same \$6 million that was
10 transferred over to 9849. 9849 purchases another cashier's
11 check on April the 14th of '22 for \$500,000.

12 That \$500,000 goes over to Bank of America account
13 ending 1199. And Bank of America account ending in 1199 wired
14 out on April the 15th of '22 \$60,000 to Atlanta Used Cars as
15 part of the down payment for this Lamborghini.

16 That same account on April the 22nd wired out funds
17 in amount of \$269,999.80 to Atlanta Used Cars for the complete
18 purchase for the 2014 Lamborghini.

19 Q. And in regards to this purchase, the Bank of America
20 account being used is a FlyingJack account?

21 A. That is correct, yes.

22 Q. Now, could a wire transfer have been sent directly out of
23 9849?

24 A. Absolutely, yes, um-hmm.

25 Q. Is there any -- was there anything that you reviewed that

1 indicated the money had to come out of FlyingJack's bank
2 account instead of a bank account in the defendant's name?

3 A. No, no.

4 MS. CONNORS: And if we can pull up Exhibit 305G.

5 BY MS. CONNORS:

6 Q. Was there -- does this relate to the \$500,000 cashier's
7 check that essentially transferred money from 9849 into 1199?

8 A. Yes.

9 MS. CONNORS: And if we'll go to the second page of
10 that.

11 BY MS. CONNORS:

12 Q. Again, is this cashier's check that would be --
13 essentially withdrawn from the bank's own account?

14 A. Yes.

15 Q. But did you see a corresponding transaction indicating
16 that the \$500,000 was coming out of 9849?

17 A. Yes, I did, uh-huh.

18 MS. CONNORS: And then if we can pull up Exhibit 305
19 and go to Page 77. And now in the kind of little bit --
20 perfect.

21 BY MS. CONNORS:

22 Q. Okay. And on that top transaction for April 22nd of 2022,
23 does that relate to the remaining balance transfer for that
24 Lamborghini?

25 A. Yes. That is the wire transaction, yes.

1 Q. And does it indicate it is going to Atlanta Used Cars?

2 A. Yes, it does.

3 Q. And what was the beneficiary bank account there?

4 A. Pinnacle Bank.

5 Q. And does -- do you see sort of like an information line or
6 payment detail line?

7 A. Yes, um-hmm.

8 Q. And what was it indicating was the payment detail here?

9 A. It's identified as equipment purchase.

10 Q. And again, this is for a Lamborghini?

11 A. Yes, ma'am, um-hmm.

12 Q. And so is FlyingJack's business account being used to make
13 this purchase?

14 A. Yes, it is.

15 Q. And to confirm, what was the source of the funds?

16 A. The \$6 million.

17 MS. CONNORS: And now staying on that exhibit, if
18 you'll go and pull out one above that, a transaction on
19 April 21st of 2022.

20 BY MS. CONNORS:

21 Q. And you mentioned earlier today about you had reviewed
22 records related to a yacht?

23 A. Yes, ma'am. I did, yes.

24 Q. Now was the yacht ultimately purchased in full?

25 A. No. No, it was not. This was just the down payment for

1 the purchase of the yacht.

2 Q. Okay. And so who was the beneficiary of this wire?

3 A. This is Reel Deal Yachts, Inc.

4 Q. And was it -- the payment details, does that reflect the
5 deposit on -- and then name of a yacht type?

6 A. Yes, um-hmm.

7 Q. And what was the source of that money?

8 A. The \$6 million.

9 MS. CONNORS: If we can go back to go Exhibit 501 and
10 go to Page 21.

11 BY MS. CONNORS:

12 Q. And what does this summarize?

13 A. So this is a summary of all the motor vehicles that I saw
14 within the accounts. The 2022 BMW, the 2021 Land Rover, the
15 2014 Lamborghini and the 76-foot yacht, that was just a down
16 payment for that one, with a total in amount purchases or
17 amount spent of \$595,000, basically, 319.59.

18 Q. Okay. And I believe you mentioned earlier today that
19 there were some other vehicles that were purchased?

20 A. Yes, um-hmm. Yes, um-hmm.

21 MS. CONNORS: And if we can go to Page 22.

22 BY MS. CONNORS:

23 Q. And what's reflected in this summary?

24 A. So this a listing of all the truck sales that I saw go
25 through the different accounts that were held either in the

1 name of FlyingJack or Carl Torjagbo.

2 Q. And I think you probably jumped to my next question. So
3 all of these trucks are not purchased directly from the
4 FlyingJack account?

5 A. No. No, no. So as you see, if you go almost halfway down
6 the page, the first one that's for Ameritruck, it says PNC
7 account ending 9849 actually pays \$90,100 for that vehicle.

8 Q. And then the bottom line, is there an additional
9 transaction for one of these trucks that were --

10 A. There's actually two. Yeah, there's two, there's 9849
11 does another Ameritruck for 49,900.

12 And then 9849 does another one at Southern Truck
13 Sales for 73,900.41.

14 Q. And in terms of the funds in 9849, when all three of those
15 transactions occur, what would have been the source of the
16 money?

17 A. The same \$6 million.

18 Q. And that \$6 million is both PPP money and IRS tax refund
19 money?

20 A. Yes, it is.

21 Q. And then the source of funds for the other remaining
22 trucks that were purchased out of FlyingJack's account, what
23 would -- what's the source of the funds?

24 A. The same \$6 million.

25 Q. And that \$6 million represents both PPP money and IRS

1 refund money?

2 A. Yes, it does.

3 MS. CONNORS: And let's go to Page 23.

4 BY MS. CONNORS:

5 Q. And what is this summarizing?

6 A. So this is a listing of all the trailers that were
7 purchased from the FlyingJack account at Bank of America
8 ending in 1199.

9 MS. CONNORS: And let's go to the next page.

10 BY MS. CONNORS:

11 Q. Did you review incoming deposits to each one of the
12 defendant's accounts after May 12th of 2021?

13 A. Yes, I did.

14 Q. And did you summarize each account individually?

15 A. Yes, I did.

16 Q. So first looking at Page 24, are these the incoming
17 deposits to that account?

18 A. Yes. This is for the PNC account ending 9499. This would
19 be all of the remaining deposits that were into this account
20 from May 12th of '21 until April 29th of '22. There were two
21 deposits totaling \$46.17.

22 Q. And again, is this Kremkov's account?

23 A. Yes, it is.

24 Q. Now, in terms of the May 12th starting date, why was that
25 date selected?

1 A. So this was the date that would have been after all of the
2 deposits and everything were done as far as for the IRS money
3 would have already been deposited, the PPP money would have
4 already been deposited. So this was after everything had been
5 deposited, looking at the timeframe of what other income could
6 have come in to all of the different accounts after that
7 timeframe.

8 Q. Thank you.

9 MS. CONNORS: And if we can go to Page 25.

10 BY MS. CONNORS:

11 Q. And which account is this?

12 A. This is the PNC account ending 9849 for that same time
13 period.

14 Q. Total -- the total money coming in, a little over \$500?

15 A. Yes, ma'am. A total of five deposits for the total of
16 \$523.77.

17 MS. CONNORS: And let's look at Page 26.

18 BY MS. CONNORS:

19 Q. Which account is this?

20 A. This is for the PNC account ending in 9822.

21 Q. \$183 and some change?

22 A. Yes, ma'am, for six deposits for that same time period.

23 Q. Okay.

24 MS. CONNORS: And then finally let's look at Page 27.

25

1 BY MS. CONNORS:

2 Q. And is this the FlyingJack account?

3 A. Yes, it is. Bank of America account ending in 1199.

4 Q. Now, the top transaction has a \$40,000 cash in.

5 A. Um-hmm.

6 Q. When you were reviewing the records around that same day,
7 did you also see \$40,000 going out related to a real estate
8 purchase?

9 A. Yes, I did. It's actually on the -- when you see the
10 transactions all listed for the 9849 account, it was the
11 \$40,000 that was listed as a disbursement that went out of
12 that account.

13 Q. Okay. So even though -- so the \$40,000 cash goes into a
14 1199, but then a different account sends out the \$40,000 wire?

15 A. That is correct.

16 Q. Now, Ms. Richardson, in terms of this money, you've talked
17 about the \$6 million transfer to 9849.

18 A. Umm-hmm.

19 Q. Now that \$6 million goes out of 9499.

20 A. That is correct.

21 Q. And is 9499 the account that had both a \$3 million check
22 deposited into it for payroll as well as \$3.3 million tax
23 refund check?

24 A. It is, yes.

25 Q. Now, once both of those deposits were in the account,

1 would you be able to believe what dollar is PPP money and what
2 dollar is IRS refund money?

3 A. Not once it's commingled together, no.

4 Q. So then that \$6 million transfer happens and that's all --
5 that's going to be from both, right, because --

6 A. Yes, the two together.

7 Q. Because we do not have that the -- the PPP money did not
8 get \$6 million into an account -- well, let me say didn't get
9 \$6 million into 9499 from PPP money?

10 A. No, huh-uh.

11 Q. And did not get \$6 million in an IRS refund check?

12 A. No, huh-uh.

13 Q. So that money was combined to be able to get to the
14 \$6 million?

15 A. That is correct, yes.

16 Q. Now, we've gone through quite a bit of transfers.

17 And did you prepare a demonstrative exhibit to help
18 kind of follow the flow of funds and to display that for the
19 jury, kind of in a graphic, if you will?

20 A. Yes, I did.

21 Q. And does that exhibit fairly and accurately reflect the
22 flow of funds?

23 A. Yes, it does.

24 Q. And was there even an adjustment at the request of the
25 defense?

1 A. Yes, there was.

2 MS. CONNORS: Your Honor, I move to admit
3 Government's Exhibit 502 for demonstrative purposes.

4 MR. FINLAYSON: No other objection.

5 THE COURT: Okay. It's admitted.

6 MS. CONNORS: Okay. If we could pull up 502. Thank
7 you.

8 BY MS. CONNORS:

9 Q. Okay. So, Ms. Richardson, we just talked about a lot of
10 transfers, a lot of different dollar numbers, a few we
11 repeated over and over again.

12 But if you can start at the far left and let us know
13 what that represents.

14 A. Okay. So starting at the far left is your initial PPP
15 money, the \$9,554,425.

16 THE COURT: You can actually -- by the way, I think
17 if you touch that screen, it will put a mark on it.

18 THE WITNESS: Oh, I can touch it?

19 THE COURT: Isn't that right? Give it a shot. Did
20 it put a mark on there?

21 MS. CONNORS: It made like a little highlighter.

22 THE WITNESS: It made a -- it made a highlighter.

23 THE COURT: Touch it more authoritatively. Yes, see
24 that.

25 THE WITNESS: Oh, and it's purple.

1 THE COURT: And you can erase it by hitting --

2 THE WITNESS: The eraser? Nope, that don't do it.

3 THE COURT: Maybe you have to do it, Ms. Connors.

4 COURTROOM DEPUTY: I think either one of y'all can.

5 THE WITNESS: Which one is the --

6 THE COURT: Touch the corner of your screen,

7 Ms. Connors.

8 MS. CONNORS: Just the corner?

9 THE COURT: Did it come up with it?

10 THE WITNESS: Oh, I don't have a green arrow.

11 MS. CONNORS: Oh, this one?

12 THE COURT: Yes.

13 COURTROOM DEPUTY: So like you can change the color
14 right here, but you can't erase her mark.

15 THE COURT: So you have to touch -- no, no. You
16 don't have to do it like that. You can just hit back. Hold
17 on. All right. I've taught you to fish. I'm going to leave
18 you alone.

19 THE WITNESS: I've got it.

20 MS. CONNORS: Okay.

21 BY MS. CONNORS:

22 Q. All right. So we have the \$9.5 million PPP money.

23 A. Umm-hmm.

24 Q. And then where does that get deposited?

25 A. So that money is actually deposited over to the --

1 JPMorgan Chase actually puts that money into the account that
2 is the 8755.

3 Q. Okay. And if you can go ahead and discuss what is
4 reflected there in terms of the red dotted arrow.

5 A. So this was the money that was actually clawed back by PNC
6 Bank. They removed from that same account \$6,554,515.

7 Q. Now, before that happened, is that what the next
8 transaction is moving to the right that's referred to as the
9 \$3 million check?

10 A. Yes, um-hmm.

11 Q. And just to confirm, you have seen that check before?

12 A. Oh, yes, um-hmm.

13 Q. Okay. And was there a memo line on that check?

14 A. Yes. That check on the memo, it actually said payroll.

15 Q. Now, did you see anything that looked like payroll going
16 out of 9499 after that check was transferred?

17 A. No, no.

18 Q. Did you see any evidence of payroll coming out before any
19 money was -- came in for the PPP loan?

20 A. Oh, no, huh-uh.

21 Q. Okay. So the \$3 million check going into 9499?

22 A. Um-hmm.

23 Q. And then you have another arrow going to that same
24 account. What does that represent?

25 A. So that is from the IRS check that is the \$3,366,240.76,

1 that is that check going to the PNC account ending 9499.

2 Q. And do you recall the approximate date of that check
3 deposit?

4 A. That was our April 27th of 2021.

5 Q. And do you recall when that check was issued, like the
6 date on the check?

7 A. It was April the 23rd of 2021.

8 Q. And what happens next?

9 A. So then from here, this is showing you where the
10 \$6.1 million transfer went from 9499 to the 9849 account at
11 PNC.

12 Q. Okay. Now, we've been talking a lot about a \$6 million
13 transfer. So how do you end up with \$6.1 million in terms of
14 this exhibit?

15 A. So remember back in the beginning, the very first one that
16 I -- that I tracked was the \$100,000 transfer that went over
17 that paid all the credit cards and the car off. So that's the
18 \$100,000. And then the \$6 million transfer happened after
19 that, so it leaves you at \$6.1 million.

20 Q. Okay. And so that money goes into 9849. And then there's
21 a lot of arrows. What do those arrows represent?

22 A. There are a lot of arrows. And I did not put it in date
23 order, I put it in amount order clockwise.

24 Q. Okay.

25 A. So it actually shows you the 2021 Land Rover for the

1 \$90,000, the Tract 4. And this would be funds that came from
2 9849, whether it was actually spent out of 9849 or 9849
3 supplied the funds to purchase it, okay?

4 So 9849 actually goes for the 2021 Land Rover at
5 90,000; the Tract 4, at \$98,000; the ten trailers at \$177,000;
6 the BMW 850 at \$120,000; the 101 Holt Drive at \$155,000; the
7 2014 Lamborghini at \$332,000; the ten tractors at \$741,000;
8 and the property at Greythorne Lane for \$1,677,000
9 approximately.

10 Q. Okay. Now, after March 29th of 2021, when there is the
11 receipt of that \$9.5 million in PPP money, did you see any
12 incoming transfers for any of the accounts that are identified
13 here from foreign bank accounts?

14 A. I'm sorry, did you say before or after?

15 Q. After. After March 29th of 2021, did you -- did you see
16 any incoming funds to these accounts from foreign bank
17 accounts?

18 A. No, huh-uh.

19 Q. And aside from the PPP money and the IRS tax refund money,
20 did you see any multimillion dollar deposits into any of the
21 bank accounts?

22 A. No, huh-uh.

23 Q. And in total, you had indicated on Exhibit 501 there was
24 approximately \$4.2 million going out from 9849; is that right?

25 A. That is correct, yes.

1 Q. Now, were there also expenditures on some of the accounts
2 that would be day-to-day kinds of expenditures?

3 A. From the -- all of the different accounts?

4 Q. Yes.

5 A. Day-to-day like, yeah, um-hmm. I would see some
6 day-to-day charges, yes.

7 Q. Like going out to eat or something like that?

8 A. Oh, yes, Starbucks or Dunkin Donuts or what have you, yes.

9 Q. Okay. And now to confirm, in terms of what the defendant
10 was actually able to access and have available to him --

11 A. Um-hmm.

12 Q. -- we know that we get the clawback of the PPP money.

13 A. Umm-hmm.

14 Q. How much was he able to get transferred total into 9499,
15 or maybe I should say deposited into 9499?

16 A. The \$6.1 million.

17 Q. Now, does he -- is it actually a little bit more than
18 that?

19 A. Into the 9849 or the 9499?

20 Q. Oh, I apologize. I may have said the wrong account.

21 A. Okay.

22 Q. So here you have the \$3 million check going into 9499 --

23 A. Yes.

24 Q. -- and that's PPP money, right?

25 A. Yeah, that is correct.

1 Q. Okay. And then you have the IRS refund check of over
2 \$3.3 million.

3 A. Yes, that is correct.

4 Q. So in terms of proceeds of both the PPP and the tax fraud,
5 are we looking at the total of 3 million plus the 3.3?

6 A. Yes, so they would be \$6,366,240.76.

7 MS. CONNORS: I think that's all I have. Thank you.

8 THE COURT: Okay. Cross-examination.

9 MR. FINLAYSON: Thank you, sir.

10 CROSS-EXAMINATION

11 BY MR. FINLAYSON:

12 Q. Go afternoon, Ms. Richardson.

13 A. Good afternoon.

14 Q. How are you?

15 A. Good. How are you?

16 Q. I've got just a few questions for you.

17 A. Sure.

18 MR. FINLAYSON: And we can take 502 down.

19 BY MR. FINLAYSON:

20 Q. So if I understand right, you work in an office with these
21 guys at the U.S. Attorney's Office?

22 A. Yes. I work on the same floor, yes.

23 Q. And that's 9:00 to 5:00 or probably 8:30 to 6:00, that
24 sort of thing?

25 A. Yeah.

1 Q. And how long have you been there?

2 A. Eight and a half years.

3 Q. Okay. And you are a forensic auditor, right?

4 A. That is correct.

5 Q. Okay. You are not a -- you're not a law enforcement
6 officer, right?

7 A. No, I'm not a law enforcement officer.

8 Q. So you don't go out in the scene and investigate and do
9 surveillance and that kind of thing?

10 A. Oh, no. I don't do that, no.

11 Q. So you review the records, you look at the paper sort of
12 after they've done all that part, right, or sometimes during?

13 A. Sometimes during. Yes, umm-hmm.

14 Q. In this case, did you during or after?

15 A. After, that's correct.

16 Q. So in this case, these guys or somebody in the office
17 brings you piles of paper or records, I'll bet they email them
18 to you, and ask you to look at them, right?

19 A. Yes, that is correct.

20 Q. And then try to figure out what happened here?

21 A. So they asked me to review the financial statements, yes.

22 Q. Okay. And you work with what they give you, right?

23 A. I go through what was provided via a grand jury subpoena.

24 Q. Okay.

25 A. But that's the gist.

1 Q. But you don't go out and gather -- you don't go out on the
2 street and gather records?

3 A. Oh, no.

4 Q. Somebody in the U.S. Attorneys Office hands you a bunch of
5 records and says have at it. Maybe that's not fair. That's a
6 little -- they ask you to analyze them?

7 A. That is correct, yes.

8 Q. Okay. Better word.

9 Okay. So you have analyzed PNC Bank records here?

10 A. PNC Bank, yes.

11 Q. PNC Bank. Chase records here?

12 A. That is correct.

13 Q. Bank of America records here?

14 A. That is correct.

15 Q. You didn't review or analyze any foreign bank account
16 records, right?

17 A. No, I did not.

18 Q. Okay. Because they ordered -- none of them were given to
19 you in this case?

20 A. So they were not subpoenaed. I go through what was
21 actually subpoenaed.

22 Q. Okay.

23 A. I didn't see any actual bank accounts that were provided
24 via a subpoena.

25 Q. Okay. So you didn't have any foreign bank account

1 documents to analyze; is that fair?

2 A. That is fair.

3 Q. You mentioned on direct examination that -- I think I
4 heard this right -- after a certain date, you didn't see any
5 wires coming in from foreign bank accounts. Do you remember
6 that testimony?

7 A. Yes, um-hmm.

8 Q. Which sort of suggested to me but before that certain date
9 or at a certain point in time you did see some wires coming in
10 from foreign bank accounts?

11 A. That is correct.

12 Q. Okay. And do you recall when those were?

13 A. So that was in 2019.

14 Q. Okay. And do you remember which bank they came from?

15 A. I don't know where they come from, because I only saw the
16 recipient bank. So we received the wire transfers from PNC
17 Bank.

18 Q. Okay.

19 A. And when they provided us the wire transfer information,
20 it gave us the -- some of the ones that happened in 2019, and
21 it showed that it came from a foreign bank account.

22 Q. Okay. Was it like a United Emirates or something like
23 that, do you remember the country?

24 A. I did see United Emirates, but I do not know a bank name.

25 Q. And is that -- United Emirates, is that also Dubai?

1 A. I do believe that is Dubai.

2 Q. Okay. So you talked about there were purchases of some
3 vehicles, right?

4 A. That is correct.

5 Q. And again, you're looking -- you're looking from the
6 records, right? That's what you're basing this testimony
7 from?

8 A. That is correct, yes.

9 Q. And so you saw a vehicle was purchased on a certain date
10 or at a certain place in a certain name, correct?

11 A. That is correct, yes.

12 Q. And do you actually have any real-time knowledge or real
13 knowledge of who really was there at the dealership buying
14 that thing, you are just looking at the paper; is that fair?

15 A. So I know who signed the paperwork.

16 Q. Okay.

17 A. And I do see the paperwork. But to say -- there's no
18 video footage or anything that I saw of someone standing
19 there.

20 Q. Okay. You see the name that is signed there, right?

21 A. There is a signature.

22 Q. Okay. Yeah, yeah. We don't need to go there. But, I
23 mean, you're not a handwriting analyst or any of that stuff,
24 right?

25 A. Oh, no, not by far.

1 Q. So you made a point with her, with the prosecutor, that
2 there is a BMW bought, right?

3 A. That is correct.

4 Q. And it was bought in the name of Carl Torjagbo, right?

5 A. That is correct.

6 Q. And you mentioned that it was bought after he had changed
7 his name to Karl Delano, right?

8 A. No, that's not correct. I don't know when he changed his
9 name. That was my statement.

10 Q. Okay.

11 A. But I don't know the exact date of when he changed his
12 name. I was just told that the name had changed.

13 Q. Okay. But if he bought the BMW in the name of
14 Karl Delano, that's not a change, is it?

15 A. So all the paperwork that I reviewed had the name of
16 Carl Torjagbo.

17 Q. Or, I'm sorry, yeah. And I got that wrong. He bought the
18 BMW in the name of Carl Torjagbo, right?

19 A. All the paperwork that I reviewed had the name
20 Carl Torjagbo.

21 Q. Right. Which he didn't say my name is John Smith, right?

22 A. Not that I saw.

23 Q. Right. He said his name is Carl Torjagbo?

24 A. I saw the name Carl Torjagbo.

25 Q. That's not concealing his identity, is it?

1 A. I do not know that.

2 Q. Okay. I want to make sure we've got all the banks. We've
3 got PNC, right?

4 A. Right.

5 Q. Bank of America?

6 A. Right.

7 Q. Chase?

8 A. Correct.

9 Q. Those are just the three?

10 A. Yes, that's correct.

11 Q. Okay. All right. So and we've been through several
12 accounts that you looked at, right?

13 A. Yes, that's correct.

14 Q. And some of them were in the name of Carl Torjagbo, right?

15 A. That's correct.

16 Q. Some of them were in the name of Kremkov Industries,
17 right?

18 A. That's correct.

19 Q. And Kremkov Industries is Carl Torjagbo, right, to your
20 knowledge?

21 A. To my knowledge, there is an account that has both names
22 on it.

23 Q. Yeah. And then FlyingJack has the name -- it also had
24 Carl Torjagbo associated with it, didn't it?

25 A. On the signature card, yes.

1 Q. Yeah. So, I mean, some of your cases, they've got a whole
2 lot more names in the middle there, right? Is that fair?

3 A. In the middle, I don't understand what you mean.

4 Q. If all the accounts had his name on there, it's kind of --
5 it makes your job easier to follow from A to B to C; is that
6 fair?

7 A. By the name?

8 Q. Yes.

9 A. I don't track by the name. I track via accounts.

10 Q. Okay. So when we're talking about concealing the identity
11 of a person that's transferring money, if it's all in his
12 name, it's not very concealed, is it?

13 A. Well, I don't do money concealment on a name. I don't --
14 I don't have any experience on money concealment on a name.

15 Q. Okay. But is it fair to say if it's got the same name on
16 it, it sure looks like the same guy, right?

17 A. Not necessarily. I mean, I don't know who was in the bank
18 doing whatever transactions unless they provide -- which
19 sometimes the banks will provide video, but unless I have
20 video to say that it's the same date, time, whatever, I don't
21 have the individual.

22 Q. Okay.

23 A. I just have the bank accounts.

24 Q. So if he goes in and buys a BMW in his own name, Carl --
25 or in the name of Carl Torjagbo, that's not concealing his

1 identity, is it?

2 A. Not that I know of, if that's his name.

3 Q. Okay. So you mentioned there was that \$40,000 deposit and
4 then a \$40,000 withdrawal in very close time?

5 A. Yes, um-hmm.

6 Q. And you looked at that money?

7 A. I did, yeah.

8 Q. And that was associated with a real estate purchase,
9 right?

10 A. That is correct, yes.

11 Q. And that was a lady Monica Sweeten; is that right?

12 A. Yes, um-hmm.

13 Q. Did it look like the cash came in from her and then a
14 check -- a wire went out on her behalf to purchase property?

15 A. I don't know who put the cash in the bank. I don't have a
16 video or anything. It just said \$40,000 cash in.

17 Q. Okay. And did you have any -- did you have any documents
18 on Monica Sweeten?

19 A. There was a closing transaction for her real estate
20 purchase. That was the only thing that I saw.

21 Q. Okay. So you mentioned -- and I think the date I got -- I
22 saw was -- there's a summary. And you mentioned that before
23 March 28th of 2021, there wasn't much money in the Kremkov
24 account, right? Is that -- is that what you said?

25 A. For which -- for the 9499 account?

1 Q. It's a Chase -- I thought it was a Chase account. Does
2 that sound like 9499?

3 A. May I flip back through?

4 Q. You may, yes.

5 A. So for the Kremkov for the Chase account, it is 8755 for
6 Chase.

7 Q. Okay. I'm just trying to remember the one you testified
8 about. And you made the point that there wasn't much money in
9 the account before that date.

10 A. So the -- our Page 4 of our exhibit actually gave you the
11 listing of all of the accounts.

12 Q. Okay.

13 A. So not just the one at Chase. It gave you Chase and PNC.

14 Q. Okay. So March of 2021, we are almost a year -- just
15 about a year to the date to the COVID shutdown, aren't we?

16 A. Yes, um-hmm.

17 Q. So the COVID shutdown was March of 2020, wasn't it?

18 A. That is correct, yes.

19 Q. All these trucks, you tracked the purchases of all those
20 trucks?

21 A. So I went through and -- yes, I did. Yeah.

22 Q. And we went and you added up all those numbers?

23 A. Yeah, I added up all those numbers.

24 Q. And all of those trucks have been seized?

25 A. To my knowledge, yes, they have.

1 Q. Okay. And there was cash seized out of bank accounts as
2 well, right?

3 A. Yes. It was, um-hmm.

4 Q. Like a couple of million out of one account?

5 A. That's correct, yeah.

6 Q. And I can't -- the other one was \$800,000?

7 A. Seized?

8 Q. Yes, ma'am.

9 A. No, I don't know about \$800,000.

10 Q. Okay.

11 A. Seized.

12 Q. Was there a second bank --

13 A. There was a second bank account that was seized, yes.

14 Q. Okay. And the vehicles like the Lamborghini was seized?

15 A. To my knowledge, yes.

16 Q. And the Range Rover was seized?

17 A. That's correct.

18 Q. And the BMW was seized?

19 A. Yes.

20 Q. And the properties are -- have liens on them or something
21 of that nature?

22 A. Presumably, yes. I'm -- I don't do that part of it, but
23 yes.

24 Q. Okay.

25 MR. FINLAYSON: I think that's all my questions,

1 Judge.

2 THE COURT: Okay. Any redirect?

3 MS. CONNORS: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. CONNORS:

6 Q. Ms. Richardson, you were asked about any kind of foreign
7 bank accounts. Now, you mentioned foreign account transfers
8 in 2019.

9 A. Um-hmm.

10 Q. And I think you may have hit on this a little bit during
11 your direct.

12 Are those the transactions that you referenced that
13 essentially funded the 2020 expenditures, that approximately
14 \$33,000?

15 A. Oh, yes. That is correct, yes.

16 Q. But then by the time of March 28, 2021, before that PPP
17 money comes in, had a good bit of those funds been depleted
18 already?

19 A. That is correct, yes.

20 Q. Now, in terms of any kind of foreign account funds, did
21 you look at the specific bank transaction records associated
22 with each one of the wires or cashier's checks, whatever it
23 was, for the vehicles, for the house, for any of those trucks
24 and trailers, other real estate purchases?

25 A. I'm sorry, could you --

1 Q. Sure.

2 A. -- reword that?

3 Q. So in terms of the source of funds --

4 A. Um-hmm.

5 Q. -- let's give an example. BMW.

6 A. Um-hmm.

7 Q. Is there any question to you that the money came out of a
8 foreign bank account?

9 A. Oh, no. None of that money came from a foreign bank
10 account.

11 Q. Okay. Have you been able to see the transaction coming
12 out of one of the -- either the PNC accounts, Bank of America
13 account or the Chase account belonging to Mr. Torjagbo?

14 A. Yes. All the funds for the BMW came from those accounts.

15 Q. Okay. And in terms of the other items that we talked
16 about today, like the house, the other two real estate
17 purchases, the trucks, the tractors, the Lamborghini, and I'm
18 forgetting -- the Range Rover --

19 A. Umm-hmm.

20 Q. -- all of those --

21 A. Um-hmm.

22 Q. -- was it -- did you have documentation to support that no
23 foreign money was being used to fund those purchases?

24 A. Yes. Yes, um-hmm.

25 Q. Now, in terms of the PPP money and this IRS check, PPP

1 money goes into 8755?

2 A. Yes.

3 Q. Is there anything that you have reviewed that said it had
4 to go -- that it could not stay in that account and be spent
5 directly from that account?

6 A. Oh, no. Huh-uh, no.

7 Q. And even did you see any attempt at other transactions out
8 of 8755 besides the \$3 million check?

9 A. No.

10 Q. Okay.

11 MS. CONNORS: Let me pull up --

12 MR. FINLAYSON: Objection. Outside the scope.

13 THE COURT: Overruled.

14 MS. CONNORS: Let's pull up 8755. I think it's 103.

15 BY MS. CONNORS:

16 Q. All right. And is this the Chase account that received
17 the PPP money?

18 A. Yes, it is.

19 Q. Okay.

20 MS. CONNORS: Now, if we can go to Page 17 of this
21 exhibit.

22 BY MS. CONNORS:

23 Q. Is this a check?

24 A. That is a check.

25 Q. Okay. Now, are you familiar with kind of the codes at the

1 bottom of that check in terms of what's the routing number and
2 what's the bank account number and then usually there's a
3 check number?

4 A. Yes, um-hmm.

5 Q. Okay. Is this -- and when you look at the second series
6 of numbers in between 7 and 5, would that represent the
7 account number for that check?

8 A. Yes, it does.

9 Q. So 8755, is that the same Chase account?

10 A. Yes, it is.

11 Q. And what date was this check written?

12 A. May the 3rd, 2021.

13 Q. And do you see it says deposit 1855?

14 A. Yes.

15 Q. Now, in terms of the Chase account, did you see that this
16 check actually was able to clear?

17 A. Yes, um-hmm.

18 Q. That \$1,600 was removed from 8755?

19 A. Removed from -- oh, from the account itself?

20 Q. Yes.

21 A. Oh, yes. No.

22 Q. Okay. Because if you --

23 A. No, it was not.

24 Q. If you go back to -- up, is it that this \$3 million check
25 transfer was the only money that was able to get removed.

1 A. That's it, yes.

2 Q. But even this attempted check, it just -- there was a
3 possibility that checks could have been issued directly from
4 8755?

5 A. Yes, uh-huh.

6 Q. Now, the IRS check, it could have been deposited directly
7 into any one of the accounts?

8 MR. FINLAYSON: Objection, again, outside the scope.

9 MS. CONNORS: Your Honor, he's indicating that
10 there's potentially foreign or other --

11 THE COURT: Okay. It's okay. I'm going to overrule
12 the objection.

13 BY MS. CONNORS:

14 Q. Okay. So for the -- you have the accounts, could a check
15 have been deposited into any one of the bank accounts?

16 A. That's correct.

17 Q. So was there any reason that you could tell from the bank
18 records that would say it wasn't possible to have the money
19 separated, PPP money versus IRS money?

20 A. No, it could have gone anywhere.

21 Q. And in regards to that \$3 million check, you talked about
22 that it said payroll?

23 A. Yes, um-hmm.

24 Q. And in terms of Paycheck Protection Program, do you have
25 any awareness of that program?

1 A. I know a little bit about the program, just from reading
2 through documents.

3 Q. Okay. It has paycheck at the beginning, was it related to
4 payroll paying individuals?

5 A. That's correct.

6 Q. So would payroll on its face seem consistent with that?

7 A. Yes.

8 Q. And in terms of your analysis, when you were talking about
9 the funds going from different accounts, is it that you had to
10 trace out these transactions either maybe you saw an initial
11 withdrawal from an account, did you then have to figure out
12 where that money went?

13 A. Yes, I did. Yes, um-hmm.

14 Q. Or if there was a purchase, were you trying to backtrack
15 and figure out how that money was originally sourced?

16 A. That's correct, yes.

17 Q. And in your summary, there's a few examples of where money
18 goes in and then it gets transferred to -- like there's
19 multiple account transfers?

20 A. That's correct.

21 Q. So you had to trace it multiple different steps?

22 A. Yes, that's correct.

23 Q. And did that involve tracing sometimes a business account
24 transaction to a personal account?

25 A. Yes, it did.

1 Q. Or a personal account to another personal account?

2 A. Yes, it did.

3 Q. Or a personal account to a business account?

4 A. Yes, it did.

5 Q. And ultimately, in regards to the FlyingJack account, that
6 is not the same company that got that PPP deposit?

7 A. No, it is not the same company.

8 Q. And it's not a company that was identified in any way on
9 the IRS check?

10 A. No, it is not.

11 MS. CONNORS: And then just to clarify, if we can
12 bring up Exhibit 501 and go to Page 13.

13 BY MS. CONNORS:

14 Q. You were asked about the transfer related to
15 Monica Sweeten?

16 A. Um-hmm.

17 Q. And during your testimony earlier, you referenced that
18 wire going out, but I don't think we were actually looking at
19 the page at the time.

20 Is that transaction of \$40,000 to Great American
21 Title Company, was that the transaction?

22 A. That is the transaction. Yes, it is.

23 Q. Thank you.

24 A. Um-hmm.

25 THE COURT: Anything?

1 MR. FINLAYSON: No, sir.

2 THE COURT: All right. You can step down.

3 Thank you very much.

4 THE WITNESS: Thank you.

5 THE COURT: All right. Call your next witness.

6 MS. CONNORS: Your Honor, if we may double-check
7 exhibits.

8 THE COURT: Okay.

9 MS. CONNORS: Your Honor, subject to the Court's
10 ruling related to our summary exhibits, the government rests.

11 MR. FINLAYSON: Your Honor, I have a motion.

12 THE COURT: Okay. We have some housekeeping to take
13 care of.

14 Would you-all step out for just a moment and we'll
15 come get you. It might take a couple of minutes, okay?

16 But we're moving along very well.

17 (Whereupon, the jurors exited the courtroom.)

18 THE COURT: Okay.

19 MR. FINLAYSON: Your Honor, for the record, I would
20 make a motion for acquittal under Rule 29, asking the Court to
21 dismiss all counts submitting that the government has not met
22 their burden sufficiently to get the case to the jury on Count
23 One, the bank fraud, on Counts Two and Three, the wire fraud.

24 THE COURT: What do you think is missing on Count
25 One?

1 MR. FINLAYSON: Sufficient evidence of intent to
2 commit fraud.

3 THE COURT: Okay.

4 MR. FINLAYSON: And that's probably the gist of that
5 at this point.

6 THE COURT: Okay. Two and Three?

7 MR. FINLAYSON: Two and Three, the same insufficient
8 evidence to show intent to commit wire fraud. I submit for
9 the record they have failed to sufficiently prove all material
10 elements of those offenses.

11 THE COURT: Well, I know. But hold on. That's
12 really like a vague motion. If you want to make a motion that
13 you want me to consider, I can't do your work for you.

14 MR. FINLAYSON: Understood.

15 THE COURT: You've got to tell me what you think is
16 wrong.

17 MR. FINLAYSON: Well, I would submit on both of
18 those, on Counts One and Two and Three there's insufficient
19 evidence of criminal intent to commit those frauds.

20 As to Counts Four through Six, the concealment money
21 laundering, there is insufficient evidence of intent as well
22 as insufficient factual evidence of concealment. The evidence
23 has been very clear here that everything is done very
24 blatantly tied to Mr. Torjagbo. And if -- and the biggest
25 jump there is the name Delano, which they have -- that gap has

1 been bridged very easily. They haven't -- it hasn't caused an
2 obstacle. There's been no evidence that anything was
3 concealed because of that name change, so I submit there's a
4 factual insufficient facts there as well to get that to the
5 jury.

6 As to Counts Seven and Eight, the transactional money
7 laundering, even though there is evidence that transactions
8 were made, we submit there's insufficient evidence that the
9 funds came from unlawful activity. Furthermore that
10 Mr. Delano knew they came from unlawful activity or intended
11 to commit those crimes.

12 So based on that, Your Honor, I would ask you to
13 dismiss all counts.

14 THE COURT: Government?

15 MS. CONNORS: Your Honor, in relation to intent here,
16 the government has made it clear that this -- the PPP fraud
17 required a substantial amount of documents to accomplish that
18 scheme. We made it clear that that was something that was --

19 THE COURT: That's the bank fraud count?

20 MS. CONNORS: Yes, Your Honor, so for Count One.

21 THE COURT: I'm going to deny it on the bank fraud
22 count. I don't think there is any doubt that there is plenty
23 of evidence from which a jury can decide that there was the
24 intent to commit fraud. I mean, there were so many different
25 lies in that -- that's the application, right?

1 MS. CONNORS: Yes, Your Honor.

2 THE COURT: So many different lies in the application
3 from the number of employees to the fact that the employees
4 were in the United States to the fact that the company existed
5 at all at the relevant time.

6 For Two and Three, the wire fraud, the two false tax
7 returns, we've heard about the falseness of those tax returns.
8 I'm not even sure I understand the argument that they're not
9 fraudulent.

10 What's the argument that they're not fraudulent?

11 MR. FINLAYSON: Well, that they weren't -- they
12 have -- well, two things.

13 First of all, they haven't shown identity -- they
14 haven't proven that he filed both of them. And we've conceded
15 he filed one, so I don't think I can argue that. But the
16 second one on Count Three, we haven't -- they haven't proved
17 identity of it.

18 THE COURT: It was filed under one of his driver's
19 license numbers, right?

20 MR. FINLAYSON: That is correct.

21 THE COURT: It was filed -- didn't we hear it from a
22 guy that had the IP address that was the same as all the
23 others?

24 MS. CONNORS: Yes, Your Honor.

25 THE COURT: Okay.

1 MR. FINLAYSON: Well, I also submit there is
2 insufficient evidence of intent to commit fraud there.

3 THE COURT: By saying --

4 MR. FINLAYSON: Taxes are complicated.

5 THE COURT: He's entitled to a \$3 million refund?
6 Isn't that what it was, \$3 million?

7 MS. CONNORS: 3.3.

8 MR. FINLAYSON: Taxes are hard.

9 THE COURT: Yes. The key part, though, for a refund
10 is paying taxes, having income and then wanting some amount of
11 it back.

12 So what about the Counts Four through Six, what does
13 the government say about that?

14 MS. CONNORS: Your Honor, I'll remind the Court as
15 it's clear in our jury instructions, concealment is not just
16 an identity issue. It is not simply that it is who is
17 controlling or who, quote/unquote, owns the funds.

18 It is concealment and disguising the nature, source,
19 location, ownership and control. And in regards to concealing
20 the source and the nature of these funds, that is precisely
21 what was occurring here.

22 The check that says payroll is -- you heard the Chase
23 witness say that that wouldn't have raised any red flags,
24 because this was a PPP program, so saying payroll on that
25 check allowed him to easily move that money out of Chase.

1 THE COURT: I think she said if it would have said
2 something else, they would have caught.

3 MS. CONNORS: Exactly.

4 THE COURT: I don't remember what the -- yes.

5 MS. CONNORS: Yes. Certainly if it had said to buy a
6 house, she was clear that that would not have been something
7 that would have occurred.

8 And then in regards to Counts Five and Six, again, we
9 are talking about that he is distancing himself from these
10 transactions. Because I'll note although he sends the money
11 through an account that is still in the Carl Torjagbo name for
12 one of the properties, he's titling the property in the other
13 name. He's claiming that this is for FlyingJack. So both of
14 those two other parcels of land are supposed to be for
15 FlyingJack.

16 But what the source of that funds again is the PPP
17 money, that that would have been an impermissible purpose.
18 And so by funneling that money, and you just heard
19 Ms. Richardson talk about how much he funneled money, so this
20 is not a simple thing of just one easy transaction. She
21 talked about how this money gets routed all into 9849 and then
22 from 9849, it's funneling down through all of these various
23 accounts.

24 THE COURT: Yes.

25 MS. CONNORS: That in its nature is concealing the

1 nature and source of those funds.

2 THE COURT: I think there's plenty there as the
3 government is saying for the intended -- intent to conceal it.

4 What about the last one, Seven, Eight, Nine and Ten?

5 MS. CONNORS: Your Honor, if his only argument is
6 that it does not appear that these are proceeds, I think by
7 the Court recognizing that Counts One, Two and Three would be
8 presented to the jury, then it should be the jury who decides
9 if these are proceeds of a criminal offense. I think we have
10 given sufficient information for them to be able to make that
11 decision.

12 And in terms of intent, we are talking about
13 transactions where as soon as that money is coming out, he is
14 spending it.

15 THE COURT: I think that's right. I think
16 considering all of the elements of the offense, and I've been
17 going along, and I have jury instructions up here and I've
18 been kind of making notes, I think there's plenty of evidence
19 for the jury to find all of the elements of all of the
20 charges, so I'm going to deny the Rule 29 motion.

21 What do we do next?

22 MR. FINLAYSON: Your Honor, I've got two witnesses
23 and then the defendant wishes to testify.

24 THE COURT: Okay.

25 MR. FINLAYSON: I just need to grab them in the hall.

1 THE COURT: Okay. So --

2 MS. CONNORS: Your Honor.

3 THE COURT: Yes.

4 MS. CONNORS: I think we will have to resolve
5 something, because we've made it clear to Mr. Finlayson that
6 we believe that one of the individuals he plans to call, the
7 person he notified as an expert, there is no relevance to that
8 witness.

9 He has indicated that it would only -- that he has
10 even accepted that his client would have to testify to
11 potentially end up with any relevance of this expert, so we
12 would object to the possibility that the expert testifies
13 first.

14 MR. FINLAYSON: Two things. One, I don't -- I don't
15 intend at this juncture to qualify him as an expert. I think
16 he can testify as a fact witness. He's -- he is a -- I've
17 noticed, just in case, I covered 701 and 702 and fact witness
18 but he is a -- he's a mining expert from Ghana. And he is
19 familiar with small family mines, small scale mining in Ghana.
20 And he will testify that that is a thing, because I know the
21 Court just said we don't even know that the mine existed.

22 THE COURT: Did I say that?

23 MR. FINLAYSON: Well, something of that nature.
24 Maybe that's what I thought you said.

25 THE COURT: I thought I said he had to have income.

1 MR. FINLAYSON: No, I'm sorry. I thought I heard
2 there was a question about the mining, but anyway.

3 So he's going to confirm -- he's going to corroborate
4 the existence first of mines in Ghana, because not everybody
5 may know that, so that's a fact that it makes it more probable
6 than not that his story is legitimate or is confirmed.

7 So it's -- he's going to testify about these small
8 family mines and then about the number of workers that
9 typically you see that he personally has seen in these kind of
10 mines, and that's it.

11 THE COURT: He's going to say there are mines in
12 Ghana?

13 MR. FINLAYSON: Yeah.

14 THE COURT: They're for gold?

15 MS. CONNORS: Yeah.

16 THE COURT: And they have employees.

17 MR. FINLAYSON: And they have -- and that 493 -- and
18 anywhere from 10 to 2,000, that they're small -- these small
19 family mines that are off the -- off the books, if you will,
20 yes.

21 MS. CONNORS: Your Honor, a lay --

22 THE COURT: Is that where Keanu Reeves was working?

23 MR. FINLAYSON: Yes. And Gene Hackman, rest his
24 soul, yes.

25 MS. CONNORS: Your Honor, there's certainly a

1 flipflop here. He even said he is a mining expert.

2 THE COURT: Yes, but --

3 MS. CONNORS: If he is an expert, then he should be
4 qualified as an expert.

5 THE COURT: No. He can pivot and he's going to say
6 he's not an expert. He is just going to say there are mines
7 and they have employees.

8 MS. CONNORS: Well, I think that's going to actually
9 be the distinction that matters. Because if he is not going
10 to -- if he's not testifying as an expert, then what you are
11 doing is saying he's got to be a lay witness then.

12 And what do we need for the lay witness testimony?
13 We need personal knowledge. And the idea that you're going to
14 have somebody sit up there and say I do all of this stuff with
15 mining. But he is not going to say I know this defendant and
16 I have been to his mine and I have seen that he has workers.
17 That's the -- that's the issue here.

18 Because that is not going to be personal knowledge
19 then that is relevant to this case. The issue is whether
20 Mr. Torjagbo actually had a mine and whether when he had it in
21 2020, mind you. So someone coming in now and just saying
22 there's a thing such as mines in Africa, there is no relevance
23 to that.

24 MR. FINLAYSON: We heard -- we heard -- I mean, I was
25 arguing about profile, maybe that's the wrong word, but this

1 whole notion of the law enforcement officers often will get up
2 and give testimony about other -- you know, what other
3 defendants do or what other cases do or what people typically
4 do in this kind of situation, I'm not -- I think it's good for
5 the goose and the gander.

6 If they can put -- have their officer testify about,
7 you know, what other -- what money launderers do and this is
8 consistent with money laundering, I submit that -- and he
9 wasn't qualified as an expert. I mean, he's testifying from
10 his experience. My guy is going to testify from his
11 experience, his own observation --

12 THE COURT: Is there evidence in the record that he
13 had a mine?

14 MR. FINLAYSON: His statements. His statements.

15 THE COURT: The recorded statement where he said it?

16 MR. FINLAYSON: Correct.

17 MS. CONNORS: And, Your Honor, I would note, too,
18 that from reading the CV that we were presented with this
19 individual and doing our own research on him, he has never
20 worked in a Galamsey mine, so he is not going to be able to
21 offer any personal information about how these mines operate.

22 THE COURT: What did you call it? A Galamsey.

23 MS. CONNORS: A Galamsey mine. That's -- I'm sorry.

24 MR. FINLAYSON: That's the term of art.

25 MS. CONNORS: That's the terminology.

1 MR. FINLAYSON: I'm not sure what they prefer. If
2 they want me to qualify him as an expert, I will do that. I
3 don't know which they prefer. I can do either one. All
4 right. It's just a question of --

5 THE COURT: I'm going to let him testify to the very
6 limited things you've said you want, which is that there is a
7 country called Ghana in which there are mines and there are
8 people who work in those mines.

9 MR. FINLAYSON: And can we talk about how many people
10 he has seen working in those mines?

11 THE COURT: Yes.

12 MR. FINLAYSON: Thank you. It will be short.

13 THE COURT: Yes, okay. And then what, and then who?

14 MR. FINLAYSON: Tom Thurman. And he'll be short as
15 well.

16 THE COURT: Okay. And then I'm going to take a break
17 for our afternoon break. And then at that point, you can tell
18 me whether he's going to testify and we'll move him up here
19 while the jury is out.

20 MR. FINLAYSON: Very good.

21 THE COURT: All right. You may bring them in.

22 MR. FINLAYSON: Let me go get my witness.

23 COURTROOM SECURITY OFFICER: All rise.

24 (Whereupon, the jurors entered the courtroom.)

25 THE COURT: Y'all may be seated.

1 MR. FINLAYSON: Your Honor, we call Tom Thurman.

2 THE COURT: I thought you were calling somebody else
3 first.

4 MR. FINLAYSON: No.

5 THE COURT: Okay. Come on up.

6 MR. FINLAYSON: Sorry.

7 - - -

8 THOMAS THURMOND,

9 A witness herein, having been first duly sworn, was examined
10 and testified as follows:

11 - - -

12 COURTROOM DEPUTY: Thank you.

13 For the record, will you please state and spell your
14 first and last name?

15 THE WITNESS: It's Thomas, T-H-O-M-A-S, Thurmond,
16 T-H-U-R-M-O-N-D.

17 DIRECT EXAMINATION

18 BY MR. FINLAYSON:

19 Q. Mr. Thurmond, how are you employed, sir?

20 A. I'm a self-employed private investigator.

21 Q. And how long have you been doing that?

22 A. About 12 or 13 years.

23 Q. And what did you do before that?

24 A. I was a United States probation officer for the Northern
25 District of Georgia.

1 Q. In this very building?

2 A. Yes.

3 Q. And did you have any specialties or things that you did in
4 that job?

5 A. Yes, I was a sentencing guidelines specialist with
6 emphasis in fraud and organizational offenders.

7 Q. And now you work as a private investigator?

8 A. Yes, I do.

9 Q. And did I ask you to do some work for me in this case?

10 A. Yes, you did.

11 Q. Okay. Did I ask you to do some investigation on a woman
12 named Monica Sweeten?

13 A. Yes, you did.

14 Q. Did you have a -- did you have a date of birth for Monica
15 Sweeten?

16 A. No, I did not.

17 Q. Did you have a Social Security for Monica Sweeten.

18 A. No, I did not.

19 Q. Did you have a middle name for Monica Sweeten?

20 A. No, I did not.

21 Q. Based on your investigation, how many different Monica
22 Sweetens did you come up with?

23 A. I came up with at least six.

24 Q. And how did you do that?

25 A. I started with a generic search engine and just typed in

1 that name and I came back with a lot of different hits, six of
2 which turned out to be exactly Monica Sweeten.

3 Q. Okay. And then how did you determine some of them were
4 different or how did you know -- how did you know it wasn't
5 all the same person six times?

6 A. Some of the entries that came back had different ages and
7 some of them had different cities where the person resided.

8 Q. So there are at least six people that have you found with
9 the name Monica Sweeten; is that right?

10 Q. And they are different people?

11 A. Yes.

12 MR. FINLAYSON: That's all my questions, Judge.

13 THE COURT: Okay. Any cross-examination?

14 MS. CONNORS: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. CONNORS:

17 Q. Mr. Thurmond, did you find a Monica Sweeten who works for
18 a mine in Ghana?

19 A. I did not.

20 MS. CONNORS: Thank you.

21 MR. FINLAYSON: Nothing further.

22 THE COURT: Okay. You may be excused. Thank you.

23 THE WITNESS: Thank you, Your Honor.

24 MR. FINLAYSON: Your Honor, we call Dr. Owusu.

25 - - -

1 SOLOMON OWUSU,

2 A WITNESS herein, having been first duly sworn, was examined
3 and testified as follows:

4 - - -

5 COURTROOM DEPUTY: Thank you.

6 For the record, will you please state and spell your
7 first and last name?

8 THE WITNESS: My first name is Solomon,
9 S-O-L-O-M-O-N. And my last name is Owusu, O-W-U-S-U.

10 DIRECT EXAMINATION

11 BY MS. CONNORS:

12 Q. Can you pull the mic closer to you?

13 A. Oh, okay.

14 Q. Dr. Owusu, where are you employed?

15 A. Ghana.

16 Q. You're employed in Ghana now?

17 A. Oh, employed?

18 Q. Yes, sir.

19 A. In Nevada.

20 Q. Okay. And what do you do there, sir?

21 A. I'm a mining engineer.

22 Q. Okay. And where are you from originally?

23 A. Ghana.

24 Q. And when did you come to the States?

25 A. I came here 2011.

1 Q. Okay.

2 A. To study.

3 Q. What's your educational background?

4 A. I hold a Ph.D. in mining engineering from Colorado School
5 of Mines and my master's from New Mexico Institute of Mining
6 and Technology in New Mexico.

7 Q. Okay. Talk in the mic so we can hear you?

8 A. New Mexico Institute of Mining and Technology from New
9 Mexico, and my bachelor's in geological engineering from
10 Ghana, Investors of Mines and Technology.

11 Q. Did you grow up in Ghana?

12 A. Yes.

13 Q. Are you familiar with the goldmines in Ghana?

14 A. Yes.

15 Q. Can you tell us a little bit about the prevalence of gold
16 and goldmines in Ghana?

17 A. Yeah. So in Ghana we have the large-scale goldmine and we
18 have the small-scale goldmine. The large scale is where we
19 have Newmont's Akyem, the big goldmines.

20 Q. Say the name or spell it out if you can.

21 A. Large-scale goldmining companies.

22 Q. Okay.

23 A. And we have small-scale goldmining companies. So the
24 small scale, we have those who are registered by the Minerals
25 Commission, they are the licensed small-scale minors. And

1 then we have those who are not licensed or regulated, they are
2 the illegal small-scale minors, properly known as Galamsey.

3 Q. Galamsey. How do we spell Galamsey?

4 A. Galamsey is G-A-L-A-M-S-E-Y.

5 Q. And have you been down in some of those Galamsey, those
6 small-scale mines?

7 A. Yes. And I do consult for some of them.

8 Q. Okay.

9 A. I guide them, advise them with my experience and
10 educational background.

11 Q. Okay. How many times have you been down in some of those
12 small-scale mines?

13 A. More than ten times.

14 Q. And about how many are there in Ghana, if you know?

15 A. There are a lot of small-scale mining operations all over
16 the country. We have 16 regions and 14 out of the 16 regions
17 we have small-scale mining operations going on, both legal and
18 illegal.

19 Q. And approximately how many people will work in these
20 small -- that you have seen will work in these small-scale
21 mines?

22 A. Yeah. So depending on the concession area, the size --

23 Q. Yes, sir.

24 A. -- somebody can employ ten people, somebody can employ
25 2,000 people, I have a friend who has employed over 1,500

1 people.

2 Q. And they'll all go down in the hole?

3 A. Some are underground, some are operated on the surface.

4 Q. And what -- how do they do the work in these mines?

5 A. So when they have the area, some use shovels and pickaxe,
6 you know, rudiment tools. And some also use sophisticated
7 heavy equipment like excavators, dozers and all that to mine.

8 They put it on the equipment that is tilted that they
9 wash, you know, gold is heavy so they put blankets and they
10 wash. And then the sand goes down and then the gold gets
11 stuck in the blanket. They remove the blanket, wash in
12 bucket. Some have big -- you know, big equipment that they
13 wash in so that the gold will settle down. Then they decant.

14 After they decant, then they use mercury and other
15 chemicals to extract the gold, we call it amalgam. So after
16 they melt the amalgam and then the mercury get out of the gold
17 and they get the real gold.

18 Q. And is this all done by hand?

19 A. Some are done with hands, some are done with equipment.
20 Now the Chinese guys have created a whole lot of sophisticated
21 equipment that they use in the small scale -- originally,
22 small scale was supposed to be using rudimental tools and, you
23 know, and the Ghanaians.

24 But now, there are a lot of invasion of Chinese guys
25 in small-scale mining and they are the guys polluting all the

1 water bodies and degrading the mines.

2 Q. Does 493 people seem like a normal number that you might
3 see down in one of these -- working in one of these small
4 mines?

5 A. Yes.

6 MR. FINLAYSON: That's all my questions, Judge.

7 THE COURT: Okay. Any cross-examination?

8 MR. EVERT: Yes, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. EVERT:

11 Q. Good afternoon.

12 A. Good afternoon, sir.

13 Q. Were you paid to be here?

14 A. Sorry?

15 Q. Were you paid to be here?

16 A. Well, I heard I'll be paid in October. There's no money.

17 Q. Okay. And how much -- how much are you going to be paid
18 in October?

19 A. I think the budget is \$7,000. Actually, I wanted to
20 charge 40,000, but he said there's no money, so I said, well,
21 let me do it for \$7,000.

22 Q. He's paying you \$7,000 to be here?

23 A. Maximum. According to him, yeah.

24 Q. All right. Does it depend on what you say here how much
25 he's going to pay you?

1 A. Ideally, my hours. You know, I would have charged more,
2 like I said, but I said \$7,000 is okay. I'm just coming to
3 let him know that what he's asking for is something that is
4 common knowledge in Ghana that, you know, I can provide.

5 Q. Sure. So have you ever been to a Galamsey mine owned by
6 Kremkov Industries?

7 A. Please come again.

8 Q. Have you ever been to a Galamsey mine owned by a company
9 called Kremkov Industries?

10 A. No. I've visited a lot of Galamsey mines, but some of
11 them I don't know their names.

12 Q. Have you ever heard of a company called
13 Kremkov Industries?

14 A. Nope.

15 Q. Have you ever been to a Galamsey mine owned by someone
16 named Carl Torjagbo?

17 A. Nope.

18 Q. Before he hired you to be here, have you ever heard of
19 Carl Torjagbo?

20 A. No. Well, Lawyer Leigh told me to come.

21 Q. Yes.

22 A. But the person that I'm coming to testify, I don't know.

23 Q. You don't even know, so you've never heard of him?

24 A. Yeah.

25 Q. How about Karl Delano, have you ever heard of him?

1 A. No, I've not heard the name until.

2 Q. Until --

3 A. Yeah.

4 Q. -- he hired you, right?

5 And you've never been to a mine -- you never heard of
6 him having -- you've never heard of him and you never heard of
7 him having a mine, right?

8 A. No.

9 Q. How much do people who work in Galamsey mines make?

10 A. In Ghana cities, those who operate excavators, I heard
11 they take 5,000 Ghana cedis a month. But every day, they give
12 them 500 Ghana cedis for daily keeping.

13 Q. Okay. And so sorry. This is the people working in the
14 mines, they're making -- if I showed you a BBC article that
15 says that a person who works in a Galamsey mine makes about
16 \$125 U.S. dollars per week, is that about right?

17 A. 125, if you convert to Ghana cedis -- I don't have my
18 phone here.

19 Q. I've got a calculator there for you if you need it.

20 A. Yeah, it is like --

21 Q. Yeah.

22 A. 1,301. 1,300 pay week could be the guys who wash the
23 sand. But the excavator operators, I think they should get
24 more than that, because every day, according to what I heard
25 from some of my friends, every day they give them like 500

1 Ghana cedis, so three days would be like a thousand five, 500,
2 yeah, like a thousand five for daily keeping money alone, that
3 is the excavator operators.

4 Q. All right.

5 A. But then those who wash the sand and orpailleurs, they are
6 called orpailleurs, I don't know that much, it's not going to
7 be up to 500 Ghana cedis, but for 1,300 pay week will be
8 small.

9 Q. And that's -- sorry, that's in Ghana?

10 A. In Ghana, yes.

11 Q. So about -- like how much would you say in U.S. dollars is
12 somebody working in one of those mines making?

13 A. In U.S. dollars, let me go back to the calculator.

14 Q. Yeah, yeah, please.

15 A. Let me see.

16 Q. Well, let me just put it to you this way.

17 THE COURT: Hold on. Let him do it.

18 MR. EVERT: Yeah.

19 THE WITNESS: In a month, I will say approximately
20 \$500.

21 BY MR. EVERT:

22 Q. \$500 a month?

23 A. Approximately.

24 Q. Okay. And so over the course of a year, about 6,000 U.S.
25 dollars is what somebody who is working in one of those mines

1 makes?

2 A. Yes. 5 total, yeah.

3 Q. Okay.

4 MR. EVERT: No further questions.

5 MR. FINLAYSON: Nothing further, Your Honor.

6 THE COURT: Okay. Sir, you may step down. Thank you
7 for coming. Appreciate you.

8 THE WITNESS: Thank you, sir.

9 THE COURT: All right. I have to take a quick --
10 we're going to have our afternoon break right now. Okay?

11 We're going to work through it a little bit, but
12 we're going to give you-all 10, 12 minutes for our break.
13 Okay. All right. Thank you.

14 COURTROOM SECURITY OFFICER: All rise.

15 (Whereupon, the jurors exited the courtroom.)

16 THE COURT: Okay. What's next?

17 MR. FINLAYSON: Mr. Delano wishes to testify,
18 Your Honor.

19 THE COURT: Okay. So we're going to take about a
20 ten-minute break. And when we come back, we'll have him
21 brought up to the stand and then he can testify from up there.
22 Okay?

23 MR. FINLAYSON: Very good.

24 THE WITNESS: Let me ask you one question first.

25 I noticed in the playing of the tape, okay, do you

1 remember the issue came up about the question, it was on
2 Page 43 of the transcript, where he was asked did he use
3 those -- the names for anything else or was it just for
4 payroll.

5 And I had originally -- originally, the government
6 was going to take those out, the question where he says,
7 honestly, I refrain from answering that question. And I just
8 want to make sure that I know what was done there.

9 Because we don't have the transcript, they're not
10 going to have a transcript for the record on appeal. I came
11 back the next morning, so that would have been yesterday
12 morning, and I said that I thought you could include
13 Mr. Delano's statements that he did not want to answer the
14 question.

15 You did not include them, did you?

16 MS. CONNORS: That's correct, Your Honor.

17 THE COURT: Okay. But did you include the question?

18 MS. CONNORS: No. For -- for that one, what we had
19 talked about the day before, I know you came back yesterday
20 morning, so what would that have been, Tuesday, when we left
21 this, we were instructed to take out the part where he said,
22 Did you file for anything else or was it just the payroll,
23 only that one sentence there.

24 I mean, did you use them for anything else or was it
25 just on the payroll?

1 We cut out then. But then you did allow us to keep
2 in, Did you pay somebody to get those names.

3 THE COURT: Yes. Well, the defendant did not object
4 to that. So if we're looking at the transcript -- is the
5 transcript in the record anywhere? Yes, it is.

6 MS. CONNORS: I did file -- we filed the one that had
7 the highlighting.

8 THE COURT: Okay.

9 MS. CONNORS: But I do think that one --

10 THE COURT: I believe what you did.

11 MS. CONNORS: -- there was an additional line that
12 came out.

13 THE COURT: I believe what you did is you did not
14 include Line 16 on Page 43, Line 16 after the word "names."

15 MS. CONNORS: That's right.

16 THE COURT: And then you picked it back up on Line 22
17 with the word "did."

18 MS. CONNORS: That's right, Your Honor.

19 THE COURT: Okay. Do you agree with that, that
20 that's what happened, sir?

21 MR. FINLAYSON: I don't disagree, Your Honor. I
22 think the -- well, there's not going to be a transcript, is
23 there?

24 THE COURT: No, but there is the audio recording.

25 MR. FINLAYSON: I think that's the best record.

1 THE COURT: I just wanted to make sure, because part
2 of our job is we have to make sure that we have the record
3 right.

4 MR. FINLAYSON: Right.

5 THE COURT: So I believe that means that
6 Mr. Finlayson got out the portion that he objected to.

7 MS. CONNORS: That's correct, Your Honor.

8 THE COURT: And despite the fact that I said the
9 government could include it, the government decided not to do
10 that.

11 MS. CONNORS: That's correct, Your Honor. And there
12 were actually I think two or either three places where that
13 happened. We had already reworked everything so we didn't
14 mess with it.

15 THE COURT: Yes, okay. I just want to make sure
16 that -- I don't want there to be confusion as to where -- he
17 got out the portion he wanted to keep out in that regard?

18 MS. CONNORS: Yes, Your Honor.

19 THE COURT: All right. Okay. We'll be back in about
20 seven minutes. Okay?

21 COURTROOM SECURITY OFFICER: All rise.

22 (Whereupon, a recess was taken.)

23 THE COURT: All right.

24 MR. FINLAYSON: One moment. I'm going to want the
25 ELMO.

1 THE COURT: Wait. Hold on a second. Do you have to
2 stay there? Do you have to stay there? Is one of you going
3 to stay there?

4 MARSHAL: We're just going to put one. We were
5 trying to figure out the opening process of this, Your Honor.

6 THE COURT: What do you mean? How to open it?

7 MARSHAL: Yes, Your Honor.

8 THE COURT: It's closed right now?

9 MARSHAL: It's closed right now. But we press this
10 button and now there's a double button system, so we were
11 like -- we'll get it worked out, Your Honor.

12 THE COURT: I think the buttons, the bottom one says
13 open door, I think.

14 All right. Bring them in. We're good.

15 COURTROOM SECURITY OFFICER: All rise.

16 (Whereupon, the jurors entered the courtroom.)

17 THE COURT: All right. Y'all can be seated.

18 Call your next witness.

19 MR. FINLAYSON: Your Honor, we call Karl Delano.

20 THE COURT: Okay. Ms. Kelley.

21 - - -

22 KARL DELANO,
23 Defendant herein, having been first duly sworn, was examined
24 and testified as follows:

25 - - -

1 COURTROOM DEPUTY: Thank you. You may be seated.

2 Will you please state and spell your first and last
3 name for the record.

4 THE WITNESS: Karl Delano, K-A-R-L, D-E-L-A-N-O.

5 DIRECT EXAMINATION

6 BY MR. FINLAYSON:

7 Q. How are you, sir?

8 A. Good.

9 Q. I'm going to ask you a few questions. All right?

10 A. Okay.

11 Q. Okay. Mr. Delano -- and speak slowly so everybody can
12 hear you.

13 A. Okay.

14 Q. Tell us your full name at birth.

15 A. My full name at birth was Carl Delano Akpene Kwdzo
16 Torjagbo.

17 Q. Can you spell those for the court reporter, the middle
18 ones, particularly.

19 A. Uh-oh.

20 Q. Akpene?

21 A. Akpene is spelled A-K-P-E-N-E. Kwdzo is spelled
22 K-W-D-Z-O, I believe.

23 Q. That's a lot of names.

24 A. Yeah.

25 Q. Okay. You don't go by all of those, right?

1 A. No, I do not.

2 Q. Okay. In 2021, did you actually have your name legally
3 changed?

4 A. Yes, I did.

5 Q. And what did you change it to?

6 A. I changed it to Karl Delano, which is my first and middle
7 name.

8 Q. And why did you change your name?

9 A. Well, I decided to change my name because when I was back
10 in primary school and high school, nobody could pronounce the
11 name. The teachers were laughing at me. One, in particular,
12 my math teacher, he --

13 Q. Pull the mic up a little closer.

14 A. Oh, okay.

15 One, in particular, my math teacher, he always used
16 to call me touchable, so now then everybody in the class was
17 calling me touche, so I had the name change thing in my mind
18 for a long time, but because I was flying all over the place,
19 I never really had the chance to do it.

20 Q. Okay. Did you change your name to hide your identity?

21 A. No, I did not.

22 Q. Did you change your name to commit fraud?

23 A. No, I did not.

24 Q. Did you change your name to launder money?

25 A. No, I did not.

1 Q. Had you used the name Karl Delano in the past before you
2 even got your name changed?

3 A. Yes, I did.

4 Q. Let me hand you what I've marked as Defendant's 4 and 5,
5 and ask you if you recognize these.

6 A. Yes, I do recognize them. These are pictures from my
7 Instagram.

8 Q. Look at both of them.

9 A. Yes, they're both --

10 Q. Is that you?

11 A. Yeah, that's me.

12 Q. Does it fairly and accurately represent you?

13 A. Yes, it does.

14 MR. FINLAYSON: Okay. Your Honor, I move Defendant's
15 4 and 5 into evidence.

16 THE COURT: Any objection?

17 MS. CONNORS: No, Your Honor.

18 THE COURT: Okay. Defendant's 4 and 5 are admitted.

19 MR. FINLAYSON: If I may publish with the ELMO,
20 Ms. Kelley?

21 BY MR. FINLAYSON:

22 Q. Okay. So, Mr. Delano, is that your Instagram name?

23 A. Yes, it is.

24 Q. And what does that say about what the name is?

25 A. Karl Delano.

1 Q. And there's a 3 on there, right?

2 A. Yes, Karl Delano 3.

3 Q. And what's the date of that Instagram post?

4 A. That's November 2nd, 2015.

5 Q. Okay. I'm showing you Defendant's 5.

6 A. And that's also Karl Delano 3.

7 Q. Okay.

8 A. And that's me 21st of 2016.

9 Q. 2016?

10 A. Yes.

11 Q. Thank you, sir.

12 MR. FINLAYSON: Thank you. You can turn that off.

13 BY MS. CONNORS:

14 Q. Let's talk about your background a little bit. Where did
15 you grow up, sir?

16 A. I was raised in Ghana until I was about 17 years. And
17 then I migrated to the U.S. on an F-1 visa to --

18 Q. Slow down.

19 A. Okay.

20 Q. What did your parents do in Ghana?

21 A. Okay. My dad is a Naval officer and my mom is a teacher
22 in chemistry.

23 Q. Okay.

24 A. And they later became -- my dad later became the director
25 of Naval operations for the Ghana Navy.

1 And my mom became the central regional director of
2 education for the entire central region.

3 Q. Central region of Ghana?

4 A. Yes, sir.

5 Q. Did you come to the United States to go to college?

6 A. Yes, I did.

7 Q. And where did you go?

8 A. I attended Florida Institute of Technology in Melbourne,
9 Florida.

10 Q. And when did you come to the United States for that?

11 A. 1997.

12 Q. Okay. And when did you graduate?

13 A. 2001, in December of 2001.

14 Q. December of 2001 --

15 A. 2001.

16 Q. -- you graduated?

17 A. Yes.

18 Q. And what did you study at Florida Institute of Technology?

19 A. I studied aviation management with flight option.

20 Q. Aviation management with flight option?

21 A. Yes. With flight option, yes.

22 Q. What does that mean?

23 A. Okay. Aviation management has got to do with airport
24 operations, airport management. And the flight portion allows
25 you to fly airplanes, instruct in airplanes, et cetera.

1 Q. And did you learn how to fly airplanes?

2 A. Yes, I did.

3 Q. And did you become a licensed pilot?

4 A. Yes, I became a licensed pilot.

5 Q. And what are your -- what licenses did you -- or what
6 ratings -- take us through your ratings and what type of --
7 yeah, what kind of ratings you had as a pilot, what that
8 progress was.

9 A. Okay. So you begin with your student pilot's license in
10 my freshman year. And then by the time I finished the
11 freshman year, I got the private pilot's license. Then I want
12 on to get my instrument rating. After I got the instrument
13 rating, I got the -- my commercial license. That was I
14 believe in my -- by the end of the junior year.

15 Q. Of college?

16 A. Of college, yeah.

17 And then I got my multiengine rating. And by the
18 time I was a senior, I had my flight instructors license.

19 Q. And so what's the smallest plane you were flying?

20 A. At that time, it will be training aircrafts, like the
21 Piper Cherokee, Cessna 172, 182.

22 Q. What was the biggest plane you ever flew?

23 A. The Boeing 737 MAX.

24 Q. We'll cover that in a little bit.

25 A. Um-hmm.

1 Q. A very important question, sir.

2 A. Um-hmm.

3 Q. How old are you right now?

4 A. I'm 45 years.

5 Q. What's your date of birth?

6 A. 9/10/1979.

7 Q. And you've heard all kinds of things in this case about
8 that issue, right?

9 A. Yes, I have.

10 Q. All right. We're going to go through that.

11 Did you at one point end up with a birthdate listed
12 as 1975?

13 A. Yes.

14 Q. Tell this jury how that happened.

15 A. Okay. When I was coming to the United States, I had a
16 visa appointment. And I got my passport --

17 Q. This is when you're coming in at 17 for college?

18 A. Yes.

19 Q. Your first time coming here?

20 A. Yes. This was my first time coming, yeah.

21 Q. Keep going.

22 A. And when the passport was issued, it had the wrong date of
23 birth on it.

24 Q. And this is the Ghana passport?

25 A. Yes. My Ghana passport, yes.

1 And my visa appointment was almost like a month
2 later, so there was no time to rectify or fix the change on
3 the passport, because if I attempted to do that, I would have
4 missed my visa interview.

5 So I came to -- I went to the visa interview, I got
6 granted the visa. And then I came to -- I came to the
7 university with the -- with a passport. So that 9/8/75 date
8 of birth, I was stuck with it because that was the only
9 documentation that I had.

10 Q. So you were stuck with it for several years, right?

11 A. Yes.

12 Q. Okay. I mean, did -- when you were 17, were you trying to
13 commit fraud or was there something tricky about how you got
14 that date of birth back then?

15 A. No. Because actually my dad got the passport for me. You
16 know, he did all of the paperwork for the passport. I had
17 nothing to do with it.

18 Q. Did you try to correct this at one point?

19 A. Yes, I did.

20 Q. In fact, did you apply for Social Security cards?

21 A. Yes, I did.

22 Q. Okay. And how did you try to correct that mistake that
23 was made -- I guess -- let me strike that.

24 A. Um-hmm.

25 Q. Your first Social Security card you got, what date of

1 birth did it have attached to it?

2 A. It has the -- had the 9/8/1975.

3 Q. And was that correct?

4 A. Yeah, that was correct because that was the -- it
5 technically was wrong. But if you're talking in terms of the
6 document, that's the only documentation, legal documentation I
7 had, so it just trickled down to every -- every other
8 paperwork that I got.

9 Q. Okay. And then did you later try to correct that?

10 A. Yes, I did.

11 Q. And how did you do that?

12 A. When I was applying for my green card and -- yeah, green
13 card, what I did was -- everything I had was still in 9/8/75,
14 so what I did was in the application process, I submitted all
15 the documents with the 9/8/75 on it.

16 And I wrote a letter to the INS explaining how --
17 everything I just described. And I attached the birth
18 certificate to all of the documentation and asked them to
19 correct it.

20 Q. Okay. So you attached the birth certificate that showed
21 1979?

22 A. Yes, I did.

23 Q. And that's when they changed it?

24 A. That's when they changed it, yes.

25 Q. And you were about how old then?

1 A. When I applied for the green card?

2 Q. When you -- when you straightened that out. When you
3 fixed that, that was like 20 years ago, wasn't it?

4 A. Yeah. Yeah, that was over 20 years ago.

5 Q. Did you request a new Social Security number for any
6 fraudulent reasons?

7 A. No, I did not.

8 Q. You did get a new Social Security number, right?

9 A. Yes, I did.

10 Q. And why did you do that?

11 A. I did that for two reasons.

12 One, now that I had my employment authorization,
13 which was my legal document to work and do anything in the
14 United States, obtain a driver's license, ID card, anything,
15 it's now 9/10/1979. Now, you have the Social Security card,
16 which has information of 9/8/75, so that would be conflicting.
17 If I go for a job and they run a background check, one, you
18 have two conflicting documents.

19 Two, I was having problems with my wife at that time.
20 The marriage was very abusive. Without going into further
21 details, I was afraid, you know, that when we separated that
22 she was going to get -- she could legally get loans and credit
23 cards in both names because, you know, you guys are still
24 married and she has access to all of your personal
25 information, so I told them about it and I tried to change it.

1 Q. Okay. And you got a second Social Security number?

2 A. Yes, I did.

3 Q. Were you trying to do that for any fraudulent reason?

4 A. No, I did not. As a matter of fact, after I got the new
5 Social Security number, I've never used that old
6 Social Security number since then.

7 Q. Never?

8 A. Never.

9 Q. So let's talk about --

10 A. Umm-hmm.

11 Q. -- your careers a little bit.

12 A. Okay.

13 Q. After college, what jobs or career did you have?

14 A. Right when I was a senior in college, I was -- I got my
15 first job, which was instructing the United States, the
16 Patrick Air Force Base Aero Club.

17 Q. Okay.

18 A. Yeah. And I was teaching cadets, people who were
19 interested in going to the U.S. Navy, Air Force, Marines, I
20 was -- I was teaching them how to fly.

21 Q. So you were teaching on Patrick Air Force base --

22 A. Yes.

23 Q. -- people how to -- people how to fly?

24 A. Yes, I was.

25 Q. So you were not enlisted at that point, but you were

1 teaching enlisted people how to fly?

2 A. Pretty much, yeah.

3 Q. Do I -- do I have it right?

4 A. Yes, you have it right.

5 Q. Okay. And what type of planes were you training in at
6 that point?

7 A. It's -- it's a military -- it's the military version of
8 the Cessna 172. They call it the T-41.

9 Should I continue?

10 Q. Sure, yes. Where -- and what was your next job?

11 A. Okay. So from there, from teaching in the T-41 for
12 Patrick for about two, two or three years, I had another job
13 in Houston, Texas, where I was teaching at Fletcher Aviation
14 as an instructor. And at the same time, I was working for
15 Panel Mill Investments as a corporate pilot.

16 COURT REPORTER: What investments?

17 THE WITNESS: Panel, like a panel. Panel Mill
18 Investments.

19 BY MR. FINLAYSON:

20 Q. Panel?

21 A. Yeah. Panel Mill Investments, yeah.

22 Q. Yeah. You're flying for -- you were a corporate pilot?

23 A. Yes.

24 Q. And did you fly for some doctors, too, around that time?

25 A. Yeah. Yeah.

1 Q. Okay.

2 A. Actually, Dr. Miller is the owner of Panel Mill
3 Investments.

4 Q. Doctor who?

5 A. Dr. Miller.

6 Q. Miller?

7 A. Miller, yeah.

8 Q. Okay. So and you were doing that out in Texas?

9 A. Yes, I was.

10 Q. And what was your address out in Texas?

11 A. It was 2220 Westcreek Lane, Apartment --

12 Q. Keep going.

13 A. Yeah, apartment E71, Houston, Texas.

14 Q. And that's the number -- that's an address we heard about
15 in this case, right?

16 A. Yes.

17 Q. Did you live there at some point?

18 A. Yes, I did.

19 Q. When did you live there?

20 A. Throughout my stay in Texas, when I was an instructor and
21 working for Panel Mill Investments.

22 Q. You're talking 15 years ago? When -- when was this?

23 A. Yeah. About 15 years ago, yeah. Also after about 2003
24 onwards -- upwards, yeah.

25 Q. Okay. And did you have a driver's license for that --

1 with that address?

2 A. Yes, I did.

3 Q. Did you -- obviously you moved from there, right?

4 A. Yes, I moved from there.

5 Q. Okay. But that was an old address of yours?

6 A. Yes, that was an old address of mine.

7 Q. You didn't live there after they tore down the building?

8 A. No, I did not.

9 Q. Did you say you lived there after they tore down the
10 building?

11 A. No, I did not.

12 Q. Okay. What -- what was your next job in the -- in the
13 aviation world or -- what did you do next?

14 A. Okay. So after Panel Mill Investments, I actually
15 enlisted in the U.S. Army.

16 Q. Okay. And how long was that?

17 A. The U.S. Army, I was there for about a year, it was pretty
18 short.

19 Q. Okay. Is there a term that -- was your exit -- did you
20 get an honorable or a dishonorable discharge?

21 A. I was honorably discharged.

22 Q. Did you chapter out?

23 A. Yeah. We call it chaptering out, yes.

24 Q. Where did you go next?

25 A. Actually, when I got out of the U.S. Army, my intention

1 was to go back in as a warrant officer. That was my goal, to
2 fly the Apache helicopters, the Black Hawks and the 810s.

3 But when I got out from being enlisted, they were
4 giving me the runaround. During that time, SkyWest Airlines
5 was hiring, so I applied for that and --

6 Q. SkyWest?

7 A. Yeah, SkyWest Airlines.

8 Q. And where are they located?

9 A. The main -- what do you call it? -- headquarters is I
10 think Salt Lake City, Utah.

11 Q. And they're a subsidiary of somebody?

12 A. Delta, Delta Airlines.

13 Q. And did you go to work for them?

14 A. Yes.

15 Q. And is that one of the uniform pictures we see or is that
16 Flydubai?

17 A. No, actually -- yeah, it's one of the uniform pictures you
18 see.

19 Q. Okay. How long were you with SkyWest?

20 A. I was with SkyWest for about two years. And then after I
21 left SkyWest, I went to Mercer Airlines, which is a subsidiary
22 of United Airlines.

23 Q. Okay. Did you at some point go to FlyDubai?

24 A. Yes, I was with Mercer Airlines for a little bit, about a
25 year and a half. And I wanted to fly something bigger. I got

1 a job with FlyDubai Airlines for the 737 MAX, so I took it.

2 Q. Okay.

3 A. And then --

4 Q. Yeah. And where was FlyDubai based out of?

5 A. The United Arab Emirates.

6 Q. Where were you -- where was your primary residency during
7 that period, if you know?

8 A. Yeah, my primary -- my primary residency was still in the
9 United States, in my Douglasville house, the 3081 Leatherleaf
10 Trail.

11 Q. Okay.

12 A. But then I was working in the United Emirates. They call
13 us Expats, people who live outside -- who have a permanent
14 residence somewhere else but are working outside.

15 Q. Sure. How long were you there?

16 A. I was there for about three years.

17 Q. Okay. I'm going to ask you some questions about Kremkov
18 Industries.

19 A. Okay.

20 Q. Okay. Do you know this company?

21 A. Yes, it's my company.

22 Q. What did Kremkov do?

23 A. Kremkov is a mining -- a mining business.

24 Q. Okay. When did Kremkov start?

25 A. Okay. Kremkov started -- I'll go back to 2013. I had

1 a -- when I was a -- my great grandpa was a travel chief for
2 the Volta Region and --

3 Q. And, by the way, any word that is sort of foreign --

4 A. It isn't.

5 Q. -- either spell it or say it really slowly.

6 A. Okay. Volta Region is spelled V-O-L-T-A.

7 Q. Okay.

8 A. And region, of course, you can spell region, yeah, Volta
9 Region. He had two pieces of property, one in the Ashanti
10 Region.

11 Q. Ashanti.

12 A. Yeah. A-S-H-A-N-T-I Region. And the other one in the
13 Western Region. And he had leases for 75 years for -- what do
14 you call it? -- wood properties, with permits for mining.

15 Q. Okay.

16 A. And when he passed away, I was around six years old, and
17 he passed those rights down to me via a will.

18 Q. When he died and you were -- you got those through a will,
19 right?

20 A. Yes.

21 Q. Did -- was there any mine there at that time?

22 A. No, there was not.

23 Q. There was just permits for it?

24 A. Yeah, just permits for it.

25 Q. And this was for small-family mining?

1 A. Yeah, for small-scale mining, yes.

2 Q. All right. Keep going. When -- when did it -- when did
3 something start happening with Kremkov?

4 A. So I had a childhood friend back in Ghana, her [sic] name
5 is Anabel Kufour and --

6 Q. Kufour?

7 A. Yeah. Kufour is spelled K-U-F-O-U-R.

8 And his parents are also in the mining business.

9 When I was in the U.S., we sort of like kept in touch. And he
10 knew I had -- what do you call it? -- because it was a
11 mine -- because he knew I had the pieces of property that was
12 willed to me, but, you know, I never really talked much of it,
13 because I never had any funds to fund a mining business.

14 So he said he knew this Chinese guy called Mr. Lee
15 that he would love to introduce to me because he'll be able to
16 help me develop the land.

17 Q. Okay. Did you start -- did you meet Mr. Lee somehow?

18 A. Yes.

19 Q. Through what medium?

20 A. It was like through Skype, you know. Initially it was
21 through Skype, me, Mr. Lee and Anabel.

22 Q. Okay.

23 A. And after a few Skype, you know, meetings, he -- he
24 decided to travel down to Ghana to take a look at the
25 property.

1 Q. Okay.

2 A. So when he -- when he came down to Ghana, he met my father
3 then, and after --

4 Q. Were you there? For that first meeting, were you there?

5 A. No, no. I was still in the United States, yeah.

6 Q. You were still communicating by Skype?

7 A. Yes.

8 Q. Okay.

9 A. I was communicating by Skype.

10 Q. Did you actually meet Mr. Lee in person at one point?

11 A. Yes, I did.

12 Q. And where did that happen?

13 A. That happened when I was in Dubai.

14 Q. And tell us about what happened from there.

15 A. Okay. So from when he met my dad, they made a deal, you
16 know, made a deal with us to help develop the land, to mine
17 the gold. But in exchange, we had to sell him the gold in
18 payment for the money he invested at 50,000 a kilo.

19 Q. Is that like half price, basically?

20 A. Pretty much. So we made the deal. And then that began
21 the -- the mining venture in Ghana.

22 Q. And what year are we talking about, approximately?

23 A. That's in 2013 when all of these meetings and stuff
24 happened. So the actual process of starting to develop the
25 land into any sort of -- you know, starting any mining

1 activity on the land, it started with something called -- they
2 called the environmental impact assessment.

3 First of all, what happened was my dad went to the
4 Department of Mining Services, just to inquire about the
5 permit to see if there was anything else they needed, but he
6 was told since those permits were issued before that -- even
7 that Department of Land and Mining Services were formed, there
8 were no other payments required.

9 But he -- but they recommended we do something called
10 an environmental impact assessment to make sure there were no
11 endangered species, no -- what do you call it? -- endangered
12 animals or species on the land and that the mining activities
13 were not going to cause any adverse effect to the ecosystem,
14 so that started that.

15 So from 2014 to 2015, the land in the Ashanti Region,
16 we did the environmental impact assessment. That piece of
17 property is about ten acres.

18 And then from 2015 to 2016, we did the environmental
19 impact assessment for the piece of property in the Western
20 Region.

21 Q. Okay. When did you actually start digging in Ghana?

22 A. We started digging around 2019.

23 Q. Okay. And who is we? Who was doing the digging?

24 A. I was mostly still involved in flying and stuff, so I
25 wasn't part of the day-to-day, you know, operation of the

1 mine. It was my dad, my assistant.

2 Q. Who is your assistant?

3 A. Andrea Lewis.

4 Q. Okay.

5 A. And Mr. Lee, his brother, Chung Lee, and then there was
6 another guy called Xing Kong Xi.

7 Q. Can you spell that one?

8 A. Xing, I think he spells it X-I-N-G. And then it's
9 K-O-N-G. And then X-I, Xi.

10 Q. So you're still flying airplanes. And you're still based
11 in the U.S.; is that right?

12 A. No, no. At this point I'm in Dubai.

13 Q. So you're in Dubai?

14 A. Yeah. At this point I'm in Dubai, yeah.

15 Q. Okay. And this work is going on in Ghana?

16 A. Yes.

17 Q. Okay. You got an EIN number around this time, didn't you?

18 A. Yes. So around 2018, I obtained an EIN. The whole idea
19 was to -- after the debt for the exploration and the
20 development was paid for, the -- my long-term goal was to
21 build a refinery here and make -- sort of like import the gold
22 here and make deals with like Kay the jewelry, the gallery of
23 jewelries, Swarovski. What do you call it? What's the name
24 of that -- the store -- Kay, Jared.

25 Q. Are you talking about jewelry companies that the --

1 A. Yeah. Jewelry companies in the U.S. to supply them gold
2 for their jewelry.

3 Q. Do you remember what that EIN number was that you got in
4 2018?

5 A. I believe it's the one ending in 1377.

6 Q. Okay. Did you employ workers or did the -- did Kremkov
7 employ workers there in Ghana?

8 A. Yes, they did.

9 Q. And how do you know that?

10 A. Because I visited all the time. And my assistant, my
11 assistant and the foremen were in charge of that, so...

12 Q. Okay.

13 A. Yes.

14 Q. So you went -- you actually -- did you actually ever go
15 down in the mine?

16 A. Yes, I did.

17 Q. How many times?

18 A. In 2018, I visited eight times.

19 Q. What about '19, if you remember?

20 A. In 2019, I visited six times.

21 Q. And how many workers were working in that mine?

22 A. For the ten-acre one, the one in the Ashanti Region, there
23 was about 300, 312. For the one in the Western Region, there
24 was about 300.

25 Q. So that was like 600 people?

1 A. Yes.

2 Q. This is two different mine sites?

3 A. Yes.

4 Q. Okay. And were they -- were they all U.S. citizens?

5 A. Not all of them.

6 Q. Okay. Were some of them?

7 A. Yeah. Some of them, yeah.

8 Q. Who kept track of the payroll documents for those workers?

9 A. Andrea did.

10 Q. Andrea Lewis?

11 A. Yeah. Andrea Lewis did.

12 Q. And how did she maintain -- how were those people paid?

13 A. Usually, Mr. Lee does the payment and then we transfer the
14 money -- we transfer gold to pay for whatever expenses he did.

15 Q. But how would the workers actually get paid?

16 A. Wire transferred.

17 Q. Okay. And who paid them? Who put the button -- who hit
18 the button that sent them the money, if you know?

19 A. Mr. Lee did.

20 Q. Were there -- to your knowledge and belief, were there 493
21 workers there at one point?

22 A. Yes, there was.

23 Q. Okay. We've heard a lot about a PPP loan, right?

24 A. Yes.

25 Q. Did you apply for a PPP loan?

1 A. Yes, I did.

2 Q. What was your purpose -- original purpose or intent in
3 applying for that loan?

4 A. Original purpose and intent for applying for the PPP loan
5 was to keep the mine in business, operational during the COVID
6 pandemic.

7 Q. Now, what was your understanding about the requirement for
8 an U.S.-based company or a Ghanaian-based company, what was
9 your -- what did -- what did you believe was required of you
10 to apply for that loan?

11 A. Okay. So like when I was reading the application and I
12 was filling it out, what I saw, it says the -- what do you
13 call it? -- the principal residence of the people should be
14 in the United States. I relate to that, because I'm an Expat.
15 I work in the UAE. My principal residence is in the
16 United States. It's sort of like having an oil rig.

17 Q. Okay.

18 A. The oil rig is in the middle of the ocean, right? The --
19 it's not on the soil of the United States. However, the
20 people that work on the rig have their permanent residence in
21 the United States, so that's how I saw it.

22 Q. How did you learn -- how did you figure out how to fill
23 out the PPP loan application?

24 A. How did I -- I just -- just like any person, I just --
25 just like everybody else, I just went online and read the

1 requirements and, you know, just determined if it applied to
2 me or not. And if it -- you know, when I read all of it to a
3 layperson, yeah, it applied to me, so I --

4 Q. Okay. Was it -- was it easy or was it complicated for
5 you?

6 A. I mean, it was pretty straightforward, you know. I just
7 read it and I understood what was written in there and I took
8 it at face value, yes, sir.

9 Q. Did you have a lawyer or any kind of advisor help you do
10 that?

11 A. The only help I got was with the documentation. That was
12 with Andrea gave me the documentation, yeah.

13 Q. Andrea gave you help with documentation that was submitted
14 with that loan?

15 A. Yes.

16 Q. And what did she give you?

17 A. She prepared the payroll list, the -- what do you call it?
18 She has an accounting degree, so all the -- like the payroll
19 summary documents, she did. She did the 941s and 940 as well.
20 And I actually even asked her to help me with my tax returns
21 because --

22 Q. All right. We'll get there in a minute.

23 A. But, yeah.

24 Q. So you're saying that that list with 493 people on it, you
25 didn't prepare that list yourself?

1 A. No, I did not.

2 Q. Did you ask Andrea to give you a list of the eligible
3 employees for the company?

4 A. Yes, I did. I asked her to give me all the people that
5 would be eligible for the PPP based on the U.S. being their
6 permanent or like the principal place of residence apparently.

7 Q. Did you -- did you read that list carefully?

8 A. No. I just look at the first few ones and, you know, that
9 was it. I didn't --

10 Q. Did you notice that Charlie Brown worked for Kremkov?

11 A. Honestly, I don't even know who Charlie Brown is so...

12 Q. Well --

13 A. Yeah, I don't know who Charlie Brown is, so...

14 Q. Do you know who -- you've heard of the name John Snow,
15 maybe?

16 A. Yeah. I've heard the name John Snow, yeah.

17 Q. Oliver Twist?

18 A. I don't know Oliver Twist.

19 Q. All right. So these -- you didn't -- you didn't read this
20 thing with a fine-tooth comb, obviously.

21 A. No, I did not.

22 Q. Okay. When you applied for that PPP loan --

23 A. Um-hmm.

24 Q. -- for Kremkov, did you think that was okay?

25 A. Yes.

1 Q. Did -- well, let me -- going back to the names real quick.
2 A. Umm-hmm.
3 Q. You heard Monica Sweeten testify in the trial, right?
4 A. Yes, I did. Yeah.
5 Q. Did that Monica -- did that woman work for Kremkov?
6 A. No, she did not.
7 Q. You knew her though, right?
8 A. I knew her, yes.
9 Q. You knew her -- how did you know her?
10 A. We worked together as simulator partners in -- what do you
11 call it? -- Mercer Airlines.
12 Q. So you were training as pilots together?
13 A. Yes.
14 Q. She didn't work down in the mine at Kremkov?
15 A. No, she did not.
16 Q. Okay.
17 A. I mean, you know, like the guy testified, you know, there
18 could be several people with the same name, yeah, so...
19 Q. Did you -- you did help her buy her house, right?
20 A. Yes, I did help her buy her house.
21 Q. And why did you do that?
22 A. That's because I knew her, I trusted her. And I knew, you
23 know, she wasn't up to anything. Anything -- what do you call
24 it? -- shady, so I just helped her.
25 Q. Okay. You just helped her?

1 A. Yeah.

2 Q. Okay. So let's go back to the PPP loan.

3 A. Um-hmm.

4 Q. Did Chase Bank approve you originally for a -- approve you
5 for a \$9.5 million?

6 A. Yes.

7 Q. What -- what happened very quickly with that money?

8 A. After the loan was approved, I think \$6.5 million was
9 clawed back.

10 Q. Okay. And what was your reaction to that?

11 A. I didn't quite understand why that happened, so I called
12 them to find out what it was. It took about two weeks of
13 going back and forth and with phone calls and being on hold
14 for like 45 minutes to an hour.

15 And then eventually, the -- I think -- I believe they
16 told me to submit certain documents so they could unfreeze it.
17 I submitted the documents, nothing happened. Eventually, I
18 kept calling and the answer I got was that the program had run
19 out of money, so I -- I just --

20 Q. And we heard a call --

21 A. Umm-hmm.

22 Q. -- government's 108. Was that you on the call there?

23 A. Yeah, it was me.

24 Q. What did you tell them? Were you frustrated in that call?

25 A. Yes. I was very frustrated, yeah.

1 Q. Okay. And what did you tell them your plan was with
2 regard -- or your concern was with regarding them holding back
3 that \$6 million or \$6.5 million?

4 A. Yeah, I wasn't quite sure what was going on. And my
5 concern was that they were holding onto the money. And there
6 was a timeframe that you needed to use the money to gain the
7 productive out of the money.

8 So let's say if I was going to restock, you know --
9 what do you call it? Keep the mining business going and stuff
10 like that, I needed to pay the workers to keep them going to
11 generate some income. And if they were holding on to the
12 funds and I couldn't do that, and then now the grace period
13 has passed, then now you'll be faced with, you know, a shorter
14 time to repay the loan.

15 Q. Okay. And you told them that, right, on the phone.

16 A. Yes, and I asked them -- yeah. I asked them to give me
17 something in writing stating the reason why they were
18 withholding the funds. And, you know, that way I have
19 something in writing to back me up.

20 Q. Because at this point, were you already contemplating
21 FlyingJack, the trucking company? Were you already getting
22 ready to -- or thinking about putting the money into
23 FlyingJack?

24 A. No. I'm not quite sure what the timing, because it was --
25 as soon as I got -- yes, it was around that time. It was

1 around that time. Because after I transferred the money
2 from -- the \$3 million from Chase to -- to what do you call
3 it? -- the PNC account.

4 Q. Um-hmm.

5 A. I called Ghana. And when I called Ghana, I spoke to my
6 dad. And he spoke to the minister -- the ministry of health
7 there. And he was telling him -- you know, he was told that
8 they had no idea when the COVID vaccine would be available.
9 And there was no specific timeframe, you know, in the U.S.,
10 you know, and other countries, they had started vaccinating
11 people, but they didn't have a specific timeframe as to where
12 the vaccine went and when the vaccine would be available, so,
13 I mean, if we -- even if we restarted the -- if we just --
14 what do you call it? -- try to keep the mining going, we'll be
15 faced with the same problems we were, so it wasn't going to be
16 feasible.

17 Q. Did you shut the mine down?

18 A. Yeah. So after that, we shut the mine down.

19 Q. Okay. And what was your understanding --

20 A. Um-hmm.

21 Q. -- or belief that what you could do with that PPP money
22 when you shut the mine down?

23 A. Okay. So I did a little bit of research. And I went to
24 the SBA website. And they were -- they were giving examples
25 of what qualified for forgiveness and what did not qualify for

1 forgiveness.

2 One of the examples that was given was if you have --
3 let's say you had two McDonald's, and you borrowed money for a
4 PPP loan for one McDonald and then used the money for the
5 second McDonald, right, would it qualify for forgiveness? It
6 says no, it wouldn't qualify for forgiveness, you would be
7 responsible for paying the money back.

8 And another example that was cited on the SBA website
9 was let's say you had a business and the business caught on
10 fire or a tornado or something terrible happened and destroyed
11 the business, and the business owner had no reasonable way of
12 continuing the business, and you've already had the PPP money,
13 what do you do with it? You had two options. You could give
14 the money back. Or if you had another business, you could
15 invest it in that business.

16 Q. But could you get forgiveness of the loan?

17 A. No. Then it would be the sole responsibility of the
18 business. And I believe you are trying to show an article and
19 I think the prosecutor --

20 Q. That's okay, don't --

21 A. That's okay, yeah. Don't -- okay.

22 Q. So when the mine shut down, Kremkov -- the mine --

23 A. Um-hmm.

24 Q. -- shut down in Ghana; is that right?

25 A. Yes, yeah, yeah.

1 Q. Okay. And at that point, did you decide to put the money
2 into the trucking company?

3 A. Yes, but actually, they're -- you know, I hadn't made up
4 my mind then. I started FlyingJack as a brokerage.

5 Q. Okay.

6 A. So I started FlyingJack as a brokerage just to have
7 something to do. I held on a little bit of the money, because
8 I wasn't sure what to do. And we weren't out of the pandemic
9 yet. So basically we were operating as a brokerage, pairing
10 people looking for carriers to carry their goods for them.

11 Q. Okay.

12 A. And in about two months into the brokerage, I realized --
13 it became -- it was more of a carrier's market. A carrier's
14 market is if you have too many loads and not enough trucks to
15 carry the loads.

16 Q. But did you buy trucks?

17 A. Yeah, so that's when I made the decision to use some of
18 the PPP money to expand the brokerage to include a carrier
19 business.

20 Q. And how many trucks did you buy?

21 A. I bought 11 tractors and ten trailers.

22 Q. Did you buy pieces of land?

23 A. Yes, I bought two pieces of land that I was going to
24 convert into a truck yard, where -- where you could service
25 the trucks, park the trucks and so forth and so on.

1 Q. And did you have to pay insurance on all of those trucks?

2 A. Yeah, I had to pay insurance on the trucks, the trailers.

3 Q. What other expenses did you have there for FlyingJack?

4 A. I had other expenses, like training of employees -- what
5 do you call it? -- advertising, website.

6 A. Did you actually build a website for FlyingJack?

7 A. Yes, we did have a website.

8 Q. All right. Let me -- I'm going to divert real quick here.

9 A. Okay.

10 Q. You heard the testimony from Mr. Oppong, right?

11 A. Yes. I did.

12 Q. Did you know him in Ghana?

13 A. Yes, I did know him in Ghana.

14 Q. Did you go to school with him in Ghana?

15 A. Yes, I went to school with him in Ghana.

16 Q. Were you in the same grade in Ghana?

17 A. No, we're not.

18 Q. What's the difference in age there?

19 A. I was about four years younger than him.

20 Q. Okay. And you went to the same secondary school; is that
21 right?

22 A. We went to the same secondary school. He was in a
23 different grade. I was -- but because we are from -- we are
24 both from the same town, we were friends.

25 Q. Okay. And so do you remember when he came over to your

1 house and tried to talk to you about a website?

2 A. Yes, I remember that.

3 Q. And how did that go? Where was -- it was to your
4 business, wasn't it, it was to your office?

5 A. Yeah, yeah. He came to my house and then I was going to
6 my office, so he was in my car and we're driving. That's when
7 all the argument and the recording he was doing was taking
8 place.

9 Q. Okay. And what did he want you to do in that call, in
10 that -- in that meeting?

11 A. Basically, he was trying to get me to -- what do you call
12 it? -- pay or, you know, get services from one of his friends
13 in building a website for Kremkov.

14 Q. He thought you needed a website for Kremkov?

15 A. Yes, he thought I needed a website.

16 Q. And what did you tell him?

17 A. I told him, no, I didn't need a website, because -- what
18 do you call it? -- with the mining for security reasons, you
19 don't post -- post your location online. That way you don't
20 have any -- anybody with a -- with a web point coming in there
21 trying to look for gold, so it was not necessary.

22 Q. Okay. Did you then -- but you did get a website, you're
23 saying, for FlyingJack?

24 A. Yes, I did get a website for FlyingJack.

25 Q. And did you use his guy for that?

1 A. No, I did not.

2 Q. So you're four years younger than Oppong?

3 A. Yes, I am.

4 Q. Now, this may seem weird. But we heard about you having
5 some plastic surgery, right?

6 A. Yes.

7 Q. Did you have your face redone?

8 A. No, I did not.

9 Q. To make you look younger or something?

10 A. No, I did not.

11 Q. That was your stomach, right?

12 A. Yes.

13 Q. Okay. So he said y'all were the same age. Oppong said
14 you two were the same age.

15 A. I didn't recall him saying that. He said something that
16 we couldn't be like that far -- the age difference couldn't be
17 that afar apart. I don't recall him -- I don't recall him
18 saying we're the same age.

19 Q. But regardless, that's not true, is it?

20 A. No, it's not. We're not the same age, no.

21 Q. All right. Going back to you putting money into
22 FlyingJack --

23 A. Um-hmm.

24 Q. -- you admit that you do that, right?

25 A. Yes, I did.

1 Q. And that -- and where did that money come from?

2 A. The money came from the PPP loan.

3 Q. Okay. Did you think there was something wrong with that?

4 A. No, I did not.

5 Q. What was your intent in terms of what to do with that
6 money that you owed the bank?

7 A. The intent was to pay it back, because I -- you know, like
8 I said -- like I stated earlier, if you did not, you know --
9 actually, let me backtrack a bit.

10 You know, during the time that I was, you know,
11 contemplating what to do, I was receiving letters from the
12 bank. And in one of those letters, it stated if you do not
13 apply for forgiveness by this date period, then the loan
14 becomes a loan that you have to pay. Okay. So, you know,
15 that kind of reinforced what I read on the website, so at this
16 point.

17 So I made up my mind, okay, I wasn't going to apply
18 for forgiveness. I was just going to take the loan, you know,
19 to use it to expand the brokerage or the carrier for -- to
20 include a carrier and then pay the bank back when the money
21 started -- the payments were due.

22 Q. Okay. I'm going to hand you up what's in evidence.

23 A. Umm-hmm.

24 MR. FINLAYSON: May I approach, Your Honor?

25 THE COURT: You may.

1 BY MR. FINLAYSON:

2 Q. -- Defendant's 2 and 3.

3 A. Um-hmm.

4 Q. Which are already in.

5 A. Umm-hmm.

6 Q. Do you recognize those bank statements?

7 A. Yes.

8 Q. And what are they?

9 A. They are the -- they are invoices for the PPP loan from
10 Chase Bank.

11 Q. Okay. And what does the July one say that you owed?

12 A. The July one said that I did not owe anything, zero
13 balance.

14 Q. Okay. So when was the first payment due to Chase Bank for
15 the PPP loan?

16 A. I believe it says August 29th.

17 Q. Of what year?

18 A. August 29th of 2022.

19 Q. August 29th of 2022 is your first payment due?

20 A. Yes.

21 Q. Did you make that payment?

22 A. No, because I was arrested on May 12th of 2022.

23 Q. Thank you. And to just maybe state the obvious, after you
24 got arrested, you didn't get out; is that right?

25 A. No.

1 Q. Let's talk about your tax return a little bit.

2 A. Okay.

3 Q. Did you file a tax return for the year 2020?

4 A. Yes, I did.

5 Q. How many tax returns did you file for 2020, actually file
6 and have accepted for 2020?

7 A. Okay. So I filed the one ending -- with the
8 Social Security number ending in 5040, which was rejected
9 once, and then I resubmitted it again.

10 Q. Okay. And did you file the other one?

11 A. No, I did not.

12 Q. Who filed the other one?

13 A. Andrea did.

14 Q. Andrea who?

15 A. Andrea Lewis, my assistant.

16 Q. And how did that happen?

17 A. Okay. So while we were playing catch-up for the
18 documentation that was required, you know, for the PPP and the
19 taxes and all that stuff, Andrea had suggested to me, because
20 she had an accounting degree, there was certain tax returns
21 and tax credits that I could claim as a business owner that I
22 was not aware of. She said something about mining exploration
23 tax credits, and some other business tax credits that I'll
24 qualify for as a business owner.

25 Previously, I filed my own taxes, but never in that

1 capacity, so I said, okay, if you know it, you -- can you do
2 it for me? And she agreed -- she agreed to do it. But then
3 she started dragging her feet. And I was kind of in the
4 middle of studying for interviews and preparing for --
5 preparing for 777 training and stuff like that so --

6 Q. I'm sorry, 777, what is that?

7 A. Oh, I'm sorry. It was the Boeing 777.

8 Q. How were you going to train for that?

9 A. I enrolled in --

10 Q. Yeah, sorry. You're good.

11 A. Yeah. I enrolled in some courses to get myself ready.
12 Because I had jobs lined up with China Southern Airlines and
13 then Vietnam Airlines.

14 Q. For the 777?

15 A. Yeah, the Boeing 777 for China Southern and the Boeing 787
16 for Vietnam Airlines.

17 Q. Okay. So you're trying to file your taxes, your tax
18 returns for 2020, right?

19 A. Yes.

20 Q. Okay. And Andrea agrees to help you?

21 A. Yes.

22 Q. So tell me, how could she help you? How can she access
23 your stuff?

24 A. So I gave her my user name and my password. She had the
25 key to the house.

1 Q. You gave her -- you gave someone else your user name and
2 password?

3 A. Yeah.

4 Q. Okay.

5 A. To TurboTax, to the TurboTax app. And I kept calling her,
6 you know, and she wasn't answering.

7 My usual routine was during around 5:00 -- between
8 5:00 and I'll say 8:00 p.m. was to go to the clubhouse in our
9 subdivision, play a little bit of chess, use the gym, and, you
10 know, come back home around 8:00 or 9:00.

11 I think when I was in the clubhouse, she came to the
12 house, because she thought I was -- I told her I was leaving
13 for Miami. She thought I had already left for Miami. So she
14 came to the house and I believe that's when she filed the tax
15 return. I told her all the information she needed for my tax
16 return.

17 Q. And how would she get that information?

18 A. It's on my laptop. And I told her all of the information
19 she required to file the taxes were in a folder on my desktop.

20 Q. And what all information did you have in that folder?

21 A. I had -- what do you call it? -- like driver's license,
22 Social Security number, you know, all kinds of things.

23 Q. Did you have the old information as well as the new?

24 A. Yes, I had the old information as well as the new. And I
25 think when she accessed the computer, she saw the information

1 for my -- what do you call it? -- my Texas and Social Security
2 number ending in the 6010, which was that 9/8/75.

3 Because my last base before I went to the UAE was
4 Houston, Texas, so she accidentally filed using that
5 information thinking it was the right information.

6 Q. Okay.

7 A. And then I didn't know. I came back home. I -- what do
8 you call it? -- I did what I had to do. Then I filed the
9 return. Because I didn't hear anything from her, I filed the
10 return ending in -- with the -- with my information, the
11 correct information I have, the 0540 and my correct date of
12 birth.

13 The following day, I left for Miami. Because I was
14 supposed to meet with a friend who was flying in from Air
15 India. I was in Miami for about I think four or five days.

16 On my return from Miami, I get a -- I think an email
17 alert or a text alert that my tax return had been rejected
18 because that -- that came from TurboTax, because the -- the
19 EIN that was used to file the tax return was issued after --
20 it was issued in 2021, so it cannot be --

21 Q. Okay. How many EINs did you have?

22 A. I had one TIN, the 1377 and two EINs, I think 7 --

23 Q. Okay. You don't need to -- you had the 1377, that was
24 from 2018?

25 A. Yeah.

1 Q. And that was the oldest one you had?

2 A. Yeah, that was the oldest one I had.

3 Q. Did you get the other ones for any kind of malicious or
4 mal reason?

5 A. No.

6 Q. So when it spit -- when TurboTax spit you out --

7 A. Um-hmm.

8 Q. -- for having the wrong EIN, did you just try another one?
9 What -- what happened?

10 A. Yeah, so when I am -- eventually -- I didn't get -- I go
11 home that day later in the evening, because I had to go to
12 Rome, Georgia, for, you know, a friend's birthday party. When
13 I came back home -- when I was at the party, actually, Andrea
14 called me, but I did not return the call. I did not hear the
15 phone ring, there was so much noise at the party.

16 I got home that day and the following morning, I
17 resubmitted the tax return with the -- what do you call it?
18 -- the EIN that was issued in 2018.

19 Later on that day, I called Andrea and she told me
20 that she was calling me at the party, because she -- she saw
21 that she had filed the tax return and she saw the alert that
22 the tax return that she had filed was -- what do you call it?
23 -- rejected because of the same reason that was given to me,
24 that the EIN was issued at a later date than the tax year that
25 was supposed to be used for. So she resubmitted it with the

1 EIN -- the EIN that was issued in 2018.

2 Q. Did you know she was doing that?

3 A. No, I did not.

4 Q. Did you ask her to do that?

5 A. I asked her to, yeah. I asked her to do it, but I
6 didn't -- she didn't respond, so I assumed she wasn't going to
7 do it.

8 Q. So you originally asked her to file your taxes?

9 A. Yes.

10 Q. You didn't think she did it?

11 A. Yeah.

12 Q. So you filed them?

13 A. Yes.

14 Q. And then she did it?

15 A. Yes.

16 Q. And she used the wrong information?

17 A. Yes.

18 Q. Okay.

19 A. So at this point, I tried to contact TurboTax to see if
20 they could cancel the one she filed, because I knew I had the
21 wrong information. I haven't used that since I got my new --
22 the new Social Security number, I've never used that
23 Social Security number, I've never used it for anything.

24 Q. Okay.

25 A. So I contacted TurboTax and I was told that the

1 information has already been sent, so there's nothing I can do
2 to cancel it. I'll just have to wait for the IRS to get -- to
3 get in touch with me if they have any questions.

4 Q. Did you actually get a tax refund for 2020?

5 A. Yes, I did.

6 Q. And do you remember about how much it was?

7 A. It was about 3.36.

8 Q. 3.36 million?

9 A. Yes, million.

10 Q. And you've heard lots of talk about this return. Did you
11 pay in tax withholdings for that year?

12 A. Yes, I did.

13 Q. You personally did or someone did it for you?

14 A. I didn't personally do it. Mr. Lee did that.

15 Q. Why would he do that?

16 A. I asked him to do that because I was trying to get all my
17 paperwork ready so that I could apply for the PPP loan.

18 So what I did was the last amount of gold I had, I
19 traded that in, it was about 80 kilos, approximately,
20 \$4 million, and I asked him to -- asked him to pay my taxes
21 and then pay for a loan that I had with Abu Dhabi Commercial
22 Bank for \$500,000.

23 Q. So let me break that down a little bit.

24 A. Um-hmm.

25 Q. So you basically made a deal with him for a large quantity

1 of gold for \$4 million?

2 A. Yes.

3 Q. Okay. And he agreed to pay your tax withholdings for the
4 year?

5 A. Yes.

6 Q. And then repay a loan in Abu Dhabi?

7 A. Yeah, Abu Dhabi Commercial Bank, yeah.

8 Q. How much loan did you owe in Abu Dhabi?

9 A. \$500,000.

10 Q. Did you have bank accounts in the UAE?

11 A. Yes, I did.

12 Q. How many did you have?

13 A. About three of them.

14 Q. What was the \$500,000 loan for?

15 A. That was for me.

16 Q. For you.

17 A. Actually for Kremkov. Let's put it that way, yeah.

18 Q. Okay. All right. So you got that return. Did they give
19 you -- did the IRS give you all the money that you actually
20 asked for on that return?

21 A. No, he did not -- they did not.

22 Q. They took some of it out, right?

23 A. They took some of that. So what happened was after I
24 filed the returns, I got a letter from the IRS. The letter
25 stated that I owed them \$7,000, and if I had any objections --

1 if that was deducted from my refund, and if I had any
2 objections, I should put the objections in writing. So what I
3 did was I wrote back to them saying, no, I did not have,
4 objection, you can deduct the amount. And then later they
5 send me the -- they send me the -- what do you call it? -- the
6 refund in the mail.

7 Q. Do you have a sense of what that delay was, like how much
8 time that was?

9 A. From the time they send me the letter, I would say about
10 three weeks.

11 Q. Okay.

12 A. I think about three weeks.

13 Q. And you did not object to that?

14 A. No, I did not object to that.

15 Q. So did you think someone was actually looking at your
16 return?

17 A. Yes, they were.

18 Q. The money you used to buy the house and the cars --

19 A. Um-hmm.

20 Q. -- where did that money come from?

21 A. For all the personal items, the house and the personal
22 vehicles, it came from my refund.

23 Q. Did it come from a PPP loan?

24 A. No, it did not.

25 Q. The PPP money went to FlyingJack; is that right?

1 A. Yes. Roughly about a million dollars, a million point 1
2 was spent for the trucks, the trailers, insurance,
3 registration, the pieces of property, the two pieces of
4 property.

5 And the rest, which is the \$2 million that's left out
6 of the PPP funds was seized by the government.

7 Q. Was that when you were arrested, around the time you were
8 arrested, they took \$2 million out of your account?

9 A. Yes.

10 Q. And that was -- that was May of 2022, right?

11 A. May of 2022, yes.

12 Q. You originally got the money -- you originally got the
13 PPP loan funded in March of '21, right?

14 A. Yes.

15 Q. Okay. So they -- around April of '21, they clawed back 6
16 and a half million; is that right?

17 A. Yes.

18 Q. And even after a whole year later, you had over \$2 million
19 still in the bank, right?

20 A. Yes.

21 Q. Did you try to conceal that money in any way?

22 A. No, I did not.

23 Q. When you bought your cars --

24 A. Um-hmm.

25 Q. -- did you try to conceal your identity in any way?

1 A. No, I did not.

2 Q. What name did you buy your cars under, if you remember?

3 A. Personal vehicles?

4 Q. Yes.

5 A. Mostly Carl Torjagbo.

6 Q. Okay. Why not Karl Delano?

7 A. I believed one of them I bought in Delano, because I

8 bought it after I changed the name, I made the name change,

9 yeah, legally changing that, yeah.

10 Q. And when they came to arrest you, did you tell them where

11 your cars were?

12 A. Yes, I told them where they were.

13 Q. Okay. And they -- they took them?

14 A. Yeah, they took them. They seized them.

15 Q. Let's talk about the day you were arrested, okay?

16 A. Um-hmm.

17 Q. Do you remember that day?

18 A. Yes, I do.

19 Q. May the 12th, 2022.

20 A. Yes, I do.

21 Q. And we heard a recording of your interview?

22 A. Yes, we did.

23 Q. What was it like when they -- what did they do when they

24 first saw you and arrested you?

25 A. I was just -- I was -- actually, I was expecting the DOT

1 to show up, the Department of Transaction, because they said
2 they were going to come and inspect my trucks and stuff like
3 that, so I had all the paperwork ready, was at the truck yard
4 waiting for them, just pacing around the trucks.

5 And then all of a sudden, there was a bunch of SUVs
6 just boxed me and people -- you know, FBI officers just rushed
7 out of the car with, you know, AR15s and M16 rifles and
8 yelling, yelling, get on the ground, get on the ground.

9 And I'm like -- you know, I was stunned in the
10 beginning. And then it took me a couple of seconds to
11 actually comprehend what was going on, get on the ground. And
12 so I get on the ground and then they put me in cuffs and --

13 Q. Was that scary for you?

14 A. Yes, it was.

15 Q. About how many people did it look like?

16 A. It was about ten of them.

17 Q. Okay.

18 A. It was about ten of them, yeah.

19 Q. You brought that up at the end of that recording, right,
20 you brought it up?

21 A. Yes, I did.

22 Q. And what did you tell the guy? What did you tell the
23 agent?

24 A. I told the agent, you know -- you know, the way -- the
25 manner of the arrest I think was -- from one, I think it was a

1 little bit use of excessive force, to be honest with you.

2 Q. Okay. Did you --

3 A. Um-hmm.

4 Q. I mean, were you laughing? Did you think it was fun or
5 anything like that?

6 A. No, it was not fun. No, it was not.

7 Q. Okay. When he interviewed you --

8 A. Um-hmm.

9 Q. -- did you have any documents with you to review?

10 When he interviewed you that day at the arrest, did
11 you have documents with you about Kremkov or PPP to review?

12 A. No, I did not.

13 Q. Okay. Were you giving him the best estimates that you
14 could at that time?

15 A. Yes, because one, the -- you know, I was mentally
16 distracted, you know. I did my best to keep my composure and
17 stuff like that, but -- and in those conditions, I mean, you
18 know, things are jumbled up in your head, you're not -- you
19 know, you're not thinking right. You're in fight or flight
20 mode, so you're not really thinking.

21 Q. And did you try to flee? Did you try to run?

22 A. No. I did not try to run, no.

23 Q. Did you fight with them in any way?

24 A. No, I did not.

25 Q. Did you try to be as cooperative as you could?

1 A. Yes, I did.

2 Q. The funds that you received from your tax return --

3 A. Um-hmm.

4 Q. -- did you believe that these were from lawful or unlawful
5 activities?

6 A. They're from lawful activities. What happened was, like,
7 as an expat, when I was working for FlyDubai and things like
8 that, I still filed taxes.

9 There's something called a foreign earned income tax
10 law. I'll just touch on that briefly. If you were working
11 outside the U.S. and you meet -- you're a U.S. citizen working
12 outside of U.S. and you meet anywhere from zero to \$130,000,
13 that's about the range, right, it was tax exempt.

14 And anything above that, the government charges you
15 for taxes. Actually, I filed a couple of tax returns for some
16 American guys, American pilots that work for Emirates itself.
17 And if you make anywhere more than \$130,000, it automatically
18 charges you for the taxes.

19 And how do you pay for it? Because those foreign
20 companies don't have an EIN. They don't have a -- what do you
21 call it? -- they have no records in the U.S.

22 So what you do is you -- there are two methods of
23 payment with the IRS. You just send a wire transfer for the
24 amount you owe and then reference your Social Security number.
25 That's how you make the payment.

1 Or you can use the IRS free debit system and then you
2 can make that payment or you can write them a check. So when
3 I was, you know, trying to get all my -- my -- my -- what do
4 you call it? -- paperwork ready, Kremkov earnings so the
5 income that I earned from all the mining from Kremkov, I just
6 submitted what my tax liabilities will be with the
7 withholdings and things like that, because I was way above
8 \$130,000, and applying the foreign earned income tax is not
9 going to make a difference, so which --

10 Q. You took a loss, didn't you, you took a passive loss
11 through --

12 A. Yeah, I took a passive loss, too.

13 Q. And how did you get that loss?

14 A. We got the passive loss because when -- in the middle of
15 2019, when we started actually digging for the gold, it
16 took -- it takes awhile to dig the shafts, the mine shafts and
17 the tunnels for you to get to the gold and extract it.

18 Our labor cost at that time with the impact
19 assessment, the mining exploration, the labor costs, by the
20 time we actually started making -- inputting about 100 kilos
21 per month, it was over \$12 million.

22 Q. And how much were you paying your workers at Kremkov?

23 A. We paid them about \$50 an hour.

24 Q. So we heard Dr. Owusu talking about what he saw. Your
25 world was a little different?

1 A. My world is a little different because mostly -- what do
2 you call it? -- the Chinese people have -- like we have --
3 with the equipment and stuff we use, we're able to bring in
4 more gold at a faster rate than the people -- most of the
5 other people that do it, so...

6 Q. And you also had U.S. citizens working in your mine?

7 A. Yes, I did.

8 Q. Did you have to pay them more?

9 A. Yes.

10 Q. We heard about --

11 A. Um-hmm.

12 Q. -- the fact that you incorporated FlyingJack in Wyoming;
13 is that correct?

14 A. Yes.

15 Q. Did you do that for any kind of sneaky reason? Why
16 Wyoming?

17 A. Okay. So when I was preparing for the -- setting up the
18 brokerage, right, I had -- I took an online course on -- to
19 learn about how the brokerage system works and to get the
20 brokerage license.

21 Q. What does that mean, like the trucking industry? What is
22 a brokerage? What do you mean by a brokerage?

23 A. So it's just like a real estate brokerage where, you know,
24 like a broker. But in this sense, it's just transportation.
25 Where you link a business with a carrier and then you get

1 profit off -- you make profit off transporting their goods for
2 them.

3 Q. Is that like drop shipping or something?

4 A. No. So the broker just connects -- like let's say you own
5 a Walmart, right? And you want -- and let's say you wanted --
6 I'll explain.

7 Let's say you own a Walmart, and another person owns
8 a milk farm or something like that, cattle with milk, and they
9 want their milk transported from Point A to Walmart, right,
10 you are the broker.

11 So you contact the farmer, who's looking for the
12 trucks. You -- what do you call it? -- you try to get the
13 best carrier who is going to give them the cheapest rate. You
14 transport the goods for them and then you charge a fee for
15 that. That's a brokerage.

16 Q. That's what you were doing before you went to -- before
17 you started FlyingJack? That was like a side project of
18 yours?

19 A. No, it was FlyingJack but --

20 Q. All right.

21 A. But, you see, so the logistics is having the brokerage and
22 the carrier. You can either be a carrier, broker or you do
23 both.

24 Q. Okay. So going back to my question.

25 A. Um-hmm.

1 Q. Why Wyoming? How did that happen?

2 A. Oh, yeah. So when I was taking the course, right, one of
3 the advice the instructors -- the instructors gave was that if
4 you are setting up your brokerage, set it up as a -- use asset
5 protection lawyers.

6 And the reason he gave for that was there was this
7 famous case, right, where a broker hired a carrier to carry
8 certain goods. But what happened was the broker did not --
9 did not research the carrier's background and didn't know that
10 the carrier didn't have insurance.

11 Long story short, he hired him, he picked up the
12 goods, was driving, and then the truck ran into a car full of
13 family members. And the entire family was killed. And there
14 was a civil lawsuit, a wrongful civil lawsuit, a wrongful
15 death civil lawsuit filed.

16 And the broker was eventually held liable because the
17 judge said or the court said that if he had done his due
18 diligence, right, then he would have known the carrier didn't
19 have insurance and wouldn't have hired him and would have
20 saved the lives.

21 So, I mean, there was like -- it was like a
22 multimillion dollar lawsuit and he said so, you know, not
23 to --

24 Q. Let me stop you there.

25 A. I get it, I think. Why Wyoming though?

1 A. Ah, yes. So they said use asset protection lawyers. So
2 what I did was I researched -- I researched asset protection
3 lawyers. And I called them through a legal zoom. And then
4 they advised me, okay, you know, the best thing to do is set
5 up as a Wyoming, LLC, that protects your personal assets from
6 civil lawsuits in case something like this happens.

7 Q. Okay.

8 A. So I paid them a fee and they set up the company for me.

9 Q. And what name did you use for that?

10 A. FlyingJack Logistics, yeah.

11 Q. And what name did you personally use for that? Did you
12 mention Torjagbo or Delano or do you remember?

13 A. Oh, Torjagbo. Torjagbo, yeah.

14 Q. So were you trying to hide your identity or somehow hide
15 behind FlyingJack when you created it in Delaware [sic]?

16 A. No, I did not.

17 Q. And your name --

18 A. Um-hmm.

19 Q. -- either Delano or Torjagbo, it's attached to everything
20 we've talked about in this case, right?

21 A. Yes.

22 Q. And did you ever try to hide or conceal yourself?

23 A. No, I did not.

24 Q. Is there anything that I haven't covered that you think I
25 need to bring up?

1 A. Let me think.

2 Q. It's okay.

3 A. I couldn't think of anything, yeah.

4 MR. FINLAYSON: No further questions, Your Honor.

5 THE COURT: All right. Cross-examination?

6 MS. CONNORS: Yes, Your Honor.

7 THE COURT: Are you guys okay to stay a little later?

8 Okay. All right. Very good. I like the enthusiasm.

9 CROSS-EXAMINATION

10 BY MS. CONNORS:

11 Q. All right. So, Mr. Torjagbo --

12 A. Umm-hmm.

13 Q. -- I'm going to try to see if I can clarify a few things.

14 So you just testified that in preparation for getting
15 ready to file your PPP loan.

16 A. Yeah.

17 Q. Okay.

18 A. Uh-huh.

19 Q. So preparing to get ready to file your PPP loan would have
20 happened January of 2021?

21 A. Yeah. I'd say something like that, yes.

22 Q. Okay. And so you testified that you asked Mr. Lee to pay
23 your taxes for you so that it was -- in preparation for your
24 PPP loan.

25 So you asked him to pay \$3.4 million to the IRS for

1 taxes for you?

2 A. Yes, I did.

3 Q. Just to get the taxes back from IRS?

4 A. I had to file my taxes, yes.

5 Q. You didn't have to file taxes. You -- or if you were
6 going to file taxes, you didn't have to invent withholdings to
7 then get back from the IRS.

8 You could have just said I didn't pay any
9 withholdings. And what would have happened then?

10 You would have gotten zero dollars. Because you
11 would have offset your income by those passive losses that you
12 were talking about.

13 The only way you got a tax refund was because of
14 saying you had withholdings that you supposedly asked your
15 friend to send to the IRS.

16 Is that your testimony?

17 A. My testimony is I paid withholdings and I filed my taxes.
18 I didn't invent anything.

19 Q. Okay. But you did not testify that you paid your
20 withholdings. You're claiming you got somebody else to pay
21 withholdings?

22 A. Yes, because we -- given the short timeframe, the best
23 person to do that for me was Mr. Lee.

24 Q. Okay. But do you understand that in January of 2021,
25 you're in a new tax year.

1 So if you had not paid withholdings in 2020 yet, then
2 you just don't pay withholdings, right?

3 A. No, that -- you know, for -- you know, if -- if I'm -- I'm
4 thinking of foreign earned income. I don't think it works
5 that way.

6 Q. But you weren't reporting foreign earned income, were you?

7 A. No, because I was way above -- I wasn't claiming the
8 foreign earned income, because I was way above the \$130,000.

9 Q. But you didn't report any foreign earned income, did you?

10 A. Because I'm not required to report foreign earned income.

11 Q. You wouldn't be required to pay tax withholdings if you
12 didn't actually have any tax withholdings, right?

13 A. I don't get what you're trying to get. I don't get your
14 point.

15 Q. So you're saying -- well, let's clarify.

16 A. Um-hmm.

17 Q. Tax withholdings --

18 A. Umm-hmm.

19 Q. -- are supposed to be because you are paying the IRS in
20 advance, which typically is through a W-2.

21 So your employer withholds your federal tax liability
22 as the year is going on so that at the end of the year, you
23 don't end up with a big bill.

24 A. Umm-hmm.

25 Q. But it's based on what your earnings are and the

1 withholdings are going over.

2 A. Um-hmm.

3 Q. So there was no reason for you to have to pay
4 withholdings, or more particularly, to allege that you had
5 withholdings on a tax return, right?

6 A. So I don't -- I don't get what you are trying to -- you
7 know, what you're insinuating, but...

8 Q. Well, let's back up then.

9 A. Okay.

10 Q. So you said you had earnings --

11 A. Umm-hmm.

12 Q. -- in 2020?

13 A. Yes.

14 Q. You said -- well, you told Agent Caruana you always file
15 your own tax returns.

16 A. Um-hmm.

17 Q. You said you filed the tax return ending in 0540?

18 A. Yes, I did.

19 Q. Why would it be that you had to fill out the field for
20 withholdings. You've seen your tax returns. There are a lot
21 blank spaces on there, right?

22 A. Yeah.

23 Q. There's no requirement that you have to fill something in
24 for withholdings, right?

25 A. Okay. So all of the information that I input for the tax

1 returns was computed by software, so I just go by what the
2 software says.

3 Q. Okay. But you understand, you heard Intuit come in
4 here --

5 A. Umm-hmm.

6 Q. -- and they said they don't suddenly -- they don't invent
7 in your tax return that --

8 A. That was -- it was --

9 (Multiple Voices Overlapping)

10 Q. They're paying you \$3.4 million in tax withholdings,
11 right?

12 A. It wasn't Intuit. We have a bookkeeping software that
13 computes how much tax liability I'm supposed to have based on
14 the income I have. And based on that, I input that
15 information into the -- you know, into the -- what do you call
16 it? -- into the Intuit software. And then it goes to the IRS.

17 It's the -- it's the same as if I -- when I was
18 working for FlyDubai or something. I get my paycheck, you
19 know -- you know for -- what do you call it? -- I get my
20 income, I input it in the software, it takes me -- it tells me
21 whether I have -- based on foreign earned income, whether I
22 have a liability or not, so that's what I did.

23 Q. And if you didn't have any liability, you just wouldn't
24 have any, right?

25 A. Yes. If I didn't, yes.

1 Q. Okay.

2 A. But according to the software, it says I had, so whatever
3 the liability that the software said I had, that's what I
4 paid.

5 Q. So let's --

6 A. Umm-hmm.

7 Q. -- go back to the beginning.

8 A. Okay.

9 Q. You said you had earnings of \$9 million.

10 A. Yes.

11 Q. But you had losses of over \$9 million.

12 A. Yes.

13 Q. But you're saying your bookkeeping system wouldn't have
14 computed that that was zero dollars, then, and so, therefore,
15 you would have zero tax liability?

16 A. No, it did not compute that.

17 Q. All right. And then let's talk about your assistant, this
18 Andrea.

19 A. Um-hmm.

20 Q. Did you provide Andrea's phone number to anybody?

21 A. No, because the -- what do you call it? -- my phone,
22 laptop, documentations, birth certificate, a whole bunch of
23 other items was stolen when I was moving from the 3081
24 Leatherleaf Trail. And that issue was brought up during
25 the -- during my bond hearing. So I lost contact. I don't

1 have that information.

2 Q. So you don't know and you don't have any idea about where
3 she lives, if she works for anyone else. You would have no
4 way to get in touch with her?

5 A. She and her husband moved to Romania.

6 Q. Okay. So let's talk about the -- her filing tax returns
7 for you.

8 A. Um-hmm.

9 Q. So your claim is what -- or your testimony was --

10 A. Umm-hmm.

11 Q. -- is that she came to your house when you were not there
12 and then looked at a folder on your computer and found old
13 documentation predating 2002 saved on your current computer;
14 is that right?

15 A. Yes.

16 Q. And you say she was there at your house to file that tax
17 return, right?

18 A. Yes.

19 Q. She's at your house in Douglasville?

20 A. Yeah.

21 Q. Why on earth would she put a Houston address on your tax
22 return?

23 A. Because I thought -- you know, my last place of operation
24 was Houston, Texas. So she might have seen that and thought
25 that was the current information.

1 Q. But she didn't put a base in Houston, Texas, on your tax
2 return as the place -- as your address, as where you live,
3 right?

4 A. No, she did not.

5 Q. And you're saying that this person is coming to your house
6 in Georgia, knows you, comes to your house before, right?

7 A. Yeah.

8 Q. But yet on that tax return, you saw that the 6010 tax
9 return claims that you were a Texas resident for the entire
10 year of 2020?

11 A. Yes, because the information she saw was my Texas address
12 and Social Security number and that's the information she
13 used. I cannot -- I cannot -- I cannot speculate on what she
14 was thinking and how she made her decisions, but that's what
15 she did.

16 Q. Okay.

17 MS. CONNORS: So, Ms. Kelley, if you could please
18 give me the --

19 BY MS. CONNORS:

20 Q. So, Mr. Torjagbo, your testimony earlier was that Andrea
21 calls you, you're at a party, you miss the call?

22 A. Yes.

23 Q. But then you're talking to her and she says, oh, I
24 accidentally submitted this tax return, it had gotten
25 rejected, I then went ahead and resubmitted it again.

1 A. She didn't say she accidentally. She said she
2 submitted -- she filed a tax return, it was rejected. So she
3 was calling me to tell me that she was resubmitting it. But I
4 didn't pick up the call because I was at a party.

5 Q. Okay. And you talked to her on what -- at what timeframe?
6 Were you talking to her after the party?

7 A. That was the next day. That was the next day, yeah.

8 Q. Okay. Okay. And so you're -- you've seen before the
9 Intuit records, right?

10 A. Which records are you referring to?

11 Q. So I'm going to pull up Exhibit 220.

12 MS. CONNORS: Ms. Kelley, could I have the station --
13 oh, it doesn't look like it's coming on.

14 COURTROOM DEPUTY: Just give it a second. There you
15 go.

16 MS. CONNORS: Okay.

17 BY MS. CONNORS:

18 Q. All right. So it's your testimony she's filing this tax
19 return 6:30, 7:00 p.m. that goes through.

20 And then the next morning, bright and early, 8:42
21 a.m., you're hitting resubmit on your tax return that you're
22 claiming you did file under 0540.

23 And conveniently, the only thing that changes between
24 both of those tax returns is the EIN on the W-2?

25 A. Because that was the message that she got or she saw and I

1 saw the same message.

2 Q. Okay. The message didn't say it's because you need to put
3 1377 as the EIN on the W-2, right?

4 A. Okay. Because the -- all EINs and all documentations for
5 Kremkov were in a folder and if she looked at it, she knew --
6 she knew that the EIN -- the tax was rejected because of the
7 EIN and not being issued after certain date, automatically,
8 she would use the only EIN, which is the 1377, that was issued
9 in 2018.

10 Q. Okay. Issued in 2018?

11 A. Yes.

12 Q. Long after 2002, when you said that you changed your
13 Social Security number, right?

14 A. Yes.

15 Q. So you said you had a file on your computer with your old
16 documentation. Why would you have an EIN from 2018 in this
17 old documentation that she had to have used to file this tax
18 return?

19 A. Because everything on my desktop is organized. Okay. So
20 I have personal information, company information, pictures,
21 you know, different folders. So she was looking in the folder
22 where -- where the information for Kremkov was. Obviously,
23 she's going to see the EIN, which is --

24 Q. Not associated with Kremkov, right? That EIN does not
25 have Kremkov's name on it, does it?

1 A. I don't think so. I'm not -- I'm not sure.

2 Q. It doesn't. You saw the records from IRS. 1377 --

3 A. Um-hmm.

4 Q. -- does not have Kremkov's name on it. It has your name
5 on it?

6 A. Yes, but --

7 Q. It has Carl D. Torjagbo.

8 A. Yes, but it was the only EIN or TIN that was issued in
9 2018, so it made perfect sense that that would be the EIN that
10 she would use.

11 MS. CONNORS: Can we pull up Government's
12 Exhibit 106, please.

13 And, Ms. Kelley, can you transfer it to the
14 paralegal, please?

15 BY MS. CONNORS:

16 Q. Mr. Torjagbo --

17 A. Um-hmm.

18 Q. -- on May 7th, 2021 --

19 A. Um-hmm.

20 Q. -- after you have a phone call with Chase Bank that we
21 heard in court --

22 A. Umm-hmm.

23 Q. -- you were told you needed to provide information to
24 establish that Kremkov Industries was in operation before
25 February 15, 2020.

1 And they even specifically told you that any
2 documentation needed to have the name of the company on it
3 that you got your PPP loan on -- application -- the loan
4 under.

5 A. Um-hmm.

6 Q. And you submitted this document, knowing that it was fake.
7 This is for 1377. You just admitted that company -- this EIN
8 is not associated with Kremkov Industries, there -- it is
9 impossible for IRS to have issued you this notice on
10 September 1st of 2018, with EIN 1377 saying Kremkov
11 Industries, Carl Delano Torjagbo, sole member, right?

12 A. Okay. I have -- I have no knowledge of anything fake.
13 EINs, and I have no way of generating -- what do you call it?
14 -- a letter with the letterhead from the IRS. Each time you
15 apply for an EIN or TIN, a letter is automatically generated
16 and mailed to you, so when they --

17 Q. Okay. So --

18 A. So when they -- when they asked for -- what do you call
19 it? -- either a tax return or something with the company's
20 name on it, I went digging and this is what I found and that's
21 what I sent.

22 Q. Okay. But you just admitted that EIN is not associated
23 with Kremkov Industries, right?

24 A. Well, I just saw that when the agent -- the agent was
25 testifying about the procedure for changing it. And, you

1 know, I don't know anything about that.

2 Q. Okay. But this is still -- this is a form you submitted,
3 right? This is a letter you submitted to the bank?

4 A. Yes, it's a letter I submitted.

5 Q. Okay.

6 A. And it's a letter I received, so...

7 MS. CONNORS: If we can pull up Government's
8 Exhibit 503 and put it side by side with this.

9 BY MS. CONNORS:

10 Q. Now, Mr. Torjagbo --

11 A. Um-hmm.

12 Q. -- you've seen Government's Exhibit 503 before, right?

13 A. Yes, I have.

14 Q. You see that the address in September 2018 --

15 A. Umm-hmm.

16 Q. -- for EIN 1377 is 3081 Leatherly Trail. And it does not
17 get changed until you end up renting an office suite after you
18 already got your PPP money, right?

19 A. Yes.

20 Q. So it is impossible that the IRS could have sent you a
21 letter on September 1st of 2018 instead addressed to 3081
22 Leatherleaf Trail, right?

23 A. No. You said the address on file was 3081 Leatherleaf
24 Trail, Douglasville, Georgia. And in the bottom, it says
25 September 2018 to June 2021.

1 Q. That's correct.

2 A. Yeah.

3 Q. Do you understand that the name of the street is
4 different?

5 A. Yes, but...

6 Q. It says Leatherly Trail and not Leatherleaf Trail.

7 A. Yeah. Yeah, but because the name of the street is
8 different doesn't mean a letter wouldn't come there. If
9 you -- you know, let's say you -- you are trying to mail
10 something to somebody. You put in an address and even the ZIP
11 Code is not correct, the post office sometimes figures that
12 out and they'll send it to you so just because the Leatherleaf
13 wasn't --

14 Q. So wait. I want to make sure that I understand.

15 So you think that the post office pulled the correct
16 address for you and put it on an IRS letter. Is that what
17 your testimony is?

18 A. Yeah. My testimony is whatever was sent to me via the
19 IRS, I received it, even if the spelling of the name was not
20 correct.

21 Q. So let's point out another thing about this.

22 A. Um-hmm.

23 Q. You said how would you be able to make this letter.

24 A. Um-hmm.

25 Q. Well, because you probably did receive a letter for 8332

1 that you were able to change, right?

2 A. No, I cannot -- I have no way of changing a letter, no.

3 Q. So if you look at 8332, the name of that company is
4 identical to what is on this letter. Do you see that?

5 A. The name of which company?

6 Q. 8332, it says Kremkov Industries, Carl Delano Torjagbo,
7 sole member.

8 And that is the same exact name as what appears on
9 this EIN letter?

10 A. Yeah, but it doesn't mean I changed it.

11 Q. Well --

12 A. It doesn't prove that I changed it or it doesn't mean that
13 I did it.

14 Q. Well, let's talk about a couple of other things with this
15 letter.

16 A. Um-hmm.

17 MS. CONNORS: If we can zoom in on the part that has
18 941s. There you go.

19 BY MS. CONNORS:

20 Q. So, Mr. Torjagbo, you submitted four EIN -- or, sorry,
21 four 941s when you filed your PPP loan, right?

22 A. Yes, I did.

23 Q. Okay. So you're familiar with 941s, right?

24 A. Not until -- I didn't know what were 941s until the PPP
25 process. And actually with those 941s, Andrea was the one

1 that generated them and did that, yeah, filled it -- filled
2 them out.

3 Q. Okay. It's convenient. Andrea seems to do everything.

4 Is she here in the United States at this time or was
5 she in Ghana at the mine?

6 A. She's not in Ghana at the mine. She's currently in
7 Romania with her husband.

8 Q. Okay. But what about in 2021, where was she?

9 A. In 20 --

10 Q. Here, right?

11 A. Yeah. She was here, yeah.

12 Q. So you're saying somehow she's able to get all of the
13 information being in the United States, she's able to get the
14 accurate information about your mine, but somehow you can't?

15 A. Which information are we referring to?

16 Q. Anything. 941s, 940s, the payroll. You're saying she's
17 here in the United States, just like you.

18 Why would you rely on what she is saying in terms of
19 these forms?

20 A. I rely on what she's saying because I'm a pilot, she's an
21 accountant, she's the bookkeeper. I fly airplanes, you know.

22 Q. But you're the owner of the company, right?

23 A. Yes, I'm the owner of the company. But she does the
24 bookkeeping and she, you know, does the payroll and she
25 maintains all of that stuff. She has an accounting degree.

1 So I actually lean on her expertise for things like that.

2 That's why I hired her.

3 Q. So her expertise is creating fake payroll that says

4 Keanu Reeves is an employee of your mine?

5 A. There -- it's not the Keanu Reeves actor. Just because

6 the name Keanu Reeves appears on that, that doesn't mean

7 it's -- there are a dozen of people called Keanu Reeves.

8 Q. How do you know that?

9 A. You know, I'll implore you to Google it and search it

10 like -- what do you call it? -- the agent here did, you would

11 probably find --

12 Q. How do you know somebody named Keanu Reeves is an employee

13 of your company? How do you know somebody named Keanu Reeves

14 is an employee of your company?

15 A. I just heard it here when you -- you know, it's been the

16 center of the topic of discussion in the last two hours.

17 Q. So you're saying you never looked at a single document for

18 this PPP application that you submitted?

19 A. I looked at them, but I did not scrutinize and go through

20 line by line by line for each and every employee that was

21 listed there. No, I did not do that.

22 Q. But you still signed the certification saying that all of

23 the information in that PPP loan was accurate.

24 A. Yes, it was accurate, to the best of my knowledge. If

25 that employee is in my database, they get paid by us, then

1 they're our employees and the information is accurate.

2 Q. And so you have access to that, that information? You're
3 saying you've got an employee database that you can pull
4 information from?

5 A. Yes.

6 Q. Have you pulled any information to provide for this case?

7 A. I've been locked up. I don't --

8 Q. A subpoena was still served. But nothing was turned over,
9 right?

10 A. Yes, a subpoena was served, but it doesn't -- a subpoena
11 doesn't do any good if I don't have access to the information
12 to provide.

13 Q. You have friends here who have access to your place. In
14 fact, you had someone who was staying in your house after you
15 got locked up, right? Trying to take care of things, right?

16 A. I did mention earlier that when I was moving --

17 Q. No, Mr. Torjagbo. Answer my question.

18 We are talking about when you got arrested --

19 A. Um-hmm --

20 Q. -- when you got arrested in 2022 --

21 A. Um-hmm.

22 Q. -- after you got arrested, someone was staying in your
23 house. That is a year after you had moved into that house.

24 A. Nobody was staying in my house.

25 Q. You were paying -- you had some friends, I think they've

1 even been in court this week. You had some friends who were
2 coming to your house. They were trying to take care of
3 things. I think you even sued one of them or got mad at them
4 because you thought they were not handling your stuff
5 properly.

6 Any one of those people could have accessed your
7 documents and turned them over, provided them, right?

8 A. Okay. Backtrack. The laptop that I have, which had all
9 the information from Kremkov on it was the laptop that was
10 stolen, together with my birth certificates, my phones, every
11 information that I had. And that was documented or spoken
12 about during the bond -- bond hearing. It's in all the
13 dockets in the bond hearing, so you can look that up.

14 So after I had moved from 3081 Leatherleaf Trail to
15 5104 Greythorne Lane, the laptop that -- that I had with all
16 of the information on it does not exist.

17 The people -- the people that I am referring to that
18 they are supposed to be in my house and taking care of my --
19 my stuff, are actually stealing and selling the stuff, so...

20 Q. Well, Mr. Torjagbo, let me ask you this.

21 A. Um-hmm.

22 Q. You're saying -- your mines are in Ghana.

23 A. Yes.

24 Q. You have to rely on people to give you the information
25 from Ghana, right?

1 A. Yes.

2 Q. So it doesn't matter if your laptop is stolen, right?

3 A. What -- what information are we talking about?

4 Q. You -- Kremkov Industries --

5 A. Um-hmm.

6 Q. -- if you needed to ask --

7 A. Um-hmm.

8 Q. -- Michael Lee, someone that you mentioned -- you've said
9 you had a foreman.

10 A. Um-hmm.

11 Q. You could have asked those people to provide you
12 documentation related to Kremkov and the employees that you
13 had in 2020, right?

14 A. Not if I don't have any contact information. I don't have
15 anything.

16 Q. You could have contacted family members, someone else.
17 You've still got family in Ghana, right?

18 A. I tried. I tried. There's one sitting in the back of the
19 room. You can ask him. It's been awhile. It was a wild
20 goose hunt looking for people in a foreign country without an
21 address, a street address, a phone number, no way of locating
22 them.

23 Things in Ghana don't work like the United States
24 where you have a street address and you can just pull up to
25 somebody's address, 1985, you know, K Street and then you find

1 the person. It doesn't work like that.

2 Q. I'm going to agree with you.

3 A. Umm-hmm.

4 Q. They don't work the same.

5 A. Um-hmm.

6 Q. You don't pay Social Security taxes in Ghana. You don't
7 pay U.S. federal taxes in Ghana. You don't pay Medicare taxes
8 in Ghana, right?

9 A. I'm a U.S. citizen. I pay for it.

10 Q. You wouldn't have to, right?

11 A. Well, it's a choice. I pay for it.

12 Q. Yes. But certainly there's no reason that all of your
13 employees, 493 people, that you would be withholding
14 U.S. federal taxes for them, Social Security taxes, Medicare
15 taxes and claiming that you were even going to pay federal
16 unemployment tax for them?

17 A. Okay. So let me elaborate on that. Like I said, Andrea
18 and -- Andrea was in charge of that. I'm a pilot. You know,
19 I fly airplanes. At any given time, I could, you know, be in
20 four different continents, okay?

21 That issue about the withholdings came to light when
22 we were preparing for -- and, you know, I asked her to prepare
23 the documentation. Actually, with the documentation, the
24 instructions on the Chase Bank documentation said if you
25 haven't yet applied for your -- what do you call it?

1 Let me phrase it differently. If you have not yet
2 submitted your documentation for taxes, because the PPP portal
3 was opened in January and most taxes were filed in April,
4 submit estimates of what you intend to file.

5 Q. Well --

6 A. So let me finish.

7 So now, this documentation submitted were estimates.
8 Now the -- what do you call it? -- when we are trying to
9 figure out what documents needed to be sorted out with the IRS
10 and what needed not to be sorted out, we go -- we -- we would
11 go to the IRS website. And that's where we were -- I
12 realized, okay, she's deducting all of this stuff that doesn't
13 need to be deducted because of foreign earned income laws.

14 And according to the IRS, if a company is physically
15 located outside of the geographic boundaries of the
16 United States, the company doesn't even need to file a 940 or
17 a 941.

18 Q. So you're saying you told Andrea to file those for your
19 PPP loan? Is that your testimony?

20 A. Yeah. My testimony was that the application requested
21 documentation if you hadn't paid for that. If you hadn't yet
22 filed for taxes, submit estimates of what you intend to file.

23 But then when we -- after we had submitted the
24 documents and we're trying to play catch up, because like with
25 the PPP application, there was a long line of people, I

1 learned that -- you know, before I -- I decided to go into it,
2 I read online, I watched the news media, everybody's just
3 rushing to apply for it.

4 Now, if you don't get your application in on time,
5 you know, you might never get the money. So even when my
6 documentations were not all in line altogether, I just sent
7 the application with the estimates anyway. That way, you
8 know, by the time the application gets processed, I had
9 everything in place, so that's what I did.

10 Q. But you didn't have anything in place, right? Because you
11 never paid Social Security taxes to any of those people. You
12 never paid federal taxes to any of -- for any of those people.
13 You never paid Medicare taxes?

14 A. Yeah, well, I never did that.

15 Q. All you did --

16 A. Umm-hmm.

17 Q. -- was write numbers on forms that you're saying you had
18 actually never even paid out?

19 A. Yeah, we -- we --

20 Q. So do you understand --

21 A. Yeah, I understand it, but like --

22 Q. Mr. Torjagbo, let me finish.

23 A. Okay.

24 Q. Do you understand --

25 A. Um-hmm.

1 Q. -- that your PPP loan had to be based on accurate
2 information. You were attesting that it was true and
3 accurate. You were not attesting --

4 MR. FINLAYSON: Objection. Objection. I'm sorry.
5 The compound -- way compound question, it's just too many --

6 MS. CONNORS: Okay.

7 THE COURT: I'm going to overrule the objection. You
8 were trying to make a point. Do you want to start again?

9 MS. CONNORS: Yes, Your Honor.

10 THE COURT: Now, he interrupted and now you
11 interrupted. So just go back, take a minute. You know where
12 you are. Start again however you want.

13 And people, let her ask her question. Okay? Thank
14 you.

15 BY MS. CONNORS:

16 Q. All right. Mr. Torjagbo --

17 A. Yes.

18 Q. -- when you signed --

19 A. Um-hmm.

20 Q. -- that PPP application, you were saying that all of that
21 information was true and correct. There was nothing on that
22 form that said that you could just guess, right?

23 A. It wasn't a guess. The information there was true and
24 accurate. However, when we went back -- all -- when I went --
25 when we went back and looked at the rules, right, it did not

1 apply to us, foreign earned -- if the company is physically
2 located outside the United States, I did not have to file a
3 941, I did not have to withhold W-2 -- what do you call it? --
4 federal income taxes and do all of those withholdings because
5 of foreign earned income's law.

6 Q. And you also then did not qualify for a PPP loan, right?

7 A. No, I did qualify. Because to the best of my knowledge,
8 the application said that to a layperson who doesn't know
9 anything, if you read the application, you know, they don't
10 expect us to be psychic to kind of guess what Congress
11 intended the PPP application, the PPP loan to be or what --
12 what do you feel it -- somebody who made the application, you
13 know, their frame of mind or what they intended.

14 What they put on the application is what a layperson
15 who doesn't know anything about -- what do you call it? --
16 anything relating to the formation of those forms or what you
17 intended would portray what's on the form to be.

18 And it says plainly in Line 7, and we read it, the
19 principal place -- the principal -- the applicant's principal
20 place of residence has to be in the United States. And to the
21 best of my knowledge, it applied to me. So I didn't see
22 anything wrong.

23 Q. So let's talk about that, Mr. Torjagbo.

24 A. Yeah.

25 Q. So you just testified that nothing on the application says

1 this stuff. And you're also testifying, though, you read the
2 regulations so closely that your opinion was you could open a
3 new company with PPP money, right?

4 A. I never said you could open a new company with PPP money.
5 I just said if the money is used for a different business, or,
6 you know -- and for -- you know, a different business, other
7 than the business you applied, you applied for originally with
8 the PPP, then it becomes your responsibility.

9 Q. Okay. Well, that's not what you said. You gave this
10 example of if you owned two McDonald's, right?

11 A. Um-hmm.

12 Q. That's what you said.

13 A. Yeah.

14 Q. You read these regulations so closely that your opinion
15 was if someone owned two McDonald's --

16 A. Um-hmm.

17 Q. -- right --

18 A. Um-hmm.

19 Q. -- so you already have both of them?

20 A. Um-hmm.

21 Q. And one of them for some reason you couldn't go forward
22 with --

23 A. Um-hmm.

24 Q. -- you could then use your remaining company -- you could
25 use the PPP money for that right one, right?

1 A. Yes, if you did, then you don't qualify for forgiveness,
2 you have to pay for it then.

3 Q. Well, it's not even the issue of forgiveness. Then under
4 your theory, that would have been a permissible purpose for
5 the PPP money, right, to use it for the second McDonald's that
6 you already had?

7 A. Okay. Yeah --

8 Q. You could use it for that, right?

9 A. I didn't create those examples. It's an SBA website that
10 gave those examples because --

11 Q. Let's focus on the example that you used here in court.

12 A. Okay.

13 Q. So when you're talking about the two McDonald's that you
14 said earlier, right?

15 A. Um-hmm.

16 Q. So you said that your understanding --

17 A. Um-hmm.

18 Q. -- was that if you owned two companies --

19 A. Um-hmm.

20 Q. -- and that you got the PPP loan under just one of them --

21 A. Um-hmm.

22 Q. -- that you could use the money for the other one, right?

23 A. Um-hmm.

24 Q. FlyingJack didn't exist when you got your PPP loan, right?

25 A. No, it did not.

1 Q. So there would be no reason for you to believe that you
2 could use PPP money for FlyingJack, right?

3 A. I did not use PPP money -- let me phrase it a different
4 way.

5 The initial startup cost of PPP money was from -- the
6 startup cost for a brokerage is not very expensive for -- the
7 filing cost was about \$2,500, you buy phones, telephones,
8 about four or six phones, I bought about six computers for
9 about -- I had, you know, a deal with Dell. They gave me
10 these computers for like \$300 apiece. I bought six of them,
11 telephones, Internet, and then your insurance. That's all you
12 need for the brokerage. And it didn't cost me more than
13 \$8,000 to set up the brokerage.

14 Q. But that's after you already had the PPP money, right?

15 A. Yes, that's after I had the PPP loan, so it --

16 Q. So, Mr. Torjagbo, listen to my question.

17 A. Um-hmm.

18 Q. So there is no possibility that you could have taken.

19 A. Umm-hmm.

20 Q. The two McDonald's example that you supposedly saw --

21 A. Umm-hmm.

22 Q. -- and convert that into what I could do is use that PPP
23 money for some entirely different business venture, right?

24 A. That was just one example of many examples.

25 Q. But it's --

1 A. So in -- if you're comparing apples to apples or apples to
2 oranges, it wouldn't work out this way. Because that was just
3 one example of somebody owning two McDonald's, getting a loan
4 in one and using it for the other.

5 There were several other examples -- other examples.
6 The other example was if you owned, let's say, you know -- I
7 think, you know, the business stated something like it was in
8 Florida or something like that, like a bakery or something
9 like that and you had a tornado or a fire and the business was
10 damaged or destroyed, so that you could not reasonably
11 continue, then if you used the money for something else and
12 not that business, it becomes your responsibility.

13 Q. There was no tornado, there's no hurricane, there's no
14 flood. There's nothing like that that prevented you from
15 going forward with Kremkov Industries, right?

16 A. The vaccines, the lack of vaccination. The COVID lack of
17 vaccination, yeah.

18 Q. The PPP loan -- oh, I'm sorry.

19 THE COURT: Do you want to continue on longer? Do
20 you want to take a break for the evening and continue after?
21 What do you want to do?

22 MS. CONNORS: I think I'm fine if the jury is fine.
23 But I understand if they're not.

24 THE COURT: I'm seeing less enthusiasm, so why don't
25 you get to a good stoping point and then we will pick it up in

1 the morning. Okay? I'm going to make that decision, too,
2 because we've got to talk about -- say again.

3 MS. CONNORS: I'm feeling like maybe there is a
4 conflict.

5 JUROR: This juror needs to let her dad know. We're
6 happy to stay longer, but she needs to -- she needs to make a
7 phone call.

8 THE COURT: Why don't y'all step back there, talk
9 about how long you want to stay between now and 6:00. And
10 then come out.

11 But listen to me real quick. We're on good timing.
12 Okay?

13 But you-all come back here in a couple of minutes or
14 just tell the CSO and then we'll talk about it.

15 Okay?

16 Thank you.

17 (Whereupon, the jurors exited the courtroom.)

18 THE COURT: Y'all can be seated. I'm sorry to have
19 stopped you.

20 MS. CONNORS: No, not at all.

21 THE COURT: I don't know what their plan is for that.
22 And we do have to do a little bit more on the jury
23 instructions.

24 Okay?

25 Well, why don't we do that now. We're all here.

1 We've all got a lot of energy.

2 You have my written copy. Anybody want to talk about
3 any part of it? Any problems or concerns about the edits that
4 are in here?

5 MR. FINLAYSON: No new concerns, Your Honor.
6 Obviously I would renew the *Kousisis* argument, but nothing
7 besides that.

8 THE COURT: No. Yours was not that, yours was a due
9 process claim -- I mean, a --

10 MR. FINLAYSON: Ex post facto issue.

11 THE COURT: Yes.

12 MR. FINLAYSON: But it was related to *Kousisis*.

13 THE COURT: Okay.

14 MR. FINLAYSON: But nothing additional.

15 THE COURT: So on Page 7, we will now keep the
16 highlighted part, because the defendant has elected to
17 testify.

18 We'll take out Page 8, the discussion of a
19 transcript.

20 MS. CONNORS: Your Honor, Page 2 had that
21 highlighting about if the defendant did not testify. That
22 would need to be removed.

23 THE COURT: We'll take that highlighted part out
24 because he has now testified. Thank you.

25 On Page 22, we're going to keep in the aiding and

1 abetting provision?

2 MS. CONNORS: Yes, Your Honor.

3 THE COURT: No one has asked me to take it out. And
4 at least now we've heard about a person in Romania and some
5 other folks.

6 Okay?

7 Good faith, do we keep that in now?

8 MR. FINLAYSON: I would ask.

9 THE COURT: Okay. Anything the government wants to
10 say about that?

11 MS. CONNORS: No, Your Honor.

12 THE COURT: Okay. I think that's it then.

13 All right. So we're going to prepare a final final
14 version. If you-all see something after court today that's
15 different, I want you to let me know. But keep in mind I
16 don't want to be working on it tomorrow morning, I want to be
17 working on it this evening.

18 COURTROOM SECURITY OFFICER: They're ready to leave
19 now.

20 THE COURT: Okay. They want to leave now?

21 COURTROOM SECURITY OFFICER: Yes.

22 THE COURT: Okay. Why don't you have them come in
23 and we will dismiss them. I'm going to give them one more set
24 of information.

25 Okay?

1 But hold on. How long do you think you have on this?

2 MS. CONNORS: Probably longer than they would like.

3 THE COURT: Okay. I'm not going to give them an
4 estimate. I'm just going to tell them they're going to hear
5 closing arguments and begin their deliberations tomorrow.

6 Does that sound -- does everybody think that's
7 happening?

8 MS. CONNORS: Yes, Your Honor.

9 THE COURT: Okay. All right.

10 COURTROOM SECURITY OFFICER: All rise.

11 (Whereupon, the jurors entered the courtroom.)

12 THE COURT: Okay. Y'all can be seated.

13 So we're going to stop for the day. That's what I
14 understand?

15 JUROR: Yes.

16 THE COURT: Okay. I want to let you know we are in
17 good shape as far as the timing.

18 Okay?

19 You will hear my final instructions and you will
20 certainly begin deliberations tomorrow.

21 Okay?

22 I know the estimate we gave you and we are doing our
23 best to keep it on track so everyone should not worry about
24 that.

25 Okay?

1 All right. Thank you. Don't talk about this case.
2 You know what I'm going to say about that, right? Everybody
3 at home is abiding that instruction, right?

4 Okay. Thank you very much. We'll see you tomorrow.

5 COURTROOM SECURITY OFFICER: All rise.

6 (Whereupon, the jurors exited the courtroom.)

7 JUROR: Can I ask a question?

8 THE COURT: Yes. Go ahead. What's your question?

9 JUROR: So when we're done with this, are we still on
10 call for next week?

11 THE COURT: No.

12 JUROR: That was my question.

13 THE COURT: No. Thinking ahead. All right.

14 JUROR: Well, yeah, I have plans.

15 THE COURT: All right. Y'all can be seated.

16 And you can step down, sir.

17 THE WITNESS: Thank you.

18 THE COURT: All right. Anything y'all need to talk
19 about tonight?

20 MS. CONNORS: Your Honor, the summary exhibit issue,
21 if we can get that resolved?

22 THE COURT: Yes. We're talking about the one that
23 has the chart that we've now used with the different -- is
24 that the one we're talking about?

25 MS. CONNORS: We have the four summary exhibits, the

1 two that came in through IRS Agent Sal Hazel as well as the
2 two from Adrienne Richardson today.

3 THE WITNESS: What do you want to say about that?

4 MR. FINLAYSON: I'm trying to remember. I feel like
5 the rule changed and I just kind of want to remember what it
6 is. But I generally would object to the summary exhibit going
7 back. But if the rule has changed and it goes back, then I --

8 THE COURT: All right. Take a look at it. I think
9 it has and I think it does.

10 MR. FINLAYSON: Okay. I've been wrong before.

11 THE COURT: You can look at it.

12 Do you think it has and do you think it does?

13 MS. CONNORS: Yes, Your Honor. Rule 1006, summary
14 exhibit may be admitted as evidence to prove content of
15 voluminous records, whether those records have been admitted
16 or not. And that then becomes the evidence is what that Rule
17 implies. It is affirmative evidence, it's not a
18 demonstrative.

19 THE COURT: Yes. The demonstrative is what was
20 created by the U.S. Attorney's Office. That's not included in
21 your motion, right?

22 MS. CONNORS: That's correct, Your Honor. 502 is the
23 demonstrative that would not go back.

24 THE COURT: All right. Do you understand and agree?

25 MR. FINLAYSON: I agree.

1 THE COURT: Okay. All right. Then they are admitted
2 to go back.

3 All right. Anything else?

4 MS. CONNORS: The only other thing I wanted to find
5 out is the stipulation. I think we had talked about you might
6 put one line into the jury instructions just to say that --

7 THE COURT: I'll do that. Okay. Anything else?

8 MS. CONNORS: Do you want that admitted? Do you want
9 us to put an exhibit sticker on the stipulation?

10 THE COURT: If you-all want to admit it, that's fine.

11 MS. CONNORS: We'll admit it as Government's Exhibit
12 50.

13 THE COURT: Okay. Any objection to that?

14 MR. FINLAYSON: No sir.

15 THE COURT: Okay. Anything else?

16 MS. CONNORS: I think that's it for me.

17 THE COURT: So we'll stick one sentence in there that
18 I just remind them that there are stipulations that they are
19 required to accept. We'll put that in right before the charge
20 offense, right after the one about on or about, I think, or
21 whatever -- maybe not on or about. There's one in there right
22 before it. I'll look at it.

23 Okay?

24 I want to give a shout-out to the young lady doing
25 all of the PowerPoints and the exhibits or the highlighting

1 all the time. I've tried a lot of cases. I know that's hard
2 work. You're paying attention the whole time. And it's like
3 somebody's talking both sides and you're highlighting it.

4 MS. CONNORS: Judge, it's her first trial.

5 THE COURT: Is that right? It's your first trial.

6 MS. WILSON: Yes.

7 THE COURT: You're doing a great job. I've been
8 watching it the whole time.

9 MS. WILSON: Thank you.

10 THE COURT: All right. Thank you.

11 And y'all be thinking about what's going to happen if
12 they don't reach a verdict tomorrow and what's going to happen
13 to the young lady on the end. Okay?

14

15 (Whereupon, the proceedings were adjourned at 5:12
16 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 July 24, 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

BY MR. EVERT: [66] 767/25769/8771/9774/18776/1777/11779/1781/11782/2782/20783/5784/17784/23785/5785/19786/25787/11787/17788/13788/23789/14795/7796/20797/19799/8802/5802/21803/12804/8805/6805/13805/21806/13807/4807/10811/10811/23813/11813/21815/19816/15820/13825/4825/19828/10828/19830/4832/20833/22834/14835/3835/10835/20835/25836/12836/17837/3837/9837/16839/10874/3875/8876/19881/18975/10978/21

BY MR. FINLAYSON: [17] 840/24847/3849/13858/9865/25867/5868/6870/4878/11879/22938/11938/19968/18984/6986/21995/191020/1

BY MS. CONNORS: [71] 882/20885/7885/16886/6886/19887/21888/20890/10893/9895/16896/22897/3897/22898/5898/16898/23899/16900/12901/5902/3902/25904/11905/7905/23906/17908/1909/2909/9909/25913/4913/24914/15914/25917/17918/12918/21919/8920/9921/10921/18922/1922/21923/4924/5924/11924/21925/20926/11926/22928/4928/10929/10929/18929/25932/8933/21949/5951/15951/22953/13955/13970/16971/11987/131040/101047/191048/171050/151052/91054/191063/15

BY THE COURT: [2] 810/6815/10

COURT REPORTER: [1] 995/16

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JUROR: [10] 821/11821/13833/13833/161069/51072/151073/71073/91073/121073/14

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MS. WILSON: [2] 1076/61076/9

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\$1,677,000 [1] 936/8

\$1,677,861.01 [1] 918/25

\$1,980,842.80 [1] 919/5

\$1,994.87 [1] 907/17

\$1.6 [2] 909/3909/21

\$1.6 million [1] 909/21

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\$100 [2] 865/5906/13

\$100.00 [3] 901/10901/25908/11

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\$107 [1] 906/13

\$107.10 [3] 896/12898/20906/14

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\$12 [1] 1035/21

\$120,000 [1] 936/6

\$120,799.79 [1] 812/13

\$125 [1] 977/16

\$130,000 [4] 1034/121034/171035/81042/8

\$150,005.13 [1] 915/19

\$ \$155,000 [2] 804/20936/6 \$155,005.13 [1] 919/1 \$17,000 [2] 903/8908/19 \$177,000 [1] 936/5 \$18,000 [3] 769/20769/20794/24 \$183 [1] 929/21 \$2 [3] 1030/51030/81030/18 \$2 million [3] 1030/51030/81030/18 \$2,139.36 [1] 892/21 \$2,500 [2] 919/211067/7 \$20,000 [2] 901/13902/12 \$21,000 [2] 901/14902/12 \$23,000 [1] 903/19 \$24,799 [1] 903/17 \$269,999 [1] 877/4 \$269,999.80 [2] 877/7923/17 \$3 [22] 789/4861/22861/25862/24 863/15863/18863/20897/12897/23 898/25905/3906/7930/21934/9934/21 937/22951/8952/24953/21960/5960/6 1013/2 \$3 million [22] 789/4861/22861/25 862/24863/15863/18863/20897/12 897/23898/25905/3906/7930/21934/9 934/21937/22951/8952/24953/21960/5 960/61013/2 \$3,049 [1] 920/5 \$3,366,240.76 [3] 789/1904/17934/25 \$3,500 [1] 922/10 \$3.3 [2] 930/22938/2 \$3.3 million [2] 930/22938/2 \$3.4 [4] 861/25864/211040/251044/10 \$3.4 million [4] 861/25864/211040/25 1044/10 \$300 [1] 1067/10 \$33,000 [1] 949/14 \$332,000 [1] 936/7 \$332,999.80 [1] 809/7 \$4 [2] 1027/201028/1 \$4 million [1] 1027/20 \$4,208,888.37 [1] 907/1 \$4.2 [1] 936/24 \$4.2 million [1] 936/24 \$40,000 [12] 871/9871/10871/14930/4 930/7930/11930/13930/14946/3946/4 946/16955/20 \$45,861,255.93 [1] 837/19 \$46.17 [1] 928/21 \$5,000 [1] 915/15 \$50 [1] 1035/23 \$50,000 [6] 900/5901/11901/21901/23 902/11908/13 \$500 [5] 916/15916/16929/14978/20 978/22 \$500,000 [14] 915/12916/9916/17 917/19918/6919/23920/11923/11923/12 924/6924/161027/221028/91028/14 \$51,000 [2] 816/6816/9 \$510,000 [2] 816/3816/11 \$523.77 [1] 929/16 \$595,000 [1] 926/17 \$6 [34] 798/22798/25906/5906/11 906/18908/22909/19909/20913/12914/8 914/10915/10916/8919/15921/23922/5 923/1923/9925/16926/8927/17927/18 927/24927/25930/17930/19931/4931/8 931/9931/11931/14935/12935/181012/3	\$6 million [33] 798/22798/25906/5 906/11906/18908/22909/19909/20 913/12914/8914/10915/10916/8919/15 921/23922/5923/1923/9925/16926/8 927/17927/18927/25930/17930/19931/4 931/8931/9931/11931/14935/12935/18 1012/3 \$6,266,327.86 [1] 905/14 \$6,366,240.76 [1] 938/6 \$6,400 [1] 903/14 \$6,554,515 [1] 934/6 \$6.1 [4] 935/10935/13935/19937/16 \$6.1 million [3] 935/10935/13935/19 \$6.5 [3] 861/201011/81012/3 \$6.5 million [3] 861/201011/81012/3 \$60,000 [2] 900/25923/14 \$66,000 [1] 894/23 \$7,000 [6] 913/15975/19975/21975/22 976/21028/25 \$7,300 [2] 906/3914/7 \$741,000 [1] 936/7 \$8,000 [1] 1067/13 \$800,000 [2] 948/6948/9 \$81,000 [1] 903/24 \$87,020 [1] 922/8 \$9 [4] 794/24896/181045/91045/11 \$9 million [4] 794/24896/181045/9 1045/11 \$9,100 [1] 902/13 \$9,554 [2] 801/6801/6 \$9,554,425 [4] 788/5838/22839/1932/15 \$9,554,515 [1] 801/6 \$9.5 [5] 861/18897/5933/22936/11 1011/5 \$9.5 million [5] 861/18897/5933/22 936/111011/5 \$90,000 [1] 936/1 \$90,100 [1] 927/7 \$900,000 [2] 808/13863/2 \$91,000 [2] 914/1914/4 \$91,076.66 [1] 913/19 \$92,520 [1] 814/8 \$95,000 [1] 802/23 \$98,000 [2] 919/3936/5 ' '19 [2] 837/241005/19 '21 [10] 899/7906/1906/4906/20913/15 922/7922/10928/201030/131030/15 '22 [8] 906/20915/11915/18919/22920/1 923/11923/14928/20 - -- \$50,000 [1] 901/23 -- after [2] 1050/201057/22 -- all [1] 950/20 -- and [5] 916/13937/241044/61066/20 1067/22 -- are [2] 889/201042/19 -- as [1] 871/18 -- at [2] 879/21903/23 -- broadly [1] 771/17 -- closing [1] 800/24 -- Defendant's [1] 1020/2 -- did [6] 891/1916/15918/61030/25 1033/91034/4 -- does [1] 1050/4 -- either [2] 1000/51039/19	-- for [3] 1009/241025/81052/16 -- go [1] 1043/7 -- government's [1] 1011/22 -- he [1] 977/4 -- I'm [1] 1040/13 -- if [1] 1059/6 -- in [1] 1043/12 -- is [1] 1046/11 -- it [1] 894/8 -- let's [1] 950/5 -- Michael [1] 1059/8 -- on [1] 1050/18 -- or [1] 1013/21 -- people [1] 994/23 -- reword [1] 950/2 -- right [1] 1065/17 -- shut [1] 1014/24 -- so [1] 1065/19 -- somebody [1] 973/24 -- that [3] 1063/11063/201066/22 -- that's [1] 902/16 -- the [3] 900/15901/181036/12 -- there [1] 981/11 -- to [2] 783/22842/20 -- was [3] 950/221062/171066/18 -- we [1] 937/12 -- were [2] 889/12895/3 -- when [2] 1057/201063/18 -- where [1] 1029/20 -- you [4] 988/161018/241050/23 1065/24 -- you've [1] 1052/12 -- your [1] 994/11 / /s [1] 1077/18 0 0540 [3] 1024/111043/171048/22 1 1,300 [2] 977/22978/7 1,301 [1] 977/22 1,500 [1] 973/25 10 [6] 787/10823/13833/18910/8964/18 979/12 100 [1] 801/12 100 kilos [1] 1035/20 100,000 [1] 901/24 1006 [1] 1074/13 101 [10] 778/25781/16804/14834/12 839/9847/1847/2915/3918/18936/6 101B [1] 777/8 103 [3] 787/10884/20951/14 103A [1] 884/20 1040 [3] 778/18778/20789/2 106 [1] 1050/12 108 [1] 1011/22 10:30-ish [1] 819/16 10th [3] 828/23906/11077/14 11 [6] 850/3850/4905/6905/21913/23 1015/21 115,250.79 [1] 920/2 1199 [13] 915/13915/15915/18915/21 919/24919/24920/4923/13923/13924/7 928/8930/3930/14 11th [12] 798/21798/22827/12906/2 906/3908/21913/13915/9919/16919/22 920/18922/5
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12 [8] 800/10808/9808/10893/25905/22
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12th [11] 827/12829/16831/17841/4
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18th [1] 915/14
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1949 [1] 763/21
1975 [2] 990/12992/2
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1985 [1] 1059/25
1997 [1] 988/11
1998 [1] 816/1
19th [7] 899/7900/5900/15900/21
901/10901/11908/13
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1st [3] 889/131051/101052/21

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907/11916/13919/10920/18921/5924/22
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211 [1] 784/14
215-1456 [1] 763/23
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22 [5] 809/4823/18926/21981/16
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