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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 5
CARL DELANO TORJAGBO)
also known as)
KARL LUCIUS DELANO,)
)
Defendant.)
_____)

BEFORE THE HONORABLE MICHAEL L. BROWN
TRANSCRIPT OF PROCEEDINGS
JULY 25, 2025

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

1 APPEARANCES:

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

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

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P R O C E E D I N G S

(Atlanta, Fulton County, Georgia, July 25, 2025, in open court.)

THE COURT: Y'all can be seated. Sorry about the delay. We had one juror running a little late.

Y'all ready?

Any questions, concerns about the jury instructions I gave you yesterday?

MR. FINLAYSON: No, sir.

MS. CONNORS: No, Your Honor.

THE COURT: You look confused.

MS. CONNORS: No, I think we had thought there was going to be another final one after the stipulation part was added, but I think we're good.

THE COURT: Okay. Would you give them a final one? I'll get it to you.

MS. CONNORS: Okay.

THE COURT: Okay.

MS. CONNORS: It just always helps to be able to follow along.

THE COURT: Yes. Okay. All right.
Bring them in, please.

MR. FINLAYSON: Wait. Do we want to put Karl back on the stand?

1 THE COURT: Oh, yes. Sorry. Thank you. Come on up,
2 sir.

3 COURTROOM SECURITY OFFICER: All rise.

4 (Whereupon, the jurors entered the courtroom.)

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

7 BY MS. CONNORS:

8 Q. Mr. Delano, during your testimony yesterday, you said your
9 mine had to close due to the COVID pandemic, right?

10 A. Yes.

11 Q. And yet in 2020, you alleged that you had paid over
12 \$45.8 million in payroll to your employees of that mine,
13 right?

14 A. Yes.

15 Q. And so there was nothing about the pandemic that was
16 affecting your mining activities, right?

17 A. Actually, let me explain that. The COVID lockdown took
18 place in the United States around March. The rest of the
19 world, mainly Africa, was not affected until about six or
20 seven months later. So there was a good six or seven months
21 of operation before COVID restrictions rules came in effect in
22 Africa.

23 Q. But yet, I mean, the whole world was going through the
24 COVID pandemic.

25 A. Um-hmm.

1 Q. So there was nothing about not having a vaccine yet that
2 was preventing you from paying your alleged employees, right?

3 A. There was, because the vaccines were available in more
4 developed countries before they were made available in
5 countries like Africa, especially the third-world countries
6 and the poor countries, so yes, it did affect us.

7 Q. Okay. So, Mr. Delano, when you were interviewed by
8 Agent Caruana, you never once mentioned Andrea Lewis, correct?

9 A. I could not give -- the circumstances of the interview
10 with Agent Caruana did not give me the opportunity to explain
11 everything into details.

12 Q. So your testimony is that when you have a federal agent
13 who is interviewing you because you have been arrested for PPP
14 fraud, you are not going to tell him that somebody else was
15 actually the one who provided all the documentation? Is that
16 right?

17 A. The question was straightforward. And I gave him a
18 straightforward answer.

19 Q. The question was straightforward.

20 A. Yes.

21 Q. And he asked you if anyone helped you prepare your PPP
22 loan, right?

23 A. I applied for the application on my own.

24 Q. Yes, you did.

25 A. The documentation -- yeah, the documentation -- Andrea

1 Lewis is the accountant. The question was did you apply for
2 the PPP loan on your own and I said yes.

3 Q. And you never once, while you're under arrest for bank
4 fraud related to this PPP loan, did you volunteer Andrea
5 Lewis's name, correct?

6 A. No, I did not.

7 Q. And you never once mentioned to Agent Caruana the name
8 Michael Lee, either, right?

9 A. No, I did not.

10 Q. In fact, you said you were the owner of Kremkov, right?

11 A. Yes, I am the owner of Kremkov.

12 Q. Now, you testified yesterday that you had been a pilot in
13 Dubai for awhile, but you came back to the United States in --
14 what was it -- 2019 or 2020?

15 A. It was towards the end of 2019.

16 Q. So you weren't working as a pilot in 2020, correct?

17 A. No, I was not.

18 Q. And you were living in the United States, right?

19 A. Yes, I was.

20 Q. You were living in Douglasville, Georgia, right?

21 A. Yes, I was.

22 Q. You weren't flying or traveling in 2020, right?

23 A. No, I was not.

24 Q. So there was no reason you couldn't change your name in
25 2020, right?

1 A. Because in 2020, the COVID lockdown was in effect, so
2 people were not going anywhere.

3 Q. Yesterday you testified that the reason you had not
4 changed your name before was because you were too busy being a
5 pilot, right?

6 A. Yes.

7 Q. But you were not a pilot after the end of 2019, right?

8 A. Yes, I was enrolled in -- yes, I was still a pilot. I
9 wasn't traveling, but I was enrolled in courses in the attempt
10 to switch from the Boeing 737 Max, which was crashing, to the
11 777 and the 787. So even though I was not flying, I was
12 taking all of these courses and I was busy.

13 Q. But you were in the United States?

14 A. Yes.

15 Q. You could have very easily walked over to any local
16 courthouse just like you eventually did after you got your PPP
17 money, right?

18 A. Yes.

19 Q. And after you had already gotten this huge tax refund,
20 right?

21 A. Yes.

22 Q. And yesterday you testified that you have two mines in
23 2020, right?

24 A. Yes.

25 Q. You said you had 312 miners in one of them and 300 in the

1 other, right?

2 A. Yes.

3 Q. But when you were interviewed by Agent Caruana in 2022,
4 you said that you had 50 or 60 employees, right?

5 A. Yes. Let me explain that answer.

6 Q. Well, Mr. Torjagbo, first can you answer my question? Did
7 you tell Agent Caruana that you had 50 or 60 employees?

8 A. Yes, but let me explain the answer. From the time the
9 COVID lockdown happened to the time Africa felt the effects of
10 the COVID lockdown, we were operating with 300 employees on --
11 what do you call it? -- in the Ashanti region, 312 and about
12 300 in the Volta region.

13 Now, when the lockdown effects took effect in Africa,
14 about six or seven months later, the workers couldn't actually
15 go inside the mines, because they have to be in close
16 quarters. So what happened was all the workers were doing
17 what we call panning, which is the process where they separate
18 the gold ore from the sand, so everybody was working on the
19 surface, there they could be in close -- they could maintain
20 the 6 feet separation or whatever the restrictions were.

21 So in December of 2020, I had a call from my father
22 and Mr. Lee, and they said after the last -- because also, the
23 United States because of the lockdown, right, they said after
24 the last pile of gold is panned, what do they call it? --
25 they were going to keep 50 employees to -- what do you call

1 it? -- seal the mines because there was no more ore to pan, so
2 that was going to be in 2021.

3 So when Agent Caruana asked me that question, I
4 remembered the last -- the last thing that happened -- which
5 was in 2021, they were going to reduce the labor force to 50
6 or 60 employees to -- what do you call it? -- eventually seal
7 the mine shaft to secure them, so that is the -- that was the
8 basis of my answer.

9 And the question was vague also, 2021, so I just
10 answered the last thing that happened that I remembered.

11 Q. Okay. So Mr. Delano, do you remember Agent Caruana
12 specifically asking you what was the maximum amount of
13 employees that you've ever had? And your response was 50 or
14 60?

15 A. Yes, because I was still thinking in terms of 2021. I
16 didn't -- he didn't ask me what was the maximum amount of
17 employees that Kremkov has -- what do you call it? -- had from
18 the beginning of the operation of the mine until, you know --
19 it was a vague question. So I still thought in my mindset, I
20 still thought we were talking about 2021. And in 2021, yes,
21 it was 50, 60. I just gave an answer saying 50, 60 so I just
22 gave him the same answer.

23 Q. Okay. So Delano --

24 A. Yes.

25 Q. -- you're saying you could not accurately interpret the

1 question, what was the maximum amount of employees that you
2 have ever had; is that right?

3 A. I was still thinking in terms of 2021, so I gave the
4 answer that I thought.

5 Q. Mr. Delano --

6 A. Yes.

7 Q. -- when you sat down yesterday --

8 A. Um-hmm.

9 Q. -- you rattled off kind of a laundry list of
10 qualifications and certifications that you have.

11 A. Um-hmm.

12 Q. College graduate.

13 A. Umm-hmm.

14 Q. Pilot.

15 A. Um-hmm.

16 Q. Flight instructor.

17 A. Um-hmm.

18 Q. And even working and learning how to fly Boeing's most
19 elite airplane.

20 A. Yes.

21 Q. And yet you cannot -- your testimony is you could not
22 understand the question what was the maximum amount of
23 employees you have ever had? Is that your testimony?

24 A. My testimony is that was the answer I gave and that was
25 what I thought he was asking me.

1 And the circumstances of that interview didn't give
2 me all of the clarity that I needed to think and interpret it,
3 what he was actually after. I still -- my mindset was still
4 in 2021, and I gave him 50, 60 in 2021.

5 I actually thought he was trying to trick me to give
6 a different answer, because it would be like I just -- you
7 just told me that the number of employees were -- was about
8 50, 60. And then he asked me to guess, you know, so I
9 actually thought he was tricking me, so I gave him the same
10 answer.

11 Q. Okay. And again --

12 A. Um-hmm.

13 Q. -- your testimony is that despite the fact that you're a
14 pilot and you have to have split-second reaction time to be
15 able to safely maneuver that airplane, your testimony is that
16 in the split second when he's interviewing you, it's
17 impossible for you to come up with an accurate answer? Is
18 that right?

19 A. My testimony is when you are flying an airplane, it's
20 different. You react using reflexes that you've trained over
21 and over and over again, so you can react in a split second
22 when you're in danger.

23 If I -- if you -- if I went to Walmart last week and
24 I bought a bunch of groceries, I know I went to Walmart, but
25 if you asked me, you know, detail in the -- in the amount, I

1 might not be able to give you the right answer.

2 Q. Okay. But yesterday, you testified specific answers.

3 A. Umm-hmm.

4 Q. You said 312 people in one mine and 300 people in another
5 mine. So how do you now know three years later the precise
6 amount of employees that you had in those mines?

7 A. Like I stated earlier, the circumstances of that interview
8 distracted me and I couldn't think properly.

9 Q. You couldn't think to come up with 312 and 300 three years
10 ago when you were interviewed, right?

11 A. Again, the state of my mind was I thought he was referring
12 to 2021, so the answer I gave him was for 2021. He specified
13 2021, yes.

14 Q. And you never told Agent Caruana that it was instead
15 Andrea Lewis who was creating these payroll documents, right?

16 A. No, because he did not ask that specific question.

17 Q. Well, he asked you about the payroll, didn't he?

18 A. Yeah, he asked me about the payroll. But he didn't ask
19 whether I had an accountant preparing the payroll, he didn't
20 ask any of that questions.

21 Q. Okay. Well, do you recall that when he's asking you about
22 that payroll, he even points out that one of those payroll
23 documents is 71 pages. Do you recall that?

24 A. Yes.

25 Q. And when he points that out, your response was not, oh,

1 that payroll is accurate. Oh, this is prepared by someone
2 else, right?

3 A. Because he did not ask that question.

4 Q. But your response --

5 A. Um-hmm.

6 Q. -- instead, you tried to divert to now your PPP loan was
7 not based on payroll, it was instead based on earnings, right?

8 A. Because I read somewhere that the rules were changed.
9 That's what I thought, yeah.

10 Q. But what you submitted in terms of documentation only
11 related to payroll, correct?

12 A. Yes.

13 Q. You didn't submit a single bank statement that would say
14 this is how much Kremkov Industries was making, right?

15 A. No.

16 Q. There's nothing that was submitted that would say that the
17 \$3.8 million that was used to then multiply by two and a half
18 to come up with the loan amount, you didn't provide anything
19 to say that was the revenue or earnings, anything like that,
20 right?

21 A. No, I did not.

22 Q. What you did was you provided payroll to establish that
23 number, right?

24 A. Yes.

25 Q. And now your testimony is that really wasn't me, right?

1 A. I didn't say it wasn't really me. I said I thought the
2 rules were changed and now -- which I'm correct, because the
3 rules did change.

4 You know, somewhere -- I think somewhere in between
5 where I put in the application and stuff the rules did change,
6 it did change to where they stopped using the amount of
7 employees for calculating how much you made versus using how
8 much the company made, so...

9 Q. But do you understand, though, that your loan was based on
10 the payroll that you provided?

11 A. Yes, after that, I -- after that, yeah, I know.

12 Q. So it does not matter whether you read something later
13 saying that any rule changed. The rules that were in effect
14 when you got your loan are the only thing that apply, right?

15 A. If you say so, yes.

16 Q. Now, yesterday you testified related to your first
17 Social Security number, the one ending in 6010.

18 A. Yes.

19 Q. Your testimony is that you obtained a -- you had a
20 Ghanaian passport that had that date of birth on it, correct?

21 A. Yes.

22 Q. You testified that you knew that that date of birth and
23 information on that passport was incorrect, right?

24 A. Yes.

25 Q. But you testified that you knowingly used a passport with

1 false documentation on it to get an U.S. visa to come to the
2 United States, right?

3 A. It was not a false documentation. There was an error with
4 the date of birth, and I did not have the time to change it,
5 so it was not false.

6 Q. So for your own convenience --

7 A. Um-hmm.

8 Q. -- of not wanting to delay getting this visa from the
9 United States government --

10 A. Um-hmm.

11 Q. -- you were willing to just go forward with inaccurate
12 information, right?

13 A. School was starting, so I had to.

14 Q. Well, you didn't have to, right? You made the choice to
15 go forward, correct?

16 A. My parents made the choice. I was still a minor. I was
17 16 and a half.

18 Q. Okay.

19 A. So my parents made the choice.

20 Q. And so then -- but your parents don't go with you into the
21 Social Security office in 1997 here in the United States to
22 ask for that first Social Security card, right?

23 A. No, they did not.

24 Q. That's only you, correct?

25 A. Yes.

1 Q. And you didn't disclose to the Social Security
2 Administration that you supposedly had incorrect information
3 on that passport, did you?

4 A. No, because the only form of identification I had was the
5 passport that I came to the United States with.

6 Q. So repeatedly in the past, you have been willing to
7 provide false information to the United States government in
8 order to get what you wanted, right?

9 A. That is incorrect. That's incorrect.

10 Q. Did you get a visa from the United States?

11 A. Yes, I got a visa from the United States.

12 Q. Did you get a Social Security card from the United States?

13 A. Yes.

14 Q. And both of those were based on information that you knew
15 were false, right?

16 A. They were not false. It was a mistake made on the
17 passport.

18 Q. But you knew that you were presenting a passport with
19 false information on it, right?

20 A. I wouldn't say false information, because the fault is not
21 mine. The fault is either my parents or the people that
22 provided the documentation.

23 Q. But it's your fault that you were willing to present that
24 to the United States government in order to get what you
25 wanted, right?

1 A. It's not my fault because I was a minor and I was acting
2 under direction from my parents.

3 Q. Well, you weren't a minor, though, right?

4 A. I was 16 and a half years.

5 Q. 1975 and 1997, you'd be 22 years old. So when you came
6 here, that was what you were representing, right?

7 A. Yes.

8 Q. And you knowingly represented that you were 22 years old,
9 right?

10 A. No, because I'm not 22, I'm 16 and a half, 17 years when I
11 came here.

12 Q. You've seen the Social Security application. It's
13 Exhibit 7 in this case.

14 A. Um-hmm.

15 Q. That application indicates you're born in Accra, Ghana.
16 It says you're born on September 8th of 1975, right?

17 A. Yes, it does.

18 Q. And nothing on that form says that you informed
19 Social Security, oh, that's not my real date of birth, right?

20 A. No.

21 Q. And then in 2005, when you go back and you get another
22 Social Security number, we saw it, Exhibit 9, you had the
23 opportunity on that application to indicate if there -- if
24 your date of birth needed to be corrected, right?

25 A. I honestly did not see that part.

1 Q. So again, you're a college graduate, you're a pilot, you
2 can read English, correct?

3 A. Yes, I can.

4 Q. And yet, you didn't see that in a form that only has -- it
5 has less than 20 questions on it, you didn't see that it
6 indicated, one, have you had another Social Security number
7 assigned before; is that right?

8 A. Yes, that's right. I skipped it. I don't know.

9 Q. Well, you didn't skip it. What you did was you said no.
10 That is marked on that form. You said no, never had a
11 Social Security number before, right?

12 A. Yes.

13 Q. So you lied to the Social Security Administration to get a
14 second Social Security card, right?

15 A. I did not lie.

16 Q. At that point, you're now wanting to change, now you want
17 to be a bit younger, four years younger, so you change -- the
18 date of birth is different, right?

19 A. Yes. The date of birth is different, because I explained
20 earlier, I got the birth certificate from Ghana, I presented
21 it to immigration, wrote a letter, explained why, and
22 immigration rectified the error. I corrected that mistake at
23 the earliest possible time that I could do that.

24 MS. CONNORS: Let's pull up Government's Exhibit 7
25 and 9 side by side.

1 BY MS. CONNORS:

2 Q. Now, Mr. Delano --

3 A. Yeah.

4 Q. -- it clearly states in Question Number 10 on Exhibit 9:

5 Has the applicant or anyone acting on his or her
6 behalf ever filed for or received a Social Security card
7 number before, correct?

8 A. Yes.

9 Q. And now you also are saying you somehow are able to get
10 your -- a Ghanaian birth certificate --

11 A. Um-hmm.

12 Q. -- to present in order to establish that you're instead
13 born in a different city in Ghana?

14 A. Umm-hmm.

15 Q. That you have a different date of birth?

16 A. Umm-hmm.

17 Q. Correct?

18 A. Yes.

19 Q. Totally different than what you indicated in Exhibit 7,
20 right?

21 A. Yes.

22 Q. And you were willing to lie in order to get what you
23 wanted, a different Social Security number, correct?

24 A. I wasn't lying.

25 Q. You answered no to have you ever had a Social Security

1 number before, right?

2 A. People make mistakes when they are filling out forms. It
3 doesn't mean I lied. Yes, I answered no. It was a mistake.

4 Q. And you even signed this saying you declared under penalty
5 of perjury that you were giving accurate information, right?

6 A. Yes, I signed it.

7 Q. And this form is not a lengthy form. This is not
8 something where it's just getting buried in the middle, right?

9 A. Yes, it's not a lengthy form.

10 Q. Because you were perfectly able to fill out the other
11 information, right?

12 A. Yes, I was.

13 Q. And in fact, the questions that give you an opportunity to
14 say if you had a different date of birth used on an earlier
15 application, to provide the prior Social Security number,
16 those are skipped but then you did fill out the date and you
17 did fill out your daytime phone number and you signed it,
18 those are all after.

19 A. Yes, I did.

20 Q. So it's not a matter of skipping these questions
21 accidentally, right?

22 A. I made a mistake when I was filling the form. I maybe
23 overlooked it, I don't know. But it was a mistake. I
24 wasn't -- it wasn't deliberate.

25 As a matter of fact, after I got the new

1 Social Security number, if I was intent on committing some
2 fraud or something, I would have been using it. When I got
3 the new one, I never used the old one, never again.

4 Q. Except for when you filed another tax return in that name?

5 A. I didn't. Except for when Andrea filed a tax return in
6 that name.

7 Q. And the Andrea --

8 A. And that was over 20 years ago.

9 Q. Yeah. The Andrea who was at your house but somehow
10 mistakenly thought you were a full-year resident of Texas,
11 right?

12 A. Yes.

13 Q. The Andrea who conveniently is now in Romania, right?

14 A. Yes.

15 Q. The Andrea who you have no idea how to contact, right?

16 A. Yes.

17 Q. The person who'd be able to come in here and say, yep, I'm
18 the one who did all of that, right?

19 A. Yes.

20 MS. CONNORS: If you can zoom out of that.

21 BY MS. CONNORS:

22 Q. Now, Mr. Torjagbo --

23 A. Um-hmm.

24 Q. -- both of these forms ask you about where you are born.

25 It says place of birth on both forms, right?

1 A. Yes.

2 Q. What did you say in Government's Exhibit 7?

3 A. Accra, Accra Ghana.

4 Q. Okay. And then what did you say on Government's
5 Exhibit 9?

6 A. Takoradi, Ghana.

7 Q. And yet when you were interviewed by Agent Caruana, he
8 asked you if you still had family in Ghana, right?

9 A. And I said yes.

10 Q. And he asked you where you grew up, right?

11 A. Yes.

12 Q. And what did you say?

13 A. Can you repeat the question one more time.

14 Q. Well, let me ask it this way.

15 A. Um-hmm.

16 Q. He asked you where you grew up and you said Ghana, right?

17 A. Yes.

18 Q. Then he asked you do you still have family in Ghana.

19 A. Yes.

20 Q. And you said yes?

21 A. Yes, yes.

22 Q. And then he asked you where were you born, right?

23 A. Yes.

24 Q. Do you recall what your response was?

25 A. Yes.

1 Q. What was it?

2 A. South Africa.

3 Q. So you lied, right?

4 A. I did not lie.

5 Q. How could you confuse South Africa with Ghana?

6 A. Okay. So there's a -- let me explain. There's a --
7 there's a long history and confusion about my place of birth.
8 So I will explain, I will explain.

9 Q. Well, Mr. Delano --

10 A. Um-hmm.

11 Q. -- you can maybe explain --

12 MR. FINLAYSON: Objection, Your Honor. I believe he
13 should be allowed to explain.

14 THE COURT: Okay. Do you want to let him explain?
15 He can explain his answer. Okay. I'll let him explain his
16 answer.

17 THE WITNESS: Let me explain the answer.

18 So originally I was born in Cape Town, South Africa.
19 When I was four months old, I was -- when I was able to
20 travel, my parents transport me -- transported me to Ghana.
21 Because my dad was in the military, I was issued a birth
22 certificate in Ghana. So I've a birth certificate from
23 South Africa and a birth certificate from Ghana. And that's
24 the birth certificate that was provided to me.

25

1 BY MS. CONNORS:

2 Q. And so this South African birth certificate, have you ever
3 submitted that to the United States government?

4 A. No, I have not.

5 MS. CONNORS: No further questions.

6 THE COURT: Redirect?

7 MR. FINLAYSON: Yes, sir.

8 REDIRECT EXAMINATION

9 BY MR. FINLAYSON:

10 Q. Mr. Delano, you gave some examples yesterday of things
11 that you read in the SBA literature about what you could do
12 with PPP money. Do you remember that testimony?

13 A. Yes.

14 Q. And you gave the example of two McDonald's, if you had --
15 if you got a PPP from one McDonald's and you used it for
16 another, do you remember that example?

17 A. Yes.

18 Q. And on direct [sic] examination, the prosecutor was asking
19 you about that example and she asked you what happened to you,
20 well, you -- did -- you know, was there a flood or a tornado
21 or something like that that caused you to shut down the mine
22 and not spend the PPP money with Kremkov. Do you remember
23 those questions?

24 A. Yes.

25 Q. And did something bad happen though in Africa that caused

1 you not to spend the PPP money with Kremkov?

2 A. Yes. Because the vaccines were not going to be available
3 for any foreseeable time in Ghana.

4 Q. Did you have to shut down the mines because of that?

5 A. Yes.

6 Q. Walk us through that, how did that -- how did that go
7 down?

8 A. Okay. So like I explained earlier, like the effects of
9 the COVID vaccine did not take effect in most parts of -- in
10 most part of Africa after the lockdown in the U.S. until about
11 six or seven months.

12 So what happened was most of the workers that -- when
13 the effects took -- when the COVID effects took effect in
14 Ghana, most of the workers that were supposed to go inside the
15 mine and be in close quarters who are digging the actual --
16 what do you call it? -- the gold ore --

17 Q. Let me stop you there.

18 A. Um-hmm.

19 Q. Did you guys make a decision to seal the mine?

20 A. Yes.

21 Q. And when was that?

22 A. That was -- first we talked about it in I think January,
23 January.

24 Q. And was the mine sealed?

25 A. Yes, the mine was sealed.

1 Q. And what happened to the workers? Once the mine was
2 sealed, where did the -- where did the majority of the
3 workers -- what happened to them?

4 A. They would look for other jobs, you know.

5 Q. You let them go?

6 A. Yeah.

7 Q. Is that how you got to the number of 50 or 60?

8 A. Yeah. The number of 50 or 60 was -- those employees were
9 to be kept to seal the mine, seal the entrance of the mine and
10 the shaft.

11 Q. And that was 2021?

12 A. And that was 2021, yeah.

13 Q. Okay. She was just asking you about your interrogation by
14 Agent Caruana. Do you remember those questions?

15 A. Yeah.

16 Q. And she said that you were asked directly what was the
17 maximum number of employees you ever had. Do you remember the
18 question she was asking you?

19 A. Yes.

20 Q. And she said your reply was 50 or 60, right?

21 A. Yes, yes.

22 Q. Do you recall exactly word for word how that interrogation
23 went in this -- in this topic.

24 A. Vaguely, I can -- I can try.

25 Q. Could I refresh your recollection with a little

1 transcript?

2 A. Yes.

3 MS. CONNORS: Objection, Your Honor. He asked and
4 answered the question. He did not say that he did not
5 remember anything about the number of employees.

6 THE COURT: Hold on. I don't need talking
7 objections. Okay?

8 MS. CONNORS: Yes, Your Honor.

9 THE COURT: Would you step out for a minute, please?

10 COURTROOM SECURITY OFFICER: All rise.

11 (Whereupon, the jurors exited the courtroom.)

12 THE COURT: I don't like speaking objections. I
13 tried to stop you and you buffaloed right through me to make
14 sure that the jury heard your point. I don't like that.

15 MS. CONNORS: I apologize, Your Honor.

16 THE COURT: What's the question?

17 MR. FINLAYSON: Your Honor --

18 THE COURT: You can't show him something to refresh
19 his memory that he can then read it and then this is what it
20 says.

21 MR. FINLAYSON: Well, here's --

22 THE COURT: You know how to refresh a recollection.
23 A refreshing a recollection is showing something and then
24 saying now think about what you did. If you want to do that,
25 you can.

1 But he did not -- he did not say I don't remember. I
2 don't think that's what he said when he was being asked.

3 MR. FINLAYSON: If I can point -- I intentionally sat
4 on my hands during this cross-examination because of
5 yesterday, she misstated the question, absolutely, that is
6 not --

7 THE COURT: Okay. The jury will have to decide that.
8 But you said and she said your reply was 50 or 60. And he
9 said, repeat it, and he said yes.

10 Then you said do you recall exactly word for word how
11 that interrogation went on this topic?

12 I can -- he said vaguely, I can try.

13 You said can I refresh your recollection with a
14 transcript.

15 There's not even a question there. If you want to
16 ask a question, ask a question. If he doesn't remember it,
17 then you can refresh his recollection.

18 You can't lead him into it because you want to tell
19 your witness something outside of the presence of the jury
20 that you want to make sure that he now says and claims that he
21 remembers. Okay?

22 MR. FINLAYSON: Your Honor --

23 THE COURT: Let's bring --

24 Yes?

25 MR. FINLAYSON: The recording is in evidence.

1 THE COURT: That's fine. Make that point in your
2 closing argument.

3 MR. FINLAYSON: You told me yesterday I could do it
4 on cross-examination, so I didn't object then. I should have
5 objected then. She misstated what the transcript -- she
6 misstated the truth of what happened.

7 THE COURT: Then you can ask him questions. You
8 asked him a question, he answered it.

9 You can argue to the jury what they should hear in --
10 what they remember about the transcript. You can ask the jury
11 in closing to go listen to the transcript to confirm what you
12 think.

13 But you asked him a question, he answered it. He
14 didn't say I don't remember. You asked him the question, he
15 answered it. And then you said do you recall exactly how that
16 interrogation went.

17 And he said I can try.

18 And then you said can I refresh your recollection.

19 He didn't say he doesn't remember something, that's
20 just -- you can't -- just the fact that you want your client
21 to say something different, you can't get him to do that by
22 giving him something and asking him to read something that he
23 does not claim to lack a memory of.

24 Do you understand?

25 So there's plenty of ways for you to cross it. You

1 probably did what you want to do now because you've brought
2 the issue up and you've talked to your client while he's on
3 the stand.

4 But let's bring the jury in. Let's do what we're
5 supposed to do. We've had a pretty good trial so far. Let's
6 not lose our minds on the last day.

7 No speaking objections. And let's abide the rules of
8 evidence, including how you refresh a recollection, and what
9 it means. Okay?

10 You don't say to the jury I want to show you a
11 transcript and see if it refreshes your recollection. You
12 don't tell the jury what you're showing him. You can show him
13 a Bible, you can show him a phone book. You can show him
14 whatever you want if he says I don't remember. But you don't
15 tell the jury what you're showing him. That's not in
16 evidence.

17 Anybody dispute these basic rules of evidence?

18 MS. CONNORS: No, Your Honor.

19 THE COURT: All right. Let's bring the jury in and
20 keep going. I do not like bending the rules to get an
21 advantage.

22 MR. FINLAYSON: I'm not trying to do that, sir.

23 THE COURT: I think both of you were trying to do it.
24 And I don't like it. I don't like it. We play by the rules.
25 We can be hard, we can be tough. But we're going to be fair.

1 COURTROOM SECURITY OFFICER: All rise.

2 (Whereupon, the jurors entered the courtroom.)

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

4 Go ahead.

5 MR. FINLAYSON: Thank you, sir.

6 BY MR. FINLAYSON:

7 Q. Now, Mr. Delano, we were talking about your interrogation
8 with Agent Caruana.

9 A. Yes.

10 Q. First of all, do you remember that day when you were
11 interrogated?

12 A. Yes.

13 Q. Okay. And the prosecutor asked you some questions about
14 that, right?

15 A. Yes.

16 Q. Now, this interrogation was May the 12th of 2022; is that
17 right?

18 A. Yes.

19 Q. Okay. So three years ago?

20 A. Three years, yeah.

21 Q. Okay. Agent Caruana asked you what the maximum amount of
22 employees that you ever had was; is that right?

23 A. Yes.

24 Q. And what was your answer, if you recall it?

25 A. Yeah. My answer was off the top of my head, I did not

1 know. And then he proceeded to say, you know, guess, guess,
2 I'm not going to lock you into the answer.

3 And I said, you know, I don't want to give you
4 answers that, you know, later on might be interpreted as, you
5 know, I'm lying or it's wrong, I couldn't -- because there was
6 a high turnover, you know, I was not going to be able to come
7 up with an answer. And he kept edging me on to guess. He was
8 not going to lock me into the answer. And so I said -- gave
9 him the same answer, 50, 60.

10 Q. So but when he asked you the question --

11 A. Um-hmm.

12 Q. -- specific question --

13 A. Um-hmm.

14 Q. -- what was the maximum amount of employees you ever
15 had --

16 A. Um-hmm.

17 Q. -- you didn't say 50 or 60 at that point, did you?

18 A. No.

19 Q. And was that reflected on the recording of your interview
20 that we've heard in evidence already?

21 THE COURT: The jury will recall what the evidence
22 is. The witness is not supposed to answer what he thinks the
23 witness is. The witness is to answer questions. But the jury
24 will recall what the evidence is and might even have that --
25 will have that back there with them.

1 Go ahead, please.

2 MR. FINLAYSON: Thank you, sir.

3 THE WITNESS: Um-hmm.

4 MR. FINLAYSON: Moving on.

5 BY MR. FINLAYSON:

6 Q. And to be clear, what was -- in the good times, when the
7 mine was making money and getting gold, what was the maximum
8 number you had?

9 A. It was around 612, something like that.

10 Q. And why didn't you put 612 on the PPP application?

11 A. Because not all of them were U.S. citizens.

12 Q. What was your understanding of who could be counted as an
13 employee for the PPP application?

14 A. It was the people whose place of -- permanent place of
15 residence was in the United States.

16 Q. Now, she asked you just now about Michael Lee and Andrea
17 Lewis, right?

18 A. Yes.

19 Q. Were they real people?

20 A. Yes.

21 Q. Where was Michael Lee from?

22 A. He's a Chinese national from China.

23 Q. And where is he now, if you know?

24 A. The last I heard from him, he said when the mines were
25 sealed, he was going back to China, so I assume he's in China

1 now.

2 Q. Do you have any way from where you are right now to
3 contact him in China?

4 A. No, I do not.

5 Q. And Andrea Lewis, is she a real person?

6 A. Yes, she is.

7 Q. And where is she now?

8 A. She moved to Romania with her husband.

9 Q. Um-hmm. And do you have any way to reach her from where
10 you are now?

11 A. No, I do not.

12 Q. Now, the government made some point about these people
13 that are the back of the courtroom. Do you know those guys?

14 A. Yes, sir, I know two of them.

15 Q. Okay. To your knowledge, are -- do they have any way to
16 reach out to people in China?

17 A. No, they do not.

18 Q. Or Romania?

19 A. No, they do not.

20 Q. She asked you a bunch of questions about your
21 Social Security number. And, yeah, you said when you came to
22 this country, right?

23 A. Yes.

24 Q. How old were you when you came to the U.S.?

25 A. I was just about to turn 17.

1 Q. And who got the passport for you in Ghana?

2 A. My father.

3 Q. And how did it come to your house or how did you -- how
4 did you actually take possession of it in Ghana?

5 A. Actually, my father went to the passport office and picked
6 it up.

7 Q. And when did you see that the birthdate was wrong?

8 A. When he brought it, he actually told me they made a
9 mistake on your -- on your -- you know, on your what -- what
10 do you call it? -- on the date of birth on the passport.

11 But, you know, the visa interview was -- was like a
12 month away so we did not have a way of changing it.

13 Q. Were you trying to lie your way into the United States
14 with a false date of birth?

15 A. No, I was not.

16 Q. And when you got a replacement card, were you trying to
17 lie about your identity some way there?

18 A. No, I was not.

19 Q. And you gave them the same name?

20 A. Yes.

21 Q. And then you corrected the date of birth?

22 A. Yes, I did.

23 Q. And you presented a Ghanaian birth certificate when you
24 got that replacement Social Security card; is that right?

25 A. Yes.

1 Q. Where did you get that Ghanaian birth certificate?

2 A. My father mailed it to me.

3 Q. And this may be a silly question --

4 A. Um-hmm.

5 Q. -- but when you were a baby --

6 A. Um-hmm.

7 Q. -- did you have any real-time memory of where you were
8 born?

9 A. No, I do not.

10 Q. You've been relying on other people your entire life to
11 tell you that?

12 A. Yes.

13 Q. And at some point somebody gave you -- your father gave
14 you a South African birth certificate?

15 A. Yes.

16 Q. Okay. Was that news to you?

17 A. Yes.

18 Q. How old were you when you learned -- when you heard that?

19 A. How old was I?

20 Q. When you heard about this -- that you were born --
21 actually born in South Africa?

22 A. It was when my father and my mother were going through
23 some problems.

24 Q. They split up?

25 A. They split up, yeah.

1 Q. Do you have any memory of South Africa?

2 A. No, I do not.

3 Q. Until then, did you even know you had been to South
4 Africa?

5 A. No, no.

6 Q. And so have you ever even -- did you ever try to present
7 that South African birth certificate to anybody?

8 A. No, I have not.

9 Q. So according to Ghanaian tradition, or your understanding
10 of it, where -- where -- what did the records show where you
11 were born? What did -- you have --

12 A. The record -- the record said I was born in Ghana. The
13 record said I was born in Takoradi, Ghana. That was what was
14 on the birth certificate.

15 Q. And do you know whether you were born in that town or not?

16 A. I did not, no. That's what the birth certificate said,
17 yeah.

18 Q. It is a town in Ghana, right?

19 A. Yes.

20 Q. And Accra is a town in Ghana?

21 A. Yes.

22 Q. Did you change those up to try to trick anybody in the
23 U.S. Government?

24 A. No.

25 MR. FINLAYSON: Those are all my questions, Judge.

1 THE COURT: Any redirect?

2 MS. CONNORS: No, Your Honor.

3 THE COURT: All right. We're going to take another
4 quick break. Okay?

5 I need to go over some things and then we'll see
6 where we are. Okay?

7 Thank you.

8 COURTROOM SECURITY OFFICER: All rise.

9 (Whereupon, the jurors exited the courtroom.)

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

11 You can step down, sir.

12 Do you have any more witnesses?

13 MR. FINLAYSON: No more witnesses, Your Honor. We're
14 going to rest. And for the record, I would -- I don't know if
15 we need to do that in front of the jury.

16 But I would renew my Rule 29 motion based on the
17 grounds previously stated, and also on the grounds across the
18 counts that the government has not sufficiently proven a lack
19 of good faith. Otherwise, the same -- the same motion as from
20 before.

21 THE COURT: Okay. I'm going to deny that motion. I
22 think, in fact the -- I think that your client has testified
23 means that the jury can reject his testimony and reach the
24 opposite conclusion as to his intent, so I think that the
25 Rule 29 issue becomes even weaker once a defendant testifies.

1 I won't talk -- I won't suggest anything about my
2 feelings about his testimony, because it doesn't matter, but I
3 don't think the case got stronger for your Rule 29.

4 Okay. So that means we're going into closing
5 arguments, right?

6 I'll bring the jury out. You can rest.

7 Does the government have any rebuttal case?

8 MS. CONNORS: No, Your Honor.

9 THE COURT: Okay. So I'll give you an opportunity to
10 say that in front of the jury. And then I will tell the jury
11 that they're going to hear closings and I will read them the
12 instructions and then we will close, right?

13 MR. FINLAYSON: Yes, sir.

14 Could I get a quick bathroom break?

15 THE COURT: Yes. I'm going to give you a couple of
16 minutes, because I'm going to ask you during this couple of
17 minutes for any final, final changes to the jury instructions.
18 And I mean it because I'm going to read it in like five
19 minutes. Okay?

20 So we're down to the last part of it, so okay, we'll
21 be back in --

22 MS. CONNORS: Your Honor.

23 THE COURT: Yes.

24 MS. CONNORS: After you read the instructions, is
25 there a chance we could like a two-, three-minute quick break

1 so then we can do computer setup?

2 THE COURT: Why don't you do that now.

3 MS. CONNORS: Okay.

4 THE COURT: I'm going to read -- as I said to you
5 before, right until the last page is all I'm going to go over
6 with them afterwards.

7 Have you-all looked at the proposed verdict form?

8 MR. FINLAYSON: Yeah, we have.

9 THE COURT: And you-all have approved the
10 instruction -- I'm sorry, the copies of the indictment that
11 goes back?

12 MS. CONNORS: I'm not sure if I saw the verdict form.

13 THE COURT: I'm sure it was filed by y'all.

14 MS. CONNORS: Oh, I wasn't sure if it had changed
15 since we submitted it.

16 THE COURT: No. It's pretty simple. It just says as
17 to Counts One and each one, do you want to take a look at it?

18 MS. CONNORS: No, Your Honor. If it's the same one,
19 then that's fine.

20 THE COURT: But you-all are okay with the --

21 MR. FINLAYSON: Yes. Yes, sir.

22 THE COURT: -- with the copy of the indictment, too?
23 I think it's got the forfeiture provision blacked out.

24 MS. CONNORS: Yes.

25 MR. FINLAYSON: Yeah, I don't know of a better way.

1 The only other way to do it would be to cut and paste and move
2 the signatures. It's okay. I've seen it done -- I've seen it
3 done where we take that block out, I think, but...

4 THE COURT: All right. Well, I'm happy to do it any
5 way y'all want, just let me know. Okay?

6 I'll be back in about ten minutes, okay?

7 Would you tell them that we're going to be 10 or 15
8 minutes from now. And this will be their morning break.

9 COURTROOM SECURITY OFFICER: Yes, sir.

10 (Whereupon, a recess was taken.)

11 THE COURT: Okay. Any objections or changes to the
12 jury instructions, problems or errors?

13 MS. CONNORS: Not from the government, Your Honor.
14 Thank you.

15 THE COURT: How about for the defense?

16 MR. FINLAYSON: No, Your Honor.

17 THE COURT: All right. Let's bring them in. Thank
18 you.

19 COURTROOM SECURITY OFFICER: All rise.

20 (Whereupon, the jurors entered the courtroom.)

21 THE COURT: Y'all can be seated. We're missing two.
22 Yes. All right.

23 All right. Mr. Finlayson, do you have any other
24 witnesses?

25 MR. FINLAYSON: No, sir, Your Honor. On behalf of

1 Mr. Delano, the defense rests.

2 THE COURT: Okay. Thank you.

3 How about the United States, do you have any rebuttal
4 case?

5 MS. CONNORS: No, Your Honor.

6 THE COURT: Okay. So you-all have heard all of the
7 evidence in this case. All right?

8 What happens next is I'm going to give you five or so
9 minutes of instructions on the law. And then the parties are
10 going to have a chance to give you their closing arguments.
11 And then I'm going to give you one more very short instruction
12 and then release you to begin your deliberations. Okay?

13 We should be wrapped up I would think before lunch.
14 And if that's the case, that means you get a free lunch today.
15 When you're deliberating, you get a free lunch. Okay? We buy
16 your lunch that day. All right?

17 I think that's all I wanted to tell you now. So now
18 I'm going to give you instructions. Listen to these
19 instructions. But I'm going to have copies brought back to
20 you. Okay?

21 So you don't necessarily have to take notes, okay,
22 you can if you want to, but you will have several written
23 copies of my instructions to you in the jury room. Okay?

24 All right. It is my duty to instruct you on the
25 rules of law that you must use in deciding this case. As I

1 said, after I've completed these instructions, the parties
2 will have an opportunity to make their closing arguments and I
3 will then give you one or two additional instructions and
4 release you to the jury room to begin your discussions or what
5 we call your deliberations.

6 You must decide whether the United States has proved
7 the specific facts necessary to find the defendant guilty
8 beyond a reasonable doubt. Your decision must be based only
9 on the evidence presented here. You must not be influenced in
10 any way by either sympathy for or prejudice against the
11 defendant or the United States.

12 You must follow the law as I explain it to you, even
13 if you do not agree with the law, and you must follow all of
14 my instructions as a whole. You must not single out or
15 disregard any of the Court's instructions on the law.

16 The indictment or formal charge against the
17 defendant, which you will have back there with you, is not
18 evidence of guilt. The law presumes every defendant is
19 innocent. The defendant does not have to prove his innocence
20 or produce any evidence at all. The government must prove the
21 defendant guilty beyond a reasonable doubt, and if it fails to
22 do so, you must find the defendant not guilty.

23 The United States' burden of proof is heavy, but it
24 doesn't have to prove a defendant's guilt beyond all possible
25 doubt. The United States' proof only has to exclude any

1 reasonable doubt concerning the defendant's guilt. A
2 reasonable doubt is a real doubt, based upon your reason and
3 common sense after you have carefully and impartially
4 considered all the evidence in the case.

5 Proof beyond a reasonable doubt is proof so
6 convincing that you would be willing to rely and act on it
7 without hesitation in the most important of your own affairs.

8 If you are convinced that the defendant has been
9 proved guilty beyond a reasonable doubt, say so. If you are
10 not convinced, say so.

11 As I've said before, you can only consider the
12 evidence that I have admitted. Evidence includes the
13 testimony of witnesses and the exhibits that were admitted.
14 But anything the lawyers say is not evidence and isn't binding
15 on you.

16 I'll remind you that sometimes the parties have
17 agreed that certain facts are true. These are the
18 stipulations that were read to you. You must treat those
19 facts as proven in this case.

20 You shouldn't assume from anything that I have said
21 that I have any opinion about any factual issue in this case.
22 Except for my instructions to you on the law, you should
23 disregard anything I may have said during the trial in
24 arriving at your own decision about the facts.

25 Your own recollection and interpretation of the

1 evidence is what matters. In considering the evidence, you
2 may use reasoning and common sense to make deductions and to
3 reach conclusions. You should not be concerned about whether
4 the evidence is direct or circumstantial. Direct evidence, as
5 I told you before, is a person who asserts -- is the testimony
6 of a person who asserts that he or she has actual knowledge of
7 a fact, like an eyewitness.

8 Circumstantial evidence is proof of a chain of facts
9 and circumstances that tend to prove or disprove a fact.
10 Remember the example I gave you of somebody seeing your
11 neighbor fishing or seeing your neighbor walking with a
12 fishing pole, that's the difference between direct and
13 circumstantial evidence. There's no legal difference in the
14 weight you may give to either direct or circumstantial
15 evidence.

16 When I say you must consider all of the evidence, I
17 don't mean you must accept all of the evidence as true or
18 accurate. You should decide whether you believe what each
19 witness had to say, how important that testimony was, and in
20 making that decision, you may believe or disbelieve any
21 witness in whole or in part. The number of witnesses
22 testifying about a particular point doesn't necessarily
23 matter. You'll recall that I went over some questions you
24 might ask yourself in assessing a witness's credibility.
25 Things like:

1 Did the witness impress you as one who was telling
2 the truth?

3 Did the witness have any particular reason not to
4 tell the truth?

5 Did the witness have a personal interest in the
6 outcome of the case?

7 Did the witness seem to have a good memory?

8 Did the witness have the opportunity and ability to
9 observe accurately -- to accurately observe the things he or
10 she testified about?

11 Did the witness appear to understand the questions
12 clearly and answer them directly?

13 And did the witness's testimony differ from other
14 testimony or other evidence in the case?

15 You should ask yourself whether there was evidence
16 that a witness testified falsely about an important fact. And
17 ask whether there was evidence that at some other time, a
18 witness said or did something or didn't say or do something
19 that was different from the testimony the witness gave during
20 the trial.

21 But keep in mind that a simple mistake doesn't mean a
22 witness wasn't telling the truth as he or she remembers it.
23 People naturally tend to forget some things or remember them
24 inaccurately. So if a witness misstated something, you must
25 decide it was because of an innocent lapse of memory or an

1 intentional deception. The significance of the misstatement
2 may depend on whether the misstatement was about an important
3 fact or about an unimportant detail.

4 A defendant has a right not to testify, but since the
5 defendant did testify in this case, you should decide whether
6 you believe the defendant's testimony in the same way as any
7 other witness.

8 If the government offers evidence that a defendant
9 made a statement or omission to someone after being arrested
10 or detained, you must consider that evidence with caution and
11 great care. You must decide for yourself whether the
12 defendant made the statement and, if so, how much weight to
13 give it. To make these decisions, you must consider all the
14 evidence about the statement, including the circumstances
15 under which it was made.

16 The indictment, which again you'll have back there,
17 charges ten separate crimes called counts against the
18 defendant. Each count has a different number. You'll be
19 given a copy. Count One -- I'm going to go over them broadly
20 or generally with you.

21 Count One charges the defendant with bank fraud.

22 Count Two and Three charge the defendant with wire
23 fraud.

24 Count Four, Five and Six charge him with concealment
25 money laundering.

1 And Count Seven through Ten charge him with
2 transactional money laundering.

3 I'm going to explain those substantive offenses to
4 you in just a moment. I'm going to go through each one. But
5 let me first tell you that where a statute specifies multiple
6 alternative ways in which an offense may be committed, the
7 indictment may allege multiple ways in the conjunctive, that
8 is by using the word "and." If only one of the alternatives
9 is proved beyond a reasonable doubt, that is sufficient for
10 conviction, so long as you-all agree unanimously as to that
11 alternative.

12 Okay?

13 They can charge it "and," but you can still convict
14 for one of those as long as it is, in fact, unanimous. All
15 right?

16 You'll see that the indictment charges that a crime
17 was committed on or about a certain date. The United States
18 doesn't have to prove that the offense occurred on an exact
19 date. The United States only has to prove beyond a reasonable
20 doubt that the crime was committed on a date reasonably close
21 to the date alleged.

22 Let's talk about each crime. Okay? I told you
23 there's ten different counts, some of them charge the same
24 crime, I'm going to go through each one before.

25 Count One, as I told you, charges the defendant with

1 bank fraud. It is a federal crime to carry out or attempt to
2 carry out a scheme to defraud a financial institution or to
3 get money or property owned or controlled by a financial
4 institution by using false pretenses, representations or
5 promises.

6 The defendant can be found guilty of that crime only
7 if the following facts are proved beyond a reasonable doubt:

8 First, the defendant knowingly carried out or
9 attempted to carry out a scheme to defraud a financial
10 institution or get money, assets or other property from a
11 financial institution by using false or fraudulent pretenses,
12 representations or promises about a material fact.

13 Second, the false or fraudulent pretenses,
14 representations or promises were material.

15 Third, the defendant intended to defraud the
16 financial institution.

17 And, fourth, that the financial institution was
18 federally insured.

19 I'm going to give you some definitions of some of the
20 words I've just used.

21 A scheme to defraud includes any plan or course of
22 action intending to deceive or cheat someone out of money or
23 property by using false or fraudulent pretenses,
24 representations or promises about a material fact.

25 A statement or representation is false or fraudulent

1 if it is about a material fact that the speaker knows is
2 untrue or makes with reckless indifference as to the truth and
3 makes with the intent to defraud.

4 A statement or representation may be false or
5 fraudulent when it's a half truth or effectively conceals a
6 material fact and is made with the intent to defraud.

7 A material fact is an important fact that a
8 reasonable person would use to decide whether to do or to not
9 do something. A fact is material if it has the capacity or
10 natural tendency to influence a person's decision. It doesn't
11 matter whether the decision maker actually relied on the
12 statement or knew or should have known that the statement was
13 false.

14 To act with the intent to defraud means to act
15 knowingly and with the specific intent to use false and
16 fraudulent pretenses, representations or promises to obtain
17 the victim's money or property. Proving intent to defraud
18 does not require proof that the defendant acted with the
19 intent to leave the victim economically worse off.

20 The government doesn't have to prove all the details
21 alleged in the indictment about the precise nature and purpose
22 of the scheme. It doesn't have to prove that the alleged
23 scheme actually succeeded in defrauding anyone.

24 What must be proved beyond a reasonable doubt is that
25 the defendant knowingly attempted or carried out a scheme

1 substantially similar to the one alleged in the indictment.

2 Counts Two and Three charge the defendant with wire
3 fraud. It is a federal crime to use interstate wire
4 communications to carry out a scheme to defraud someone. The
5 defendant can be found guilty of this crime only if the
6 following facts are proved beyond a reasonable doubt:

7 First, that the defendant knowingly devised or
8 participated in a scheme to defraud someone by using false or
9 fraudulent pretenses.

10 Second, that the false and fraudulent pretenses,
11 representations or promises were about a material fact.

12 Third, that the defendant acted with the intent to
13 defraud.

14 And, fourth, that the defendant transmitted or caused
15 to be transmitted by wire some communication in interstate
16 commerce to help carry out the scheme to defraud.

17 How about some definitions?

18 I've used the word knowingly. Knowingly means that
19 the act was done voluntarily and intentionally and not because
20 of mistake or accident.

21 Scheme to defraud, which I think I've already defined
22 once, means a plan or course of action intended to deceive or
23 cheat somebody out of money or property by false or fraudulent
24 pretenses, representations or promises.

25 As I told you a minute ago, a statement or

1 representation is false or fraudulent if it's about a material
2 fact that the speaker knows is untrue or makes with reckless
3 indifference to the truth and makes with the intent to
4 defraud.

5 A statement or representation may be false or
6 fraudulent when it is a half truth or effectively conceals a
7 material fact and is made with the intent to defraud.

8 A material fact is an important fact, as I said a
9 minute ago, that a reasonable person would use to decide
10 whether to do something or not to do something.

11 A fact is material if it has the capacity or natural
12 tendency to influence a person's decision. It doesn't matter
13 whether the decision maker actually relied upon the statement
14 or knew or should have known that the statement was false.

15 I explained what an intent to defraud means a minute
16 ago. I'm going to do it again. It means to act knowingly and
17 with the specific intent to use false or fraudulent pretenses,
18 representations or promises to obtain the victim's money or
19 property.

20 Proving the intent to defraud does not require proof
21 that the defendant acted with the intent to leave the victim
22 economically worse off.

23 The government again doesn't have to prove all of
24 the -- all of the details alleged in the indictment about the
25 precise nature and purpose of the scheme.

1 It also doesn't have to prove that the material
2 transmitted by interstate wire was itself false or fraudulent,
3 or that using the wire was intended as the specific or
4 exclusive means of carrying out the alleged fraud or that the
5 defendant personally made transmissions over the wire. And it
6 doesn't have to prove that the alleged scheme actually
7 succeeded in defrauding anyone.

8 To use interstate wire communications is to act so
9 that something would normally -- let me say that again.

10 To use interstate wire communications is to act so
11 that something would normally be sent through wire
12 communications in the normal course of business. Each
13 separate use of the interstate wire communications as part of
14 the scheme to defraud is a separate crime. All right?

15 Let's talk about Counts Four through Six, those are
16 concealment money laundering. You see why I'm going to give
17 you all of these instructions. Some I'm repeating, there
18 might be some differences, but you'll have them.

19 It is a federal crime to knowingly engage in certain
20 kinds of financial transactions commonly known as money
21 laundering. The defendant can be found guilty of this crime
22 only if the following facts are proved beyond a reasonable
23 doubt:

24 First, the defendant knowingly conducted or tried to
25 conduct a financial transaction.

1 Second, the defendant knew the money or property
2 involved in the transaction were the proceeds of some kind of
3 unlawful activity.

4 Third, the money or property did come from an
5 unlawful activity, specifically bank fraud or wire fraud.

6 And, third -- or I'm sorry, fourth, the defendant
7 knew the transaction was designed in whole or in part to
8 conceal or disguise the nature, location, source, ownership or
9 control of the proceeds.

10 To conduct a transaction means to start or finish a
11 transaction or to participate in a transaction at any point.
12 A transaction means a purchase, sale, loan, promise, gift,
13 transfer, delivery or other disposition of money or property.

14 A transaction with a final -- financial institution
15 also includes a deposit, withdrawal, transfer between
16 accounts, exchange of currency, loan, extension of credit, use
17 of a safety deposit box, or purchase or sale of any stock,
18 bonds, certificate of deposit or other monetary instrument.

19 A financial transaction -- this is a long definition.
20 Okay? A financial transaction means a transaction that in any
21 way or to any degree affects interstate or foreign commerce by
22 sending or moving money by wire or other means.

23 Or a transaction that in any way or to any degree
24 affects interstate or foreign commerce by involving one or
25 more monetary instruments. A monetary instrument includes a

1 coin or currency of any country, traveler's or personal
2 checks, bank checks or money orders, investments, securities
3 or negotiable instruments in a form that allows ownership to
4 transfer on delivery.

5 A financial transaction can also be a transaction
6 that in any way or to any degree affects interstate or foreign
7 commerce by involving the transfer of title to any real
8 property, vehicle, vessel or aircraft.

9 It can also be a transaction involving the use of a
10 financial institution that is involved in interstate or
11 foreign commerce or whose activities affect interstate or
12 foreign commerce in any way or degree.

13 The phrase financial institution includes a bank
14 insured by the Federal Deposit Insurance Corporation.

15 Interstate or foreign commerce, let me define that
16 for you. It means trade or other business activity between
17 people or businesses in at least two states or between people
18 and businesses in the United States and people or businesses
19 outside the United States.

20 To know that the money or property involved in the
21 transaction came from some kind of unlawful activity is to
22 know that the money or property came from an activity that is
23 a felony under federal, state or foreign law.

24 The term proceeds means any property derived from or
25 obtained or retained directly or indirectly through some form

1 of unlawful activity, including the gross receipts of the
2 unlawful activity.

3 The phrase specified unlawful activity means bank
4 fraud or wire fraud, which I've already explained to you, that
5 was in the earlier Counts. All right?

6 I'm getting close to the end. I'm on like Page 17 of
7 20. Okay?

8 No, I'm on 16 of 20.

9 All right. Again, let's talk about Counts Seven
10 through Ten, those are the ones I haven't talked to you about,
11 that is charging the defendant with transactional money
12 laundering.

13 It's a federal crime for anyone to engage in certain
14 kinds of financial transactions commonly known as money
15 laundering. A defendant can be found guilty of this
16 transactional money laundering crime only if the following
17 facts are proved beyond a reasonable doubt:

18 First, the defendant knowingly engaged or attempted
19 to engage in a monetary transaction.

20 Second, the defendant knew the transaction involved
21 property or funds that were the proceeds of some criminal
22 activity.

23 Third, the property had a value of more than \$10,000.

24 Fourth, the property was, in fact, the proceeds of
25 bank fraud or wire fraud.

1 And, fifth, the transaction took place in the United
2 States.

3 The term monetary transaction means the deposit,
4 withdrawal, transfer, exchange of funds or a monetary
5 instrument by, through or to a financial institution in a way
6 that affects interstate commerce.

7 A financial institution means a bank insured by the
8 FDIC.

9 The term proceeds means any property derived from or
10 obtained or retained directly or indirectly through some form
11 of unlawful activity, including the gross receipts of the
12 activity.

13 It doesn't matter whether the defendant knew the
14 precise nature of the crime or that the property came from
15 committing bank fraud or wire fraud. But the government must
16 prove that the defendant knew the property involved in the
17 monetary transactions was obtained or derived from committing
18 some crime.

19 Also it doesn't matter whether all the property
20 involved was derived from a crime. The government only has to
21 prove that more than \$10,000 worth of the property was
22 obtained or derived from committing a crime. All right?

23 Does the aiding and abetting apply to all counts?

24 MS. CONNORS: Yes, Your Honor.

25 THE COURT: Okay. All right. I'm going to give you

1 an instruction that applies to all counts. All right?

2 It is possible to prove the defendant guilty of a
3 crime without evidence that the defendant personally performed
4 every act charged. Ordinarily, any act a person can do may be
5 done by directing another person or agent or it may be done by
6 acting with or under the direction of another person.

7 A defendant aids and abets a person if the defendant
8 intentionally joins with the person to commit a crime.

9 A defendant is criminally responsible for the acts of
10 another person if the defendant aids and abets the other
11 person. A defendant is also responsible if the defendant
12 willfully directs or authorizes the acts of an agent, employee
13 or other associate.

14 But finding that a defendant is criminally
15 responsible for the acts of another person requires proof that
16 the defendant intentionally associated with or participated in
17 the crime, not just proof that the defendant was simply
18 present at the scene of the crime or knew about the crime.

19 In other words, you must find beyond a reasonable
20 doubt that the defendant was a willing participant in the
21 crime and not merely a knowing spectator.

22 You have heard in this case about two Social Security
23 numbers allegedly acquired by the defendant prior to the
24 offense charged in the indictment.

25 I read you this instruction before, I'm going to read

1 it to you again. You must not consider this evidence to
2 decide if the defendant engaged in the activity alleged in the
3 indictment. But you may consider this evidence to decide
4 whether the defendant had the state of mind or intent
5 necessary to commit the crimes charged in the indictment, the
6 defendant had the motive or the opportunity to commit the acts
7 charged in the indictment, the defendant acted according to a
8 plan or in preparation to commit a crime, or the defendant
9 committed the acts charged in the indictment by accident or
10 mistake.

11 Good faith is a complete defense to a charge that
12 requires intent to defraud. A defendant isn't required to
13 prove good faith. The government, the United States, must
14 prove intent to defraud beyond a reasonable doubt.

15 An honestly held opinion or an honestly formed belief
16 cannot be fraudulent intent, even if the opinion or belief is
17 mistaken. Similarly, evidence of a mistake in judgment, an
18 error in management or carelessness can't establish fraudulent
19 intent.

20 But an honest belief that a business venture would
21 ultimately succeed doesn't constitute good faith, if the
22 defendant intended to deceive others by making representations
23 the defendant knew to be false or fraudulent.

24 Each count of the indictment charges a separate
25 crime. You must consider each crime and the evidence related

1 to it separately. If you find the defendant guilty or not
2 guilty of one crime, that must not affect your verdict for any
3 other crime.

4 I caution you the defendant is on trial only for the
5 specific crimes charged in the indictment. You are here to
6 determine from the evidence in this case whether the defendant
7 is guilty or not guilty of those specific crimes.

8 You must never consider punishment in any way to
9 decide whether the defendant is guilty. If the defendant
10 is -- if you find the defendant guilty, the punishment will be
11 for the Judge alone to decide.

12 You've been permitted to take notes during the trial
13 and I think some of you have done that, maybe most of you.
14 But remember, you must use those as a memory aid during your
15 deliberations, you must not give them any more priority over
16 your independent recollection of the evidence and you must not
17 allow yourself to be unduly influenced by the notes of other
18 jurors.

19 I really want to emphasize that notes are not
20 entitled to any greater weight than your memories or
21 impressions about the testimony.

22 Your verdict, whether guilty or not guilty, must be
23 unanimous. In other words, you must all agree. Your
24 deliberations are secret and you'll never have to explain your
25 verdict to anyone. Each of you must decide the case for

1 yourselves, but only after fully considering the evidence with
2 the other jurors. So you must discuss this case with one
3 another and try to reach an agreement. While you're doing
4 that, don't hesitate to reexamine your own opinion and change
5 your mind, if you become convinced you were wrong.

6 But don't give up your honestly held beliefs just
7 because others think differently or because you simply want to
8 get this case over with.

9 Remember that in a very real way, you are the judges,
10 the judges of the facts in this case. And your only interest
11 is to seek the truth from the evidence in this case.

12 That's all I've got to say to you right now.

13 Any objection to the way I've presented the -- other
14 than what we talked about, the instructions imparted to the
15 jury?

16 MR. FINLAYSON: No, sir, nothing additional.

17 THE COURT: Ms. Connors?

18 MS. CONNORS: No, Your Honor.

19 THE COURT: Okay. All right. Now is the time for
20 closing arguments. I've told you before what they say is not
21 evidence, but it's their opportunity to argue to you what they
22 believe the evidence was and how it might apply to the law.
23 It's very important for you to understand that, so please pay
24 attention.

25 The government, because they have the burden of

1 proof, they go first. Then the defense. And then the
2 government has a chance for a short rebuttal, a rebuttal.
3 Okay?

4 All right. Go ahead, please.

5 MS. CONNORS: Good morning. Ladies and gentlemen,
6 may it please the Court, this week the United States has
7 proven beyond a reasonable doubt that Karl Delano, formerly
8 known as Carl Torjagbo, is guilty of defrauding Chase Bank and
9 the Internal Revenue Service.

10 And that beyond a reasonable doubt he then took the
11 proceeds of his fraud schemes and laundered that money,
12 purchases of multiple extremely expensive assets, a mansion,
13 vehicles, a yacht, and he moved money through multiple bank
14 accounts to try to hide where he got it in the first place.

15 Ladies and gentlemen, as you begin deliberations, the
16 one thing that I would remind you that the Court instructed
17 you on earlier today is that you do not have to leave your
18 common sense at the door. You take it with you into that
19 deliberation room.

20 So when you're thinking of the convenient story that
21 the defendant has told this week, that's what you should be
22 thinking about as well is what does your common sense tell
23 you.

24 The defendant has told this convenient story about
25 that it's really these other people that have never been

1 mentioned before who were the ones behind the schemes that
2 resulted in more than \$12 million going into his bank
3 accounts, bank accounts that he controlled, he was the sole
4 signer on those accounts.

5 And he's telling this story in a way to try to bob
6 and weave around the undisputed facts in this case. The
7 documents that you have seen and the testimony that you've
8 heard.

9 There was never any mention of Andrea Lewis during
10 his custodial interview. There was never any mention of a
11 Michael Lee during his custodial interview. And instead, the
12 defendant at that time admitted he didn't have any
13 U.S. operations for Kremkov, he only had 50 or 60 employees,
14 everyone was in Ghana, all of the things that made him
15 ineligible for any kind of PPP loan.

16 And he indicates that he somehow convinced
17 Michael Lee in early 2021, to send a tax withholding payment
18 of over \$3.4 million to the IRS. And that it's simply the
19 IRS's problem that they didn't record that money. This story
20 is unbelievable. And you heard how this story constantly
21 shifted as he testified, constantly shifted when confronted
22 with what he said in his custodial interview three years ago.

23 Ladies and gentlemen, the evidence refutes all of it.
24 Here, as the Judge has described, we have four different
25 categories of charges. There's the bank fraud scheme, that's

1 the scheme against Chase Bank related to the PPP money.
2 There's two counts of wire fraud, those relate to those two
3 IRS refunds that were transmitted to the
4 Internal Revenue Service, each requesting more than \$3 million
5 in a tax refund when the defendant had never paid one dime to
6 the IRS in tax withholdings.

7 The concealment money laundering transactions are the
8 transactions involving certain property where the defendant
9 was trying to conceal some aspect of his criminal activity.

10 And then the transactional money laundering counts
11 relate to specific items that he purchased, such as the house
12 and the Lamborghini, BMW and Range Rover.

13 Now, at the beginning of this case, defense counsel
14 opened by telling you that really everything that the
15 defendant was doing was open and notorious, that this was not
16 an issue of him trying to hide anything. That all he did was
17 submit the paperwork to Chase Bank, and as a result of that
18 paperwork, they gave him the loan, that it was their problem
19 if there was anything incorrect.

20 And then with the Internal Revenue Service, again, it
21 was I submitted the paperwork, if they gave me the refund,
22 they gave me the refund.

23 Ladies and gentlemen, keep in mind that putting
24 egregious lies on a PPP loan application does not mean that
25 you are being open and notorious. Putting your egregious lies

1 on an IRS tax refund or tax return does not mean that you were
2 being open and notorious. Instead, it means you have
3 committed fraud.

4 And then the defendant used the proceeds of that
5 fraud to make all of those financial transactions. He
6 committed money laundering. That's what we've established
7 this week.

8 Now, there are a few things that are not in dispute
9 here. One is that JPMorgan Chase is a federally insured
10 financial institution. You heard that term a few times over
11 now related to the jury instructions.

12 There's another thing that's not in dispute, the
13 transmissions of the tax returns were wire communications in
14 interstate commerce.

15 And the financial transactions involved the use of a
16 federally insured financial institution, that would include
17 the other banks, PNC Bank, Bank of America, so those elements
18 are not in dispute here.

19 What's also not in dispute is that the defendant
20 filed the PPP loan application. He has admitted to that. The
21 PPP loan was issued to Kremkov Industries. His alleged
22 goldmining company in Ghana.

23 What is not in dispute is that \$9.5 million in
24 PPP loan proceeds were transferred from Chase Bank into a
25 Kremkov bank account that the defendant was then able to

1 access, because, again, he was the sole signer on that
2 account.

3 And it is not in dispute that the IRS refund check
4 was deposited into another bank account that the defendant
5 controlled that was in the name of Kremkov Industries.

6 Now, the Judge just went over what the elements are
7 for bank fraud, so I'd point out the last element involves the
8 financial institution being federally insured. So, again,
9 that's something that's not in dispute. Here, we have
10 established the other remaining elements of the offense beyond
11 a reasonable doubt.

12 You heard how the Small Business Administration and
13 Chase relied on the applicant's attestations in that PPP loan
14 application to determine whether or not the loan would be
15 granted. It was a significant factor for them that the
16 individual applicant was signing and certifying that they were
17 providing true and correct information in the loan
18 application. Chase and SBA witnesses made clear that if that
19 attestation wasn't there, the certification wasn't there, if
20 the documents weren't provided, they never would have issued
21 the loan.

22 Now, the defendant claimed that his company,
23 Kremkov Industries, was in operation on December 31st of 2014,
24 yet, he did not register with the Georgia Secretary of State
25 until January 4th of 2021, but he wants you to accept that

1 this is just a mere I didn't do paperwork before. But again,
2 you don't have to leave your common sense at the door. If he
3 was operating a multimillion-dollar goldmine and he truly
4 believed that this company was a U.S.-based company, it would
5 have been registered long before.

6 The defendant also signed that application attesting
7 to the truth of him answering this question, and saying, yes,
8 all of the employees of Kremkov Industries were U.S. -- had a
9 U.S. place of residence.

10 Now, the defendant's tried to give a good bit of
11 explanation about that, saying they're all of these
12 expatriates that work for his mine and he has alleged that
13 despite the fact that he doesn't do anything with payroll, he
14 doesn't know all of the identities of all of these
15 individuals, somehow, he was able to certify confidently that
16 this specific 493 employees that he listed all had a residence
17 in the United States, that it was something that he knew that
18 had to be the case.

19 But ask yourselves if that seems reasonable in light
20 of all of the things that he denied knowing about the payroll
21 and the employees, how he could possibly be confident that any
22 one of them had a residence in the United States.

23 And you heard how -- what that huge number was of how
24 many employees he had. 493, just under the 500 employee cap,
25 it's almost to the max. And you heard how PPP loans had a

1 \$10 million cap. So, again, he got very close, indicated his
2 monthly payroll, monthly payroll was over \$3.8 million. And
3 you saw that -- examples of all of that payroll, you saw both
4 February 2020 purported payroll and you also saw his yearly
5 payroll for the entire year of 2020, claiming that in total,
6 he paid out more than \$45.8 million to the 493 employees.

7 Ladies and gentlemen, you heard Dr. Owusu testify,
8 typical payment in a mine like the defendant describes \$500,
9 \$500 a month, far less than the average of \$92,000 that the
10 defendant claimed in order to get that loan. Because again
11 remember that the SBA, this was how they were calculating that
12 amount, it was your monthly payroll times two and a half, so
13 putting in that \$3.8 million meant that he got over
14 \$9.5 million for this loan.

15 Now, how did he do that? By submitting all of that
16 payroll documentation that he now has testified that he
17 didn't -- he didn't know about. He couldn't -- he couldn't
18 say that it was accurate. He just got it from somebody else,
19 somebody that he has never mentioned before.

20 And what he says, and what he even pointed out as
21 well, is that payroll has those common names that y'all have
22 heard before: Keanu Reeves, Gene Hackman, Jason Bourne, John
23 Snow, Bruce Willis, Oliver Twist, Charlie Brown, Karl Delano
24 and Monica Sweeten.

25 And every single person on his payroll made the same

1 amount of money, everybody's in 92 to 93,000 per year. Ask
2 yourselves if that seems to make sense to you. Does your
3 common sense tell you if you had a foreperson, like he
4 testified, that they may be -- since they're in charge that
5 they would make more money. How would it be that every single
6 person makes the same exact amount and every single person
7 works virtually the exact same hours?

8 There's no evidence that any of his payroll
9 documentation was true. And in fact, we showed that it's not.

10 Again, he keeps shifting his answers. He's got 50 or
11 60 employees when he talks to Agent Caruana, but yet his PPP
12 application clearly stated 493. And now you've also heard
13 that really he had 612 people, and that he was -- he was
14 discriminant, he only included the people who were -- who had
15 U.S. as their principal place of residence.

16 But again, he also said he didn't know anything about
17 the veracity of this payroll, so how could he attest to that.

18 There were no employees in the United States, not a
19 single one. And you heard how the purpose of the PPP program,
20 it was specifically to help American businesses keep American
21 employees with a paycheck. The whole idea of this program was
22 that the COVID-19 pandemic was shutting things down so
23 companies would not be able to bring in the same revenue that
24 they normally could. This was a way of saying please go ahead
25 and pay your employees. We will give you this loan so that

1 you have the ability to do that.

2 And if ultimately you can't pay it back, we will
3 forgive it, we will guarantee it. The SBA was going to
4 guarantee it so that you did not to be concerned about being
5 out of the money, so even if your company possibly shut down
6 completely, you would likely be able to ask for forgiveness,
7 if you had actually paid the money to your employees, that was
8 the whole point of it.

9 But here, instead, the defendant took advantage of
10 the program to get \$9.5 million based on all of his
11 representations and all of that documentation that he
12 supposedly had 493 employees who had a residence in the
13 United States.

14 And again, you clearly heard when you listened to the
15 custodial interview, and, again, if you need to listen to it
16 again, you will have access to that, but he confirmed there
17 are no U.S. operations for Kremkov, it was all in Africa. So
18 ask yourselves how likely is it that then all of his employees
19 actually have a principal place of residence in the
20 United States.

21 And he certified that everything in his application
22 was true and correct, not just what he wrote on the form, but
23 also all of the supporting documentation.

24 But what does the documentation show us?

25 You heard from the IRS, you heard Mr. Hazel testify.

1 He searched not just under the employer identification number
2 that was on the actual PPP application for Kremkov Industries,
3 but he also searched the other ones that he could -- that we
4 were aware of. He searched the other EIN that was in the name
5 of Kremkov and he even searched by the EIN that was solely in
6 the defendant's name, and he could not find a record of a
7 single tax filing identified.

8 There were no 941 quarterly tax returns saying this
9 is the withholding amount that we are paying to our employees.
10 There were no 941s being filed. That's the federal
11 unemployment tax. And more specifically, there were no
12 withholdings related to Kremkov Industries or for the
13 defendant at all for either one of his Social Security
14 numbers, nothing in IRS's system. And yet all of those pages
15 of payroll over and over and over again claimed that the
16 employees had all of those tax deductions. And also that they
17 had the Social Security and Medicare tax deductions.

18 But you heard on day one from Agent Fowler, he
19 explained Social Security had no record of any of that, had
20 never received anything in Social Security or Medicare.

21 And when the defendant took the stand yesterday, what
22 he told you was that these were all guesses, that it was -- we
23 haven't actually filled out these paper -- this paperwork, it
24 wasn't actually sent to the IRS, it wasn't sent to anyone, and
25 we were just guessing at how much we would file for these

1 individuals in withholdings.

2 And that he was relying on their accountant, this
3 Andrea Lewis to figure all of that out. And she was the one
4 who prepared all of those 941s and 940s that he clearly knew
5 were not based on accurate information.

6 And that he clearly knew had never been submitted to
7 IRS. And you heard from SBA and from Chase that that was a
8 requirement. The tax documents had to actually be submitted
9 to the IRS, so he admitted that that was not possible, they
10 had not done that. And that all of these forms just have
11 guesses on them.

12 But you know what they also have, they have
13 information that would say he paid \$45.8 million in payroll
14 and that he was averaging 3.8 million. So the idea that this
15 is just Ms. Andrea Lewis somehow coming up with these figures
16 is just not plausible.

17 And what was even more surprising is that he's the
18 one who said I figured it out. I figured out that we didn't
19 need to pay these tax withholdings. So while he wants to say
20 I relied on Andrea Lewis for everything, for all of my
21 accounting activities, yet he's going behind her and
22 researching and finding out if they actually need to do tax
23 withholdings, and he realized they didn't, so they just didn't
24 submit the forms.

25 But ask yourselves is that likely what happened here?

1 Or is it that because the defendant knew from the PPP
2 application itself that payroll documentation was required and
3 payroll tax documentation was required, that that's the reason
4 for all of that documentation. It's not somebody else, and
5 again, even if there is an Andrea Lewis, not one dime of this
6 money went to her, not one penny. And you also won't find her
7 on that payroll. She's his accountant. You assume he's
8 paying her. She's definitely nowhere even on that. He's told
9 a convenient story over and over and over again, trying to
10 weave around the facts, facts that show he is the one who was
11 submitting this information, that he was the one providing all
12 of these false statements to the bank.

13 Now, we talked some about Monica Sweeten. That was
14 one of the names on the payroll. And you heard from
15 Ms. Sweeten, when she came in and testified.

16 And then you also heard yesterday from Tom Thurmond,
17 who came in and said I researched the name Monica Sweeten, and
18 I could only find six people with the name Monica Sweeten.

19 And he was asked, well, do you know if the person
20 who's on the payroll is, you know, that particular Monica
21 Sweeten who came in and testified.

22 Ladies and gentlemen, it is simply unbelievable that
23 with billions of people in the world, when there are only six
24 Monica Sweetens, that there is no way that the name on that
25 payroll was not reflecting the one -- the Monica Sweeten that

1 the defendant knows, that he personally knows, who had been a
2 pilot with him, it defies logic. Six people is not very many.

3 From day one, the defendant intended to defraud
4 Chase Bank out of \$9.5 million. He got that money into his
5 bank account on March 29th. And after he gets that money, he
6 starts to spend it.

7 You've heard about some of the transactions that he
8 did immediately after getting this money. You heard how March
9 29th, this money goes into that bank account and by April 5th
10 of 2020, he's consulting with that plastic surgeon.

11 And you heard about how on April 21st, 2021, before
12 the IRS check is even issued, that check is dated April 23rd,
13 before it's even issued, he goes under contract for a
14 \$1.6 million house. And you saw what is the one and only
15 document that he provided to establish that he could do an all
16 cash sale for that \$1.6 million house, it was this, it was the
17 bank statement showing the \$9.5 million PPP loan money.

18 Now, he's testified I didn't use any PPP money for
19 anything other than Kremkov Industries. Ladies and gentlemen,
20 that's simply unbelievable, even by his own transactions, he
21 is using the PPP money. If not for that money, he would not
22 have been able to get under a binding contract for that house
23 on April 21st.

24 And what did he do after he got this money?
25 Ms. Lewis came in -- or, I'm sorry, Ms. Richardson came in and

1 talked to y'all about how he is transferring over money,
2 transfers \$3 million out of this account by issuing a check,
3 then he's sending money to another account. And from there,
4 in one month's time, he's paying off all of his debt, got a
5 clean slate, off of the PPP money. She was clear, there was
6 not sufficient funds in any of his accounts that could have
7 covered those immediate expenditures that he had.

8 He paid off his auto loan, he paid off multiple
9 credit cards, it's PPP money, there's no doubt about it, the
10 records don't lie.

11 And after he even goes into this cash sale on the
12 house, you see that he is then purchasing luxury cars, going
13 on essentially a spending spree.

14 The motive here was greed. This was not I'm getting
15 this loan so that I can go ahead and pay my employees' payroll
16 when they are suffering due to the pandemic.

17 And ask yourselves as well why would he even need the
18 Payroll Protection Program loan? He testified yesterday
19 Michael Lee is who paid every single employee by wire
20 transfer. So why did he -- why would he need a loan anyway?

21 Michael Lee is the one who takes care of that. If
22 anybody was going to get a PPP loan in Kremkov's name, it
23 should have been Michael Lee, that's his responsibility.

24 But yet here, it's the defendant who files that loan
25 application and it's the defendant who receives and then

1 starts spending the \$9.5 million.

2 And he's not mistaken about the rules. He testified
3 today he clearly knew this application was based on the
4 payroll. That's not what he told Agent Caruana. He tried to
5 explain it as, no, my loan wasn't based on payroll, mine was
6 based on earnings. But he admitted there's not one earning
7 statement that was provided for that loan, it's all payroll,
8 and it's all payroll documentation that has no veracity.

9 Now, Chase issued the loan after receiving that
10 signed application from the defendant with all of the
11 supporting documentation. And also remember that he actually
12 had that prior application for a PPP loan, about a week
13 earlier. Ms. Carpenter explained that that one was denied by
14 the bank because they wanted more documentation.

15 So then on February 16th, he provided that. And
16 after he provided it, it meant that his Chase could go through
17 and verify, okay, he's got the payroll, he's got the tax
18 documents, it gets transmitted to the SBA. And the SBA had
19 already approved that loan by just a few days later, around
20 February 19th.

21 But by early May, Chase had become suspicious of this
22 loan, it's a very large loan, again, it's almost at the
23 maximum. So Ms. Carpenter said they ended up freezing the
24 account. He had already moved \$3 million out of it, but they
25 froze the rest of the funds.

1 And you heard the defendant calling Chase and trying
2 to get information about having the account unfrozen. And you
3 heard that representative from Chase give him specific
4 instructions. She told him you need to provide more
5 documentation to establish you were in business as of February
6 15, 2020, a clear sign that Chase wanted more, that they were
7 not -- no longer accepting strictly the information he
8 provided in his application.

9 And he mentions at the end, he says, well, I've got
10 multiple EINs. And the representative almost immediately cuts
11 him off, it has to be in the name of your company, it has to
12 be in the name of the company who got the loan.

13 So then what happens? You end up with that May 7,
14 2021 letter from the IRS. And ladies and gentlemen, on that
15 letter, it said -- it was addressed to Kremkov Industries,
16 Carl Delano Torjagbo, sole member. You heard from the IRS
17 that that -- a record of this EIN ever having that address and
18 that name associated with it doesn't exist, no record of it.

19 That EIN issued in 2018, so Mr. Torjagbo knows at
20 this point, by May 7th of 2021, that Chase is telling him that
21 if you're going to provide an EIN letter, it's got to be that
22 it shows that that company had been -- had that EIN issued
23 before February 15th of 2020. And the only two that he had in
24 the name of Kremkov Industries were not issued until January
25 of 2021.

1 So what happens? You end up with the address that is
2 only consistent with the EIN ending in 8332. The other EINs
3 don't have anything else on them. And I'll remind you the
4 issue here, in part, was that the 1377 EIN that was issued in
5 September of 2018, he had misspelled the address, said
6 Leatherly Trail instead of Leatherleaf Trail.

7 And IRS was specific that the only -- the next time
8 there was ever a change in that address was not until June of
9 2021, after the PPP loan and after the IRS tax money have
10 already been obtained.

11 So the defendant testified that it had to be that
12 what happened was that the U.S. Post Office corrected the
13 address for him. For that to be possible, the U.S. Post
14 Office would have to open a letter issued from the IRS,
15 somehow retype the letter, create the name Kremkov Industries,
16 because again, 1377 doesn't have Kremkov Industries on it. So
17 somehow a postal worker is able to just come up with that
18 name, and change the address so that this EIN letter could be
19 given to Chase Bank, because by this point, that account is
20 frozen, and the defendant wants to be able to get access to
21 the money.

22 Ladies and gentlemen, it just simply makes no sense.
23 The defendant was willing to do whatever he had to do to get
24 his hands on that \$9.5 million. But Chase Bank, after
25 receiving this letter -- so even though Chase Bank doesn't

1 know what's in IRS's system, they don't know if this letter
2 has been forged in any way, they still don't give him the
3 money back. And instead, they clawback the remaining balance
4 in the account. Chase had realized that they had been
5 defrauded. The defendant's PPP application was entirely
6 false. And the bank did what it needed to do to try to get
7 that money back. Because remember, the way that these loans
8 worked is the bank would go ahead and fund the loan. SBA
9 guaranteed the loan, but the money would go directly from the
10 bank.

11 Ladies and gentlemen, the defendant cannot possibly
12 have a good-faith belief in false information. He cannot
13 believe that he was in operation on February 15th, 2020, that
14 all of his employees had a principal place of residence in the
15 United States. And based on his falsehoods he had no way that
16 the loan proceeds would be used for business operations.
17 There were no business operations at Kremkov Industries.

18 Now, in regards to the two different tax returns that
19 were filed, Counts Two and Three, those are both charged under
20 wire fraud. So again, the last element of this has already
21 been stipulated to, there are interstate wire communications.

22 Now, the defendant interestingly has said he did file
23 one of the tax returns, the one in Count Two, but he has
24 claimed that he did not file the one in Count Three.

25 The one in Count Three is the one that he says Andrea

1 Lewis without his knowledge goes to his house, logs in on his
2 TurboTax account and files a tax return because she had to
3 have accessed a file on his computer that had old identity
4 information on it.

5 But ladies and gentlemen, remember the testimony of
6 TurboTax. They talked about how there were multiple rejected
7 tax filings. And what happened is that the Social Security
8 number ending in 6010 was the earliest return, the first one,
9 and it gets rejected after it was filed -- attempted on
10 February 6th.

11 But also on February 6th, there was this submission
12 attempt under the other Social Security number, 0540. And you
13 heard how the error message for both of those returns was that
14 the EIN on the W-2 was a mismatch essentially. That it was an
15 impossibility that you could have a W-2 from 2020 that had an
16 EIN on it that was not issued until 2021, so they get
17 rejected.

18 And so what happens next? Another attempt. Another
19 attempt using another EIN. This one also doesn't go through,
20 because he's still using one of the EINs for Kremkov that's
21 issued in 2021.

22 And why is he using those two EINs to try to do these
23 tax returns? Because he knows those two EINs actually have
24 Kremkov Industries associated with them.

25 But when those two fail, the third time is the charm.

1 And he goes back and he is first able to go under that earlier
2 Social Security number, 6010, and he tries it with the 1377
3 EIN number, the one issued in 2018, that's not in the name of
4 Kremkov Industries, it's instead just in the name of Carl D.
5 Torjagbo. And when that one ends up going through, it's
6 ah-ha, found the right one. So the next morning, he submits
7 the tax return under 0540, so both of those end up going to
8 the IRS.

9 He now knows 1377, that EIN issued in 2018, is the
10 magic number. And that's precisely why when May 7th of 2021
11 rolls around, he knows that's the one he's got to use if he
12 wants to try to tell Chase Bank that he was actually in
13 operation before February 15th of 2020. Shifting information,
14 whatever works, whatever works to get millions of dollars.

15 Ladies and gentlemen, I'll remind you he never paid a
16 dime to Social Security, not in 2020, not under either one of
17 the Social Security numbers.

18 And yet what he wants you to believe is that he told
19 Michael Lee pay my tax withholdings sometime in 2021, early
20 2021. Ladies and gentlemen, that simply doesn't make sense.
21 When you go to file a tax return at the end of the year, you
22 put in what your earnings are, you put in any withholdings
23 that you have, and if you have losses from a company, you put
24 in your losses, that's how it works. At the end, then your
25 return is going to say either the IRS owes you money or you

1 owe the IRS money.

2 So why would you need someone to pay withholdings?
3 What you would do is just say, okay, what I have is earnings
4 and what I have are losses. I don't need to invent that I
5 withheld -- any federal taxes were withheld from my pay during
6 the year. You could just put in the number of your earnings
7 and you could put in the number of your loss.

8 But if the defendant had done that, he would have
9 ended up with zero. Because you heard Mr. Hazel talk about
10 how the way that this refund got issued is because he's
11 claimed those withholdings.

12 What happened is that his earnings that he claimed
13 were about \$9.1 million were completely offset by the losses
14 he claimed of \$9.9 million, so essentially, he had negative
15 \$800,000-ish. You have negative income, you wouldn't have any
16 tax liability. So there would be zero reason for you to say
17 let me have someone send \$3.4 million to the IRS so that I
18 can, in exchange, get a \$3.3 million tax refund. But that's
19 what the defendant did, he claims. Use your common sense, it
20 simply defies logic.

21 But you heard how the IRS treats tax returns on an
22 honor system. Taxpayers are supposed to fill out the form and
23 send it in. It's supposed to have accurate information. And
24 when the defendant claimed that he had this monster amount of
25 withholdings, they issued a refund check, giving him the

1 benefit of the doubt.

2 His lies created that refund, that information was
3 material to the Internal Revenue Service, they were relying on
4 him providing truthful information when he filled out that tax
5 return, and he simply did not.

6 They made clear they could not find any W-2 on file
7 for him. And keep in mind there's really no earnings here for
8 Kremkov Industries. There's no losses. Nothing has been
9 shown to you that would suggest that that would be accurate,
10 to report \$9.1 million in earnings from that company and
11 9.9 million in losses.

12 But it didn't stop there. Under that 6010
13 Social Security number, the defendant also attempted to get
14 another \$3 million. In this tax return, it said full year
15 resident of Texas. He uses that earlier Social Security
16 number that we kept hearing so much about.

17 And Mr. Torjagbo -- or, I'm sorry -- Mr. Delano wants
18 you to believe that Andrea Lewis came into his house and filed
19 that return. And that he wasn't there to tell her she was
20 looking at the wrong information. But she is literally at his
21 house in Douglasville, Georgia. Why would she think that he
22 had been a full year resident of Texas. Even if she saw an
23 old driver's license, wouldn't she have listed his current
24 address?

25 There would be no reason to say that I'm going to see

1 this old driver's license from 20 years ago and use that
2 address instead of the address that I am sitting at currently
3 to file that return. But he wants you to believe that that is
4 what she did.

5 It's another convenient story to explain away the
6 facts here. Because you heard that TurboTax recorded the IP
7 address login for every single one of those rejected tax
8 returns as well as the accepted ones. And all of those IP
9 addresses are the same. He explained that's going to be the
10 Internet Protocol address tied to where you are when those
11 returns are being filed. He's coming up with a story to try
12 to make sense of why he would be able to say somebody else
13 somehow was able to go into his house and file those returns.

14 Even if you believe that Andrea Lewis really did
15 that, keep in mind that Mr. Delano's testimony is that what
16 she did, because he was not there, she used all of the
17 information that he keeps on his computer related to
18 Kremkov Industries.

19 But what information would be on his computer that
20 would say he had millions of dollars in tax withholdings that
21 weren't actually paid?

22 What on his computer would have that he was making
23 \$9 million a year with Kremkov Industries?

24 What would be on there to establish that he had
25 losses?

1 And even if he had that information on there, how
2 would it be that those two tax returns reflect slightly
3 different numbers?

4 If she's using the information on his computer, then
5 they should have been the same. There would be no reason for
6 them to be different. The defendant had no withholdings under
7 that Social Secure number either.

8 After he got \$9.5 million from Chase and after he got
9 \$3.3 million in a tax refund that wasn't owed to him, he
10 started moving the money.

11 I apologize, I'll back up for a second. Actually, I
12 already went over that. Sorry.

13 Concealment money laundering, what this is really
14 referring to, you're talking about the financial transaction
15 in some way being designed to conceal an aspect of criminal
16 activity, specifically nature, source, ownership, location and
17 control of criminal proceeds.

18 So what did we see with Mr. Delano?

19 He takes the money out of the Chase Bank account from
20 the PPP loan. We saw, and what Count Four alleges, is that he
21 had that \$3 million check, \$3 million check that he just wrote
22 off of the Chase Bank account that got the \$9.5 million
23 deposit. And he takes that check and he writes payroll on it.

24 Ladies and gentlemen, his story is that he doesn't
25 have to do the payroll. Michael Lee does it. He sends wire

1 transfers to everybody. Payroll was on that check for the
2 purpose of having some memo line on it that would indicate it
3 was an expenditure consistent with the Paycheck Protection
4 Program. It was so that he could get those funds out of the
5 account and ultimately buy his house and get his plastic
6 surgery and buy his cars.

7 Because if he had done any of those or attempted to
8 do them directly from that Chase Bank account, Chase would
9 have caught on quickly, and he never would have been able to
10 get millions of dollars from that PPP loan.

11 He moves that money over to another bank account in
12 the name of Kremkov Industries at PNC, an account he had just
13 opened up the same time as the Chase account opened up. And
14 you heard about how he starts to spend that money, what we've
15 already described. He's paying off debt, he's going under
16 contract on his house, he knew he was hiding what the purpose
17 of that transaction was. There is no legitimate business
18 reason that he would have had to move this money from one
19 Kremkov bank account to another Kremkov bank account.

20 He was removing that money from the PPP bank so that
21 then the next transaction down the line didn't have to reflect
22 something about the Payroll Protection Program.

23 And after he ends up commingling all of that IRS
24 money into the same Kremkov account, we heard about a huge
25 \$6 million transfer into a PNC Bank account that's solely in

1 his name, just a personal account.

2 But again since he's distanced himself from the
3 PPP loan and now he's even distancing himself from the IRS
4 check. And as we pointed out, the IRS check was in his name
5 to begin with. He didn't have to put it into a Kremkov bank
6 account. He could have just put it in his personal account to
7 begin with. But instead he puts it into the Kremkov account
8 and then he moves that \$6 million of commingled funds over to
9 a personal account, distancing himself from transactions,
10 distancing himself from the fraud proceeds.

11 After he does that \$6 million transfer, the account
12 has got \$6,007,300 and some change. And from there, he's
13 spending it.

14 And Ms. Richardson went through all of these
15 financial transactions. Count Five relates to the -- it's a
16 Fiber Drive Tract 4 property. Now, this property is land,
17 open land. And you have the money coming out of that personal
18 PNC account that had already had the big \$6 million transfer
19 to ultimately send this \$91,000 wire. And he titles this
20 property in the name Karl Delano, distancing himself from
21 Carl Torjagbo that he got the IRS money in the name of,
22 distancing himself from the name that he got the PPP loan on.
23 He's disguising the true nature and source of these funds.

24 We are very far downstream at this point, far from
25 that initial account that got the PPP money, far from the

1 initial account that got the IRS money.

2 And while the defendant wants to try to parse out
3 that somehow he only did these transactions, certain
4 transactions with IRS money compared to PPP money, that's not
5 what happened. He commingles that money and transferred it
6 on. It would be impossible, Mr. Richardson talked about that,
7 impossible to then say this is a dollar of PPP money, this is
8 a dollar of IRS money. But even if you could, it doesn't
9 matter, because the defendant defrauded Chase Bank to get
10 those PPP funds and he defrauded the IRS to get that
11 \$3.3 million refund check. It's all proceeds of criminal
12 activity.

13 Count Six relates to another piece of land. Now,
14 this one is even further downstream. Because now he has
15 opened FlyingJack Freight and Logistics, registered the
16 company in Wyoming, not in Georgia, where it's based. And he
17 has opened a Bank of America account. He has a long-standing
18 financial relationship with PNC, but when he decides to open
19 this company, he goes to a different bank. And he ends up
20 purchasing a property and sending over that wire of \$150,000.
21 Again, ladies and gentlemen, this is all flowing down after
22 he's already got all of that fraud money.

23 And now he's got a property and a business that are
24 not the same business he got the PPP loan in and it's not the
25 same business that he claimed he was earning money from in

1 2020 to get a tax refund. He is disguising what the true
2 source of this fund -- this money is, what the nature of the
3 funds are.

4 Now, transaction money laundering doesn't have that
5 concealment requirement, it's kind of one of the major
6 differences. All of the transactions have to be over \$10,000.

7 Ladies and gentlemen, we saw transactions well over
8 \$10,000. We heard about 5114 Greythorne Lane. And you heard
9 Kobina Oppong, his friend, 38 years, testify he'd been in that
10 house, 10,000 square feet, enormous property.

11 And you heard Mr. Oppong talk about how he had been
12 showing the defendant houses, because he was a realtor months
13 before PPP loan money comes in. And when he's showing him
14 houses, he's only looking at the range of \$500,000 for the
15 purchase price. But now, months later, he doesn't use his
16 good friend, the realtor to buy this house, and he's all of a
17 sudden up to \$1.6 million.

18 Mr. Oppong, you heard, questioned him when he learned
19 he had got a \$9.5 million PPP loan. He probably would have
20 questioned him if he jumped from \$500,000 for a purchase price
21 of a house to suddenly \$1.6 million.

22 He doesn't buy this house until he gets the PPP
23 money. And as I've talked about before, he goes under
24 contract immediately. And he's using that Chase statement to
25 justify that he has the money, he has the liquidity to do an

1 all cash sale. He doesn't show a foreign bank account with
2 some balance in it, he doesn't show anything else, it's
3 strictly that PPP money.

4 That was his justification for how he would be able
5 to afford this 10,000 square foot house. This property was
6 purchased with the fraud proceeds. By the time the 1.6 wire
7 and the actual closing happens on the house, he's already
8 gotten that IRS check money, he's been able to funnel that
9 money up to another bank account, the \$6 million transfer.
10 It's a combination, you wouldn't be able to tell what dollar
11 was PPP and what dollar was IRS money, but again, even if you
12 could, it wouldn't matter, because that money was obtained
13 based on his false representations to Chase and to the IRS.

14 You also heard about the purchase of this
15 Range Rover, wire transfer, August of 2021, buying this
16 vehicle, coming directly out of the count that got that
17 \$6 million transfer, using proceeds of the PPP fraud and the
18 IRS fraud, the wire fraud to buy this vehicle.

19 And it doesn't stop there. He buys another vehicle.
20 A 2022 BMW, paying \$120,000 total for that vehicle. And in
21 January of 2022, when he buys that car, he has funneled the
22 money all the way from that \$6 million down into FlyingJack's
23 bank account, not the company he got the PPP money in, not the
24 company he was trying to claim was anything to do with his IRS
25 check, using proceeds of the offense. But he wants to say I

1 didn't use any PPP money for the cars, but all of this came
2 together.

3 And Count Ten, the final count in the indictment is
4 for the \$332,000 Lamborghini. Again, where he has funneled
5 all of this money into the Bank of America account for
6 FlyingJack. And when he buys that vehicle, you've heard
7 Adrienne Richardson testify and you saw the bank statement
8 that showed he put equipment purchase for it. He put
9 equipment purchase because he's using PPP fraud money and he's
10 using IRS fraud money to purchase that car. There's no other
11 source of funds coming into those accounts that would be able
12 to pay for this vehicle. And Ms. Richardson made that clear
13 during her testimony over and over again.

14 Ladies and gentlemen, Karl Delano's fraud was
15 extraordinary. And his convenient story to explain everything
16 away is simply absurd. There's no Michael Lee who is
17 investing millions of dollars in his goldmine. There's no
18 Andrea Lewis who surreptitiously entered his house and filed a
19 tax return for him based on old information and a long expired
20 Texas driver's license. He doesn't have a mine in Ghana where
21 he's paying 493 employees who have a principal place of
22 residence in the United States. He never paid \$3.8 million in
23 payroll to anyone. And he certainly never paid \$45.8 million
24 in 2020 for payroll.

25 From day one, he intended to defraud Chase Bank and

1 the Internal Revenue Service out of millions of dollars. His
2 actions immediately after getting those funds speak volumes.
3 Buying those luxury items, buying that huge house, getting the
4 plastic surgery, paying off debt, buying a Lamborghini, buying
5 a yacht. The evidence overwhelmingly shows that Mr. Delano is
6 guilty of all counts beyond a reasonable doubt.

7 As the Court -- or the Judge advised you, after
8 hearing from the defendant, I'll come back up and briefly
9 speak to you. Thank you.

10 THE COURT: Okay. Anybody need to stand up, stretch
11 a little bit? Okay. Let's take just a very quick five-minute
12 break. I'm not even getting up. All right?

13 COURTROOM SECURITY OFFICER: All rise.

14 (Whereupon, the jurors exited the courtroom.)

15 THE COURT: Y'all can be seated.

16 MR. FINLAYSON: Bathroom break?

17 THE COURT: Yes.

18 MR. FINLAYSON: Okay.

19 (Whereupon, a recess was taken.)

20 THE COURT: All right. Y'all ready?

21 MR. FINLAYSON: Yes, sir.

22 THE COURT: One thing I wanted to mention in reading
23 the instructions, two things, one is it repeatedly refers to
24 the prosecuting entity as the government, which I think is
25 weird, it ought to say the United States. I think there's a

1 difference between the government that is the body that leads
2 and the entity that is prosecuting the case, which is the
3 United States. It's the United States Attorney who is
4 bringing the charges on behalf of the United States, and
5 that's why it says in the caption the United States.

6 I read it as the United States except for twice, I
7 think I accidentally said government, but it's weird, and I
8 think y'all should think about the way you do that in the
9 future.

10 It doesn't make a difference to many people, maybe
11 I'm just a stickler for it, but I don't think it's the, quote,
12 government, that is the party. I think it's the
13 United States.

14 And secondly, there seems to be in the instructions
15 inconsistency in referring to the defendant as a capital d and
16 a defendant as a capital D. I noticed that. That's
17 y'all's -- the way you-all gave it to me. But sometimes it
18 uses lower case D referring to a generic defendant and capital
19 defendant referring to this defendant and sometimes it uses a
20 capital D referring to a generic defendant. Again, maybe I'm
21 just being picky, but it is the way it is, it's the way
22 you-all gave it to me. There were no objections to it. So I
23 don't think it's going to confuse the jury in any way, but
24 that's just something you might want to think about. Maybe
25 you're not as --

1 MR. FINLAYSON: And no ending sentences with a
2 preposition.

3 THE COURT: Well, that's just --

4 MR. FINLAYSON: Good grammar.

5 THE COURT: -- civility --

6 MR. FINLAYSON: Yes, sir.

7 THE COURT: -- being part of a civilized nation, I
8 think.

9 All right. Bring them in.

10 And don't get me started on passive voice. There is
11 so much passive voice in those instructions. That might keep
12 me up tonight. That's for all of you law students out there.

13 COURTROOM SECURITY OFFICER: All rise.

14 (Whereupon, the jurors entered the courtroom.)

15 THE COURT: All right. You may be seated.

16 Mr. Finlayson, go ahead.

17 MR. FINLAYSON: Thank you, sir.

18 May it please the Court, counsel, members of the
19 jury, I want to thank you for your time this week. It's been
20 a long week, but we've gotten through it. And this is the
21 final closing arguments. And this is the last I get to speak
22 to you. They'll get to come back and speak again, but this is
23 it, this is all I can say to you. And I'm going to put
24 Mr. Delano in your hands when I'm done.

25 And again, you the jury are that last bastion between

1 tyranny and justice. So I appreciate what you're doing here
2 and I appreciate the attention you have paid, I appreciate you
3 taking notes, I appreciate you doing your job, and holding the
4 government to its job.

5 And what is that job? What is the government's job?

6 The job is to prove their case beyond a reasonable
7 doubt. We've been here all week, we've gotten piles and piles
8 of documents, we've heard witnesses, but have they really
9 proved their case to you beyond a reasonable doubt?

10 And what is it they had to prove? Because a lot of
11 these things -- she's right, a lot of these things aren't in
12 dispute. Mr. Delano filed a PPP loan, Mr. Delano filed a tax
13 return, Mr. Delano bought things.

14 What they have to prove is what was his intent. Did
15 he intend to defraud the PPP program? Did he intend to
16 defraud the IRS? Did he intend to launder money? Was he
17 concealing anything in this case? Did he conceal anything?
18 And I submit they have failed miserably to show that intent to
19 do those things.

20 Judge Brown read the law to you and you're going to
21 have a copy of it and I ask you to look very carefully at
22 Page 19 when you get back there. Because Page 19 tells you
23 about good faith. And it will tell you that good faith is a
24 complete defense to a charge that requires intent to defraud.

25 And this is the important part, a defendant isn't

1 required to prove good faith. The government has got to prove
2 the intent to defraud beyond a reasonable doubt, an honestly
3 held opinion or an honestly formed belief cannot be fraudulent
4 intent, even if the opinion or belief is mistaken.

5 Charlie Brown, Keanu Reeves, if those -- if that was -- if
6 that was mistaken, an honestly formed belief, even if mistaken
7 cannot show fraudulent intent.

8 Similarly evidence of a mistake in judgment, an error
9 in management or carelessness can't establish fraudulent
10 intent. And that's really what this case is about. And
11 that's really what our defense is about is have they proved
12 beyond a reasonable doubt that Mr. Delano had fraudulent
13 intent.

14 If you think about it, we've got all of these records
15 up here and we've heard all of these witnesses.

16 Do you know what we haven't heard? Anybody that
17 actually was there in realtime with real knowledge of what
18 Mr. Delano was up to. I mean, I'll caveat -- there's a couple
19 of people I'm going to talk about, but you think about all
20 these experts -- all these agents and financial analysts,
21 they're people that come in, they look at these records, they
22 tell you a story what they think those records show, but it's
23 just their story of what they think these records show.

24 They weren't there. There's no coconspirators,
25 there's nobody on the ground, you know, it's not one of those

1 cases where somebody's -- you know, somebody comes in and says
2 oh, yeah, we were there, we planned it. He told me that's
3 what we were doing, there was a fake mine, blah, blah, blah.

4 I mean, we did have Mr. Oppong, the so-called good
5 friend comes in and says, yeah, I went to his house and he
6 went around my back, he bought a big fancy house without me,
7 he seems kind of grumpy. He bought this house and I told him
8 he needed a website. He had this company with all this
9 PPP loan, he should get a website.

10 Mr. Delano says I don't need a website, it's a
11 goldmine. I'm not buying your website. Now, somebody like
12 that, he's actually a little bit close, but, you know, I asked
13 Mr. Oppong, I said, Did he tell you, oh, yeah, I've got a fake
14 goldmine? Absolutely not. He didn't say anything close to
15 that.

16 And you would think if he had a fake goldmine, which
17 is what their theory is, if he had that ill intent, that's the
18 first thing you would do is -- you wouldn't say, yeah, that's
19 a good idea, I need to build a website. No, he absolutely
20 refuses. He doesn't build a website. He's not covering up
21 anything. He's not concealing anything. He didn't -- he
22 didn't -- he didn't fall for it. Mr. Oppong wanted to get a
23 piece of the pie, maybe. Oppong wanted his buddy to get a
24 gig, a job with a website. Mr. Delano says, no, I'm not doing
25 it. I don't need to do it. I'm not covering something up.

1 So how -- how is the government trying to show ill
2 intent? Well, let start with the name. And, my God, how much
3 have we heard about he changed his name, changed the name
4 somehow to cover his tracks, to hide the money, to conceal the
5 evidence, to move it from A to B to C to D to Z, that's the
6 theory. That's -- that's how they want to prove bad faith,
7 that's how they want to prove ill intent.

8 Well, what's the name we're doing -- we're talking
9 about? Carl Delano Akpene Kwdzo Torjagbo is what he was born
10 with. He comes in this country already shortened, I guess
11 that was a scheme, a crime. My God, you're an immigrant
12 coming to America. This country used to welcome immigrants.
13 And people used to change their names, Anglicized names, it
14 was tradition. How many Italians, how many Eastern Europeans,
15 how many people even from Africa came to this country and
16 changed their name to fit in?

17 He's already changed it, he's already -- according to
18 the government, he's already a scammer. He's already lying.
19 That's what we heard on the cross-examination. You lied when
20 you got that Social Security card with a different date of
21 birth, you lied. My God, it's the Social Security
22 Administration, passports from Ghana. Those are -- that's the
23 word of the Lord, those are perfect entities that don't make
24 mistakes? Use your common sense, she says.

25 What's your common sense when you're dealing with the

1 Social Security Administration?

2 What's your common sense when you're dealing with the
3 IRS?

4 Are those perfect institutions?

5 What's your common sense when you dealing with -- I'm
6 sorry, but, I mean, your own bank. Your common sense with all
7 three of those institutions tells you they all make mistakes,
8 every single one of those.

9 The IRS is so underfunded, it's ridiculous. You
10 think they're perfect? The government wants you to believe
11 that every one of those records and every one of their
12 interpretations of those records is the word of the Lord, it's
13 perfect, that it's right. That's what they want you to
14 believe, that they don't make mistakes. And we'll talk about
15 some of those mistakes.

16 Car Delano to -- Karl Lucius Delano, that's -- that's
17 one of their first pieces of ill intent. That shows he's a
18 scammer, he's a schemer, he stole this money. He hid this
19 money. He changed his name from Carl Delano Torjagbo to Karl
20 Lucius Delano. That's bad criminal 101. I'm sorry. If
21 that's your scheme to hide the money, if that's your scheme to
22 default and run away from the government, pick a better name.
23 It's the same name. He changed his name to his name. That is
24 not concealing anything. That is not defrauding anybody.

25 And this idea that the Social Security cards when he

1 was 17 years old, and then again, I think he was about 23,
2 that he somehow did that to set this up 20 years later, that
3 does not fly. That's not reasonable. And that's not common
4 sense. Nobody does that.

5 And that's -- that's their theory. It's like you
6 lied, you lied, you lied. Social Security, IRS, banks, not
7 one of those institutions is without mistake, not one of them,
8 and we all know that from our own experience in life.

9 The timing of the name change, they've made a big
10 deal of that. Ah-ha, he gets the PPP loan, and then he
11 changes his name to Karl Delano, Karl with a K, I guess, yeah,
12 that -- Karl with a K, that's going to -- that's going to
13 throw them off, all right. He changes his name right after he
14 gets that PPP loan.

15 But you've got evidence, you've got photographs from
16 Instagram, because, you know, it doesn't -- if it's on
17 Instagram, it must be real. It's on Instagram from 2015
18 showing him using the name Karl Delano. It happened years
19 ago. There was no name change in this case to somehow hide
20 the money or conceal the assets or commit a fraud, there just
21 wasn't, there it's bigger.

22 This, as I said, is a case about intent. And what
23 was Mr. Delano's intent. And when we really start talking
24 about the notion of intent, it's very western. You have
25 action and you have intent, but really when you boil it down,

1 it's how do we know what's in someone's heart?

2 How do we know what was in Karl's heart when he was
3 going through these things?

4 Well, as I mentioned, all these records, you get five
5 different people to argue and interpret them five different
6 ways. None of these people were actually there.

7 And you think about that, Kelli Carpenter, the lady,
8 only lady here from Chase Bank, Chase Bank is the victim,
9 right, they issue a \$9.5 million loan, they pull back
10 \$6 million of it, at least 6.5 they pulled out, at least
11 \$3 million goes out the door.

12 They're the victim. Now, of course we heard that
13 that loan is then backed up 100 percent by the United States
14 government, so they really didn't lose anything. And they
15 actually got approximately a 1 percent fee -- they got paid,
16 Chase Bank got paid. You heard it. They don't do this for
17 free. Chase Bank got paid a percentage of \$9.5 million, they
18 got paid.

19 But Kelli Carpenter, she comes in from the bank, does
20 she know Mr. Delano? Nope.

21 Did she ever meet with him? Nope.

22 Did she ever talk to him on the phone? Nope.

23 Did she approve -- you know, she talks about all
24 these documents. Oh, we would rely on this and we would rely
25 on that and we would rely on this.

1 Did she rely on it? No.

2 She didn't approve the loan. You heard her. I said,
3 Ma'am, were you the person that actually approved this loan
4 for Chase Bank \$9.5 million?

5 No, it wasn't me.

6 I said, Who was it?

7 And I'm going to mess up the pronunciation, I'm sure,
8 but she gave the me the name Louis Glauser. And I apologize
9 to Mr. Glauser, whoever he may be if I've said that wrong, but
10 some guy name Louis something, Glauser is what I -- how I got
11 it down. He approved the loan for Chase Bank. She didn't.

12 And did the government bring you one person from
13 Chase Bank who in realtime looked at Mr. Delano's application
14 and said, well, I'm going to rely on this or I'm looking at
15 that or I don't care about this or because he signed here and
16 certified, that's why I approved \$9.5 million. The government
17 didn't bring you that person. They brought you a lady who
18 testified very nicely about all kinds of stuff, but it wasn't
19 her.

20 Her name, Kelli Carpenter, who testified on the -- I
21 guess the first day of testimony from Chase Bank, she's like a
22 muckety-muck vice president lady. She testifies really pretty
23 in court. But she is not the lady that authorized the loan.

24 So she can say, well, normally, we would do this or
25 perhaps we would do that and we like to rely on such and such.

1 The person that actually relied on such and such, on anything,
2 he ain't here. They did not bring that man to court. They
3 didn't have him testify. The person that actually approved
4 that loan, we don't know what they considered. We don't know
5 why they considered it. All we know is somebody decided to
6 issue \$9.5 million.

7 Now, we've been hearing about materiality. And
8 you're going to have the law on that. And the notion here or
9 the notion is that if false statements are made, the
10 government's got to prove, first of all, that they're false,
11 and they've got to prove that they were material. And we've
12 been hearing all about this list of 493 names and you have to
13 decide was that some kind of material falsehood made by
14 Mr. Delano to get something -- that Louis, whoever he was,
15 somehow relied upon to issue that loan.

16 And if you think about it, it sounds like the banks
17 weren't relying on the underlying documents at all. Because
18 if you think about it, the SBA lady said, well, you know,
19 we -- we -- the banks do have a due diligence requirement, but
20 then they really are just -- they're basing a lot of their due
21 diligence on the certification on the application that, hey,
22 it's all true. So if that's all that matters, is that, hey,
23 you signed at the bottom and it's all true, but you don't
24 actually go look at the paperwork to see what you're saying is
25 all true, the paperwork in theory, then, would be irrelevant.

1 It's not material in any way or form. If they ain't going to
2 look at it, how is it material? And did they look at it? Did
3 they look at that paperwork that went in?

4 And it sounds like they weren't very curious, because
5 if they were curious, they might have asked questions. If
6 they were curious, they might have asked questions like does
7 Charlie Brown really work in the mines at Kremkov.

8 If they were curious, they might have asked questions
9 like, hey, does James Brown work there? Maybe they're young,
10 too, maybe they didn't pick up -- maybe Louis was too young to
11 know about James Brown, but he probably knew about
12 Keanu Reeves or Bruce Willis. Was he curious to ask about
13 John Snow? I'll bet Louis knew about John Snow. Was he
14 curious to ask about Gene Hackman? If the bank was curious,
15 they would have read the documents. If the documents were
16 material to their decision, they would have seen these names
17 and said, hey, wait a minute, we ain't giving you that money.
18 The documents were not material, obviously. You don't give
19 \$9.5 million for Charlie Brown or James Brown or Keanu Reeves
20 or Bruce Willis, you just don't do it. That is not common
21 sense.

22 You know darn well that that bank did not read those
23 documents. You know they didn't rely on those documents,
24 Louis, whoever he was. They got paid. The money went out.

25 All right. We did have some -- we got some

1 witnesses, as I mentioned, there were some witnesses that were
2 kind of close in time, they -- I mean, hey, if Monica Sweeten
3 had come in here and said, oh, yeah, I know Karl. He's
4 crooked as can be. And, yeah, he told me he had a mine and he
5 told me it was all, BS, you know, if Monica Sweeten had told
6 us something like that, that -- they would have overcome their
7 burden. We wouldn't be here. They would have overcome their
8 burden.

9 What did Monica Sweeten tell you? She said I'm a
10 pilot. I met Karl in pilot school. We trained together in
11 simulators. I was trying to buy a house, we are friends, I
12 reached out to him, he helped me. I'll bet you thought when
13 that lady hit the stand she was going to say, oh, he ripped me
14 off, he's a fraudster, he scammed me.

15 No. He didn't rip her off. That lady gets on the
16 stand and she says he helped me. I'm trying to buy a house,
17 and I have this cash that me and my mother have in Texas, and
18 the bank would not take the cash directly from me, they didn't
19 want -- the Realtor didn't want to close in cash. I called my
20 friend, Karl, he helped me out, he deposited that money into
21 his account, and then wired the money from his account to help
22 me at the bank.

23 Monica Sweeten was not a victim, she was not
24 defrauded. If anything, she cuts absolutely the other way.
25 You know if she had been ripped off in some way by Karl, they

1 would have told you, and she was not.

2 She came in here and she said nope, he was a friend,
3 he helped me buy my house. It was her money, not his money,
4 not PPP money, not tax return money, her own money.

5 Her name shows up on the list of names that worked at
6 Kremkov. And again, I submit to you that that list is not
7 material in any way, because we all know the bank did not read
8 it or rely upon it.

9 But her -- there is a name, Monica Sweeten, no date
10 of birth, no Social Security number, no middle name. My
11 investigator found at least six other people by that name.
12 Does that prove a whole lot? It really doesn't prove anything
13 a whole lot either way. It doesn't prove that Karl had ill
14 intent or bad faith. It doesn't prove that he was, you know,
15 presenting false documents knowingly and intentionally to a
16 bank, because her name happened -- that name happens to be on
17 that list.

18 And it's -- beyond that, there's not really a whole
19 lot to it except that it shows Karl is not a shyster, Karl is
20 not defrauding this lady. If he's the person they were trying
21 to say he is, some lady comes from Texas with a bag of \$40,000
22 in cash, wouldn't he take it? I mean, if he was that person
23 that they're trying to say that he was. But he didn't.

24 Who else did we actually hear about that knew
25 something? We talked about Mr. Oppong. A couple of things

1 about Mr. Oppong. First of all, what did he tell you about
2 documents from Ghana? This kind of goes back to the name and
3 the Social Security mess-up. Mr. Oppong said, yeah, people
4 coming out of Ghana have messed up documents all the time.
5 People coming out of a third world country, it's not uncommon
6 to have messed up documents. And that's -- that's common
7 sense.

8 We all know people from other countries that have had
9 messed up documents. It happens.

10 And Oppong, who is no friend, I mean, the man
11 recorded Karl, we didn't hear it, but the man for some reason
12 decides to bring a recording to Karl's -- a recorder somehow
13 to Karl's house, and then they go to the office, he records
14 him just for the heck of it, a little weird. While he tries
15 to sell him this Internet -- this website thing. A little
16 weird. Not exactly your friend.

17 And then he gets up there and he says they're the
18 same age. They were not the same age. And, again, that's the
19 big -- that's the big, oh, he lied about the age and that
20 shows, you know -- that's all -- he didn't lie about his age.
21 There was a mistake when he left Africa. And he and Oppong
22 are not the same age, they were not in class together, they
23 were not in school together. And Mr. Oppong looks about five
24 years older than Karl.

25 And let's be clear, I asked -- I asked the question,

1 you know, we had -- I asked Karl, because we heard about the
2 plastic surgery, Karl had abdominal plastic surgery. He did
3 not have his face reconstructed, so it's not like he looks,
4 you know, five years younger than Oppong now because he had,
5 you know, secretive plastic surgery. And he had plastic
6 surgery, that doesn't -- he didn't conceal money or help
7 launder money by getting plastic surgery. Oh, plastic surgery
8 that sounds bad, it sounds like movie stuff. You know, oh,
9 gets a bunch of money, goes and gets plastic surgery. That's
10 the suggestion, that's the implication of ill intent.

11 But let's be clear, let's make sure we're honest
12 about what that is, it's abdominal plastic surgery. We ain't
13 seeing that, because he didn't -- not his face, he didn't hide
14 his identity, he didn't -- you know, it's like -- didn't
15 change anything, didn't make the money hard to find, didn't
16 make the cars harder to get out of his garage, abdominal
17 plastic surgery.

18 Agent Caruana, now he gets close, he arrested Karl
19 May the 12th, 2022, over three years ago. And then we'll have
20 a -- you'll have a recording, you will have it back there, you
21 will have the recording of the interview.

22 And Caruana -- first of all, they show up there with
23 ten agents, tactical gear, I said automatic weapons, he said
24 they weren't. Anyway, they were -- they were these kinds of
25 guns that you hold in your hand and they would go like that

1 (indicating). They were -- you know, they look like
2 tactical -- they're not Army guns, but they look like Army
3 guns. He's got long guns, short guns, ten cops, they're in
4 tactical vests, you know, you've seen the picture, you've seen
5 the movies, you know how that goes down. Get on the ground.
6 That's how it always goes. And they usually use the MF word
7 right after that, get on the ground. And they put his
8 cuffs -- they cuff him behind his back. You know that's what
9 happens and it's terrifying. You see it in the news all the
10 time. It's happening with ICE agents right now.

11 But to say that Karl wasn't scared, to say he wasn't
12 scared when he got arrested, put yourself in those shoes.
13 Think about it. You get arrested by ten armed FBI agents, how
14 well are you going to do when they start interrogating you?

15 We went around a little and she asked him some
16 questions today, and you've got the recording back there, so
17 you can go and check, and I'm not going to just tell you, you
18 can go check, all of this, you can go check. You've got the
19 recording. And you'll hear Agent Caruana saying what was the
20 maximum amount of employees that you ever had. And you will
21 hear Mr. Torjagbo say that's like it's high turnover so
22 honestly, you know -- Caruana, okay.

23 You will hear Mr. Torjagbo I cannot, you know, I
24 don't know off the top of my head. You will hear on that
25 recording you are going to have back there.

1 Agent Caruana, I mean take a guess, a guesstimate,
2 was it 50, is it 100, is it 10. Mr. Torjagbo, you will hear,
3 honestly, I can't answer that question. I don't know.

4 Now, the prosecutor is a good lawyer. And she did a
5 fine job yesterday. She crossed him and she -- or maybe it
6 was today and he asked you about the maximum number and you
7 said 50 or 60. And Karl's like, yeah, went right along. It's
8 called leading the witness, it's what we do.

9 But you have the recording. You listen to that. And
10 you hear what Karl said. He said, honestly, I can't answer
11 that question. I don't know. And that's what happened on May
12 the 12th. And again, if Karl didn't fill in all the pieces on
13 May the 12th, 2022, you ask yourself how would you do after
14 getting thrown on the ground by 10 FBI agents.

15 You know, they of course -- their argument, well, you
16 didn't tell them about Andrea Lewis and you didn't tell them
17 about Michael Lee. You know, we don't always remember
18 everything when we're on the spot like that. And we don't --
19 is it important or not? It doesn't -- sometimes things don't
20 seem -- at that point in time, you don't have an indictment,
21 you don't have discovery, you don't have -- you don't know
22 what they're coming at you about.

23 You sit around for three years and you read all of
24 this stuff and you're like, oh, okay, and now I see what
25 they're coming at with me, and let me tell you all of it then.

1 And that's what Karl did to the best of his ability.

2 He didn't say, ah-ha, he lied, he held back, he
3 didn't tell them about that. It's not like that. I mean, you
4 are going to have a -- you have a jury instruction on that.
5 In fact, you'll hear about how you evaluate statements. And
6 one of the ways that you are going to evaluate statements is
7 you must consider all the evidence about the statement,
8 including the circumstances under which it was made. You must
9 consider all the evidence about the statement, including the
10 circumstances under which it was made.

11 So if Karl didn't tell Caruana back on May 12th about
12 Andrea Lewis and Michael Lee, put yourself in his shoes, how
13 would you do after going through all of that? I wouldn't do
14 well and most people don't.

15 You heard from Karl Delano. And you heard -- you got
16 to hear him testify. And he's a witness just like anybody
17 else. He told you what he intended. He told you what he
18 believed. He told you what he did.

19 I mean, if he's going to -- he could have come in
20 here and say I didn't file any tax returns at all. I mean,
21 are there parts of his story that you're like, wow, that's --
22 you know, she came into your house and filed that after you
23 asked her to. I mean, you're like that seems pretty crazy.
24 But if he's going to start making stuff up, wouldn't he make
25 up something better than that.

1 I mean, that's -- he told the story because that's
2 what happened. You don't just -- you don't -- there's no
3 reason to make up a crazy story. If you're going to start
4 making stuff up, make up a good one. Andrea Lewis coming into
5 his house and filing that second return, why would anybody
6 file a second tax return using a different date -- using a
7 date of birth and a Social Security number that they hadn't
8 used in 20 years? You just wouldn't. You would not do that.

9 So again, you heard him testify, you evaluate him and
10 you decide have they proven beyond a reasonable doubt that he
11 didn't have good faith, that he had ill intent, and that he
12 was trying to defraud people.

13 Was there a PPP loan for Kremkov, yes, there was. We
14 don't dispute it.

15 Was the company in operation before February 15th,
16 2020? And we've beat this horse for a while. The
17 government -- the government, Government Exhibit Number 1,
18 ha-hah, we've got him. Social Security -- sorry, Secretary of
19 State, starts with an S, Secretary of State record number one,
20 says, hey, Kremkov wasn't formed until January of 2021.
21 Ah-ha, we've got him.

22 Well, think about that for a second. Secretary -- I
23 don't know if y'all are familiar with the Secretary of State's
24 office, but anybody can go in there and type a name. We can
25 type in Kremkov, we can type in Karl Delano, we can type in

1 Karl Delano with a K, anybody can type in a name, including a
2 bank. It is the easiest portal -- it's a starting -- the
3 realtor, the so-called friend, Oppong, he did it, he said he
4 did it. Looked on the Secretary of State website. Ah-ha, it
5 was incorporated after this magic date.

6 The form in the certification never required
7 incorporation before the magic date, it just didn't. They
8 wanted to squeeze that in there and make that an ah-ha moment.
9 All the language on the form said the company must be in
10 operation before February 15th, 2020. And operation, we never
11 got any kind of legal or concrete definition of what that is.

12 But clearly, Kremkov was in operation before that
13 date. Karl had an EIN number before that date. And there's
14 no evidence that it suddenly -- Kremkov suddenly started on
15 the day it was incorporated. I started practicing law in
16 1995, I don't think I -- no, that's not right, '89. I opened
17 my practice in '95. I don't think I incorporated until about
18 2002 -- just because you incorporate at a later date --

19 THE COURT: Excuse me. Let's stick with what the
20 evidence is in this case. I'm going to strike that last
21 statement about what he personally did. Let's stick with what
22 the evidence in the case actually is. Okay?

23 MR. FINLAYSON: Yes, sir.

24 And the argument is not about me, but the argument is
25 just because you -- just because you are not incorporated does

1 not mean you are in business. And we all know plenty of
2 people that are in business that are not incorporated.

3 Did Kremkov have 493 employees? Yes, it did. Now,
4 you heard Karl talk about -- well, actually it had more at one
5 point. And the government was like, well, oh, now you're --
6 now you're making stuff up. You've got 600 all of a sudden.
7 Why don't you have 600, why didn't you put that on the form?
8 Well, not all of them qualified. Not all of the workers in
9 the mine were from the United States.

10 And that's -- that is the important piece of that is
11 are they principally domiciled in the United States. And same
12 kind of thing, not one witness could give us a legal
13 definition of what principally domiciled was, either. It was
14 like one guy said, oh, that's an IRS definition. Not one
15 person ever gave us the criteria for what really qualifies as
16 principally domiciled.

17 But, you know, at one point, there was a suggestion
18 in the testimony that you had to have your company entirely
19 U.S.-based, and that's not what the forms required. The forms
20 require that the workers had to be principally domiciled, and
21 that means that they live probably more than 51 percent of the
22 time in the States and 49 somewhere else. But we don't
23 really -- we never get that. We never heard if it was 51 or
24 75 percent. We don't have any definition from any witness
25 about what principally domiciled means.

1 Did you pay wages, yes, we did. Now, let's be clear.
2 And the prosecutor asked Karl -- or, no, she argued that, you
3 know, well, why would you -- why would you have to get PPP
4 money if Michael Lee is paying wages. Well, Michael Lee was
5 his partner. And Michael Lee was taking out gold, he's a
6 Chinese man, he's taking out gold, he's got the cash.

7 And Michael Lee was the one that paid the people that
8 actually wired the money to the employees. It's not saying
9 that all of that cash just came from Michael Lee. It's not
10 saying that -- that Karl has got the percentage of the mine,
11 it's -- the value is in the gold, the gold's coming out of the
12 ground, Michael Lee is taking that gold at 50 cents on a
13 dollar, he is the one issuing -- doing the typing, issuing the
14 wires to the employees.

15 It's not that they weren't spending the money, it's
16 not that Kremkov wasn't spending the money, it was that Karl
17 was not the one actually wiring the money by hand, he was not
18 the one doing that part of the work.

19 And we've covered this. Again, the regulation is
20 that you were in operation on February 15th, 2020, not that
21 you were incorporated.

22 So, you know, I've complained, I've argued about the
23 lack of on the ground information realtime, because, again,
24 most of the government's case is people coming back three
25 years later looking at documents saying, well, this is what

1 that means and this is what that says and this is what he did.

2 So many of these witnesses, they talked about it like
3 they were there in the room, but none of them were.

4 But we do have this one call, this Government's
5 Exhibit 108, that we heard, and I'm going to play a little bit
6 for you again, that tells you -- that shows you what Karl
7 intended. And what it shows you is that Karl did not intend
8 to ask for forgiveness for the PPP loan. And how do we know
9 that?

10 Let's see if I can make this work.

11 (Whereupon, the recording was played.)

12 MR. FINLAYSON: I'm entitled to six months of
13 deferred payments, that's what that call was about. And
14 there's not one bit of evidence in this case to ever say Karl
15 wanted to get loan forgiveness, not one. Not -- not an
16 attempt, not some rejections, not -- nothing.

17 In fact, he's talking to the people at the bank and
18 he's complaining like, well, you pulled this money back out, I
19 don't want to have to pay that part back. But I have to do --
20 and there was a deferment of six months on the payments. And
21 he's like saying, look, just put it in writing to me so that
22 when I have to start making the payments, we're on the same
23 page. That's clear as day.

24 You're also going to have in evidence -- excuse me --
25 you're going to have in evidence -- or you have in evidence

1 these bank statements from Chase. And they're -- you've got a
2 bunch up there, too.

3 But the ones that I put in that I think are relevant,
4 September 29th, 2022, his payment due is zero, because the
5 payments -- there had been a deferment, payments weren't due
6 yet. The next statement, it's actually Defendant's 3, shows a
7 bill date of August 15th, 2022. And this is the first
8 payment. This is the first payment of \$69,000. It's the
9 first payment due on the loan.

10 Now, Karl admittedly did default, but not because he
11 ran off to Tahiti with the money or fled the country or went
12 to Vegas. He defaulted because he was in jail. They took him
13 into jail on May the 12th, 2022, three years ago, but he did
14 default, but he never -- his plan all along and you'll hear it
15 in that call was to make the repayments. His plan was not to
16 ask for forgiveness.

17 If you're trying to rip off all this money, if it's a
18 scam, if your intent is ill, if it's all a fraud, like they
19 say, you don't make arrangements to make repayments, you just
20 don't. You pack it up, you go to Hawaii, you run, you do
21 things like that, you change your face, you get your face
22 changed, you get plastic surgery, you get your face done.
23 Karl didn't do any of that.

24 The tax returns, the government has gone on and on
25 about he didn't pay any money in to the IRS, he wasn't

1 entitled to that return. Michael Lee didn't pay any money to
2 the IRS. That's just all made up. That's their theory, it's
3 all made up. The IRS sent him a check for \$3.4 million, but
4 it was all made up. So on one hand, the IRS is God, they
5 don't make any mistakes ever, right? That's their general
6 approach is the IRS is perfect.

7 But on the other hand, on the other hand, here, they
8 must not have looked. I guess that -- they're -- it's just
9 the honor system. I had no idea. The IRS is the honor
10 system. Okay. The IRS is the honor system.

11 So he submits a tax return and they just send him the
12 money. Does that strike y'all with common sense? Does
13 that -- does that sound like common sense? Do you believe for
14 a second that -- with common sense that the IRS is just going
15 to send you \$3.4 million because you put it on a form?

16 All right. We have defendant -- Government's
17 Exhibit 200A, which is the transcript that shows -- and this
18 is a transcript prepared -- prepared in 2025, by the way,
19 June -- you'll see at the very top -- 200A, you'll have it
20 back there -- 201A, I'm sorry, 201A, transcript prepared June
21 of 2025, which is just last month. It shows the balance owed
22 for tax year 2020 is zero.

23 If Karl had just scammed them out of \$3.5 million or
24 3.4, the balance, shouldn't it be negative -- it should be
25 3.4, right? It's zero.

1 And then you see the withholdings, the negatives we
2 were told are credits, we see the withholdings of \$3,459,835.
3 Now, the government is going to say, oh, that's not real,
4 that's fake, Karl made that up. Well, Karl just made that
5 number up and they cut him a check, that's just -- honor
6 system, I guess that's -- that's how the IRS works.

7 Look at some of these dates and ask yourself these
8 questions. You got Government's Exhibit 201, Government's
9 Exhibit 201, which is the 1040 -- Form 1040, that's the tax
10 return that paid out. And the amount of money requested was
11 3,373,441. And that return you heard was filed February 13th,
12 2020, February 13th.

13 Now, did they issue a check the next day? They did
14 not. They issued the check April 23rd, '21. In other words,
15 they issued a check over two months later. And this is weird
16 for a lot of things -- a lot of reasons it's weird.

17 First of all, he requests 3,373,441 [sic], they pay
18 him out \$7,000 less than what he requested. Now, you heard
19 what -- why that happened was there was some tax money owed
20 for prior years, 2013 and '14, there was \$7,000 in taxes owed
21 by Karl. They took that out of the check. So it ain't like
22 that just didn't look at this. It wasn't the honor system.
23 They looked at this. And the records showed there was a
24 payment made to the IRS for that \$3.4 million. The records
25 showed that. This was not honor system, this was not, oh,

1 just a computer spit out the check because he asked for it.

2 Now, if it had been the next day, maybe you'd say,
3 yeah, okay, the computer just spit out the check. It wasn't
4 the next day. It was two months later.

5 And it gets even weirder, because if you look at that
6 return, that 201, that return asks -- filed by Karl, he admits
7 every bit, he filed that return, he asked for that money to be
8 sent by wire transfer to his bank, he put in -- we've all
9 probably -- well, people do that, you put in the routing
10 number and the account number and the IRS will send that money
11 directly to your account. He didn't say issue -- look at that
12 return, 201, he didn't say send me a check, but they took two
13 months, they took out \$7,000 and they sent him a check.

14 And you believe, your common sense tells you that,
15 oh, the IRS was just working on the honor system and sending
16 out \$3.4 million without verifying that their payments have
17 been made in before that. I mean, funding has been cut to the
18 IRS, but it ain't that bad. The IRS is the IRS.

19 I've covered that, why did it take so long.

20 Where did the PPP money go? 6.5 was taken by
21 Chase Bank. I always wondered if they had to return the bonus
22 on the original issuing. And the rest went to FlyingJack.
23 And we've heard the government admit, well, it went into this
24 account and we can't tell which was tax money and which was
25 PPP money, we can't tell which is which, there's no way to

1 tell, but, yeah, a bunch of money then went on to FlyingJack,
2 and that's -- and he admitted that. He admitted that he spent
3 the PPP money on FlyingJack.

4 Now, was that what the program was designed to do?
5 Probably not. The program was not designed to start new
6 businesses. And that's what Karl did. But he told them.
7 When they interviewed him, he admitted it, yeah, I bought all
8 of these tractor trailers. I paid all of these -- I had to
9 pay these licensing fees, I paid insurance. He bought this
10 land. He did all of those things to start a new business in
11 this country. That's not intent to defraud. That is not --
12 that is not lack of good faith.

13 Is that -- was that perfect? No. Is that exactly
14 what the program was designed to do? No. But it's not fraud.
15 And again, he didn't ask for forgiveness. He didn't ask for
16 the loan to be forgiven. He didn't say, well, I put the money
17 into FlyingJack and so it's all free, give it to me. You
18 know, I don't -- I don't have to pay it back. He never did
19 that. He knew he had to pay it back.

20 I just covered that.

21 All right. The money laundering counts, let's talk
22 about that. And I love this chart because it's a nice chart.

23 First of all, the concealment counts, how much -- and
24 I've covered this a little bit already, but how much
25 concealing did Karl do? He changed his name from Torjagbo --

1 Torjagbo to Delano, is that concealing? He had his abs done.
2 Is that concealing? No, he didn't conceal. It was plain as
3 day where this money went. He didn't hide it. He didn't hide
4 it in Wyoming. He got a BOA, a Bank of America account in
5 Georgia, I mean, I suppose if he had put all of his money in
6 Wyoming, that would have shown some intent to defraud or some
7 mal -- or some -- some evil shystery sort of things. He
8 didn't do that.

9 He put the money in a Bank of America here in
10 Georgia. And it starts out -- and look how easy this chart
11 is. Look how -- look how simple it is. It comes into Chase,
12 it goes to a PNC account in the name of Kremkov, Kremkov is
13 Karl, every one of these accounts is Karl, it's not -- there's
14 no secret. Open and notorious every step of the way.

15 Then it goes to the Bank of America account and then
16 he buys the things for FlyingJack, he buys the tractor
17 trailers. Yes, he did. He buys the land, yes, he did. The
18 tax return also goes into that account. The tax money goes in
19 there. And that's the money that he was intending to spend on
20 personal items. That's where he bought the toys. He bought a
21 nice house. Yes, he did. Was it crazy big? Yes, it was.

22 He bought a Lamborghini, there is nothing more open
23 and notorious in this world than a Lamborghini. If you're
24 trying to conceal funds, if you're trying to launder money, if
25 you're trying to hide what you're doing, that's the last thing

1 you buy is a Lamborghini. A Lamborghini says look at me.

2 That's what a Lamborghini does. And look at me, they did.

3 Oppong says get a website. I don't need a website.

4 Look at me, open and notorious. There was no intent

5 whatsoever to conceal funds or conceal the source of those

6 funds. And it was -- look at the chart, it's clear as day. I

7 mean, if it had gone to like six other people, if it had

8 like -- if like \$50,000 went to Oppong and then 40,000 came

9 back and then, you know, \$100,000 went to Monica Sweeten and,

10 you know, another \$100,000 came back or if it went to John

11 Smith or if there was six different companies, that's hiding

12 the money.

13 Here we have one account Karl's tied to, next

14 account, Karl's tied to and then a third account. It's clear

15 as day. It's not -- there's no concealment whatsoever. Every

16 one of those things, some of the -- one car he bought -- this

17 was interesting. One car he bought in the name Carl Torjagbo

18 after he had changed his name. And the government suggested

19 or argued, well, that shows he was having intent to conceal

20 because he had changed his name to Delano but he's using the

21 old name.

22 Like if you're trying to hide and conceal money, you

23 don't hide it very well by using the name you just changed

24 from. And anybody that's ever changed their name at marriage

25 or anybody that's ever changed their name not with marriage,

1 anybody that's changed their name, it takes awhile for things
2 to catch up with that change. It's not -- it's not -- you
3 don't -- it doesn't show bad faith or surreptitious nature or
4 evil intent because it takes a while to change over all of
5 your documents or it takes awhile to change over your name on
6 all of your bills. The cable bill is probably the last to be
7 changed, if it's been changed yet. Well, probably it's cut
8 off now, but, anyway, the point is buying a car in the name
9 Carl Torjagbo after he's changed his name does not show any
10 kind of evil intent or any kind of intent to defraud.

11 And again, every one of these things was -- they
12 weren't hiding, they -- the cars were at the house. One car
13 was at the shop. All of the trucks were on the trucking lot.
14 They seized every one of them. The government didn't -- they
15 didn't have any trouble getting them. They weren't hidden.
16 They got every one of them.

17 They also seized money out of his accounts. And you
18 can think about that. They got over \$2 million out of one
19 account and about \$800,000 out of another one. And this is a
20 year after the PPP loan and a year after the tax return. So
21 use your common sense. If you're trying to commit some kind
22 of fraud, if you're trying to launder the money, if you're
23 trying to get away with this grand scheme and this grand
24 heist, wouldn't you go get that money out of your account? It
25 was right there, right where he left it, right where he left

1 it. And the government grabbed it. Again, it's just another
2 piece that shows good faith, not bad faith.

3 Here we are again. And I'm about done. You're going
4 to have it on Page 19. Good faith is a complete defense to a
5 charge that requires intent to defraud. A defendant isn't
6 required to prove good faith. The government must prove
7 intent to defraud beyond a reasonable doubt.

8 And that -- you know, we hear those words on TV so
9 much, they kind of maybe lose some meaning or we start to take
10 them for granted, but what does beyond a reasonable doubt
11 mean? They almost -- it's beyond a reasonable doubt, it's
12 above and beyond a reasonable doubt. If you have reasonable
13 doubt, you might have suspicions, you might think maybe, you
14 might say, oh, that story -- that seems pretty crazy. That is
15 not what you can act upon in this case.

16 Oh, I think we've covered enough of that. And we've
17 covered that. I think we've covered all of that, too. I'm
18 sorry.

19 Again, that list, those documents were not material
20 to that loan.

21 All right. I'm going to back up a second. And this
22 is summary-type stuff, but again, the evidence showed that
23 Karl did not commit PPP loan fraud nor did he knowingly or
24 intentionally commit wire fraud on the IRS.

25 It showed he did not launder money to conceal its

1 source. They showed he didn't conceal anything, he was open
2 and notorious, as I've said all along. Nothing more than open
3 and notorious and a Lamborghini. His purchases and
4 transactions did not use -- make use of funds from an unlawful
5 activity.

6 And the government has the burden of proof. Karl had
7 no burden of proof. We didn't have to prove a thing to you.
8 He didn't have to get on that witness stand. He doesn't have
9 to prove a thing. The government has to prove the lack of
10 good faith. And this should get us back to reasonable doubt.

11 Reasonable doubt, kind of at the lowest end of the
12 spectrum, it might be, well, do you believe he's not guilty?
13 If you believe he's not guilty, yeah, that's really easy,
14 yeah, that's reasonable doubt.

15 What if you think it's highly unlikely? Yeah,
16 maybe -- maybe it's highly unlikely he did it, sure,
17 easy-peasy. That is not proof beyond a reasonable doubt. If
18 you think it's less than unlikely, again, easy-peasy, that is
19 not reasonable doubt. If you think probably not, yeah, he
20 probably didn't do it, again easy-peasy, that is not beyond a
21 reasonable doubt. If you think unlikely, easy-peasy, yeah,
22 unlikely did it, yeah, that's not -- that is not proof beyond
23 a reasonable doubt.

24 Possibly not, maybe he didn't it, not -- not beyond a
25 reasonable doubt. May not be, easy-peasy, not beyond a

1 reasonable doubt. Perhaps, this is where it starts to get a
2 little harder, it gets a little closer, yeah, perhaps he did
3 it. That's not beyond a reasonable doubt. Suspected, sure
4 seems fishy, I suspect he did it, that is not beyond a
5 reasonable doubt. Possibly guilty, yeah, maybe he's guilty,
6 possibly guilty, that is not beyond a reasonable doubt.
7 Probably guilty, harder even, but again probably guilty is not
8 proof beyond a reasonable doubt.

9 Guilt likely, he's likely guilty, that is not proof
10 beyond a reasonable doubt. Strong belief that he did it, that
11 is not proof beyond a reasonable doubt.

12 Guilt beyond a reasonable doubt is the highest
13 standard we have in this country. It's important. We don't
14 just deal with issues of liberty and life on low standards.
15 It is very important. You've got to hold the government to
16 its burden. You are the only ones that can do it. And if
17 they haven't proved it, you've got to say so. And if you have
18 doubt, if you're like, well, you know, have they proved he
19 didn't have good faith, have they proved to you, and it's sort
20 of complicated, they have to prove to you beyond a reasonable
21 doubt that he did not have good faith. And if they haven't
22 done that, you can have all of these other things, you can
23 have strong belief, you could have possibly guilty, you can
24 have all those things, you can't do it. You must hold them to
25 their burden and you must return a verdict based on what

1 they've actually proved in this courtroom.

2 Did they bring the guy from Chase Bank to say, oh, I
3 relied on these documents and that that's why I issued this
4 loan. No, they did not.

5 Members of the jury, last time, do your job, make
6 them do their job, please. Go back there, look at all the
7 evidence, return a verdict of not guilty on all counts.

8 Thank you.

9 THE COURT: Okay. Rebuttal? Everybody okay to go a
10 couple of more minutes before our lunch break? I don't like
11 to break this up. Is that okay? I'm not seeing too much
12 consternation.

13 All right. Go ahead, please.

14 MS. CONNORS: Ladies and gentlemen, you've heard a
15 good bit just now about materiality. I want to remind you,
16 you'll have the jury instructions back with you. And what the
17 Court instructed you on earlier today and what you will see in
18 those instructions is that a fact is material if it has the
19 capacity or natural tendency to influence a person's decision.
20 It doesn't matter whether the decision maker actually relied
21 on the statement or knew or should have known that the
22 statement was false.

23 Chase Bank, it was not their burden to try to figure
24 out that the defendant submitted false paperwork to them.
25 They were not the ones who were supposed to be ensuring the

1 accuracy of that information. And all that the defense wants
2 you to believe is that there is no way that Chase paid
3 attention to any of those documents.

4 But you heard repeatedly from SBA and from Chase that
5 they had to have supporting documents, it was a requirement.
6 They could not approve the loan if it was just the application
7 itself. And you even heard Chase say they had a system for
8 ensuring and checking off that they had actually received all
9 of that information.

10 And you heard a good bit from SBA and from Chase
11 about how the rules were that the bank could rely on that
12 information to issue the loan.

13 Now, when we talk about rely, it means that they
14 actually got the information, they got the supporting
15 documents, they got the application that was filled out and
16 they got the certification from the defendant saying my
17 application is true and correct and all of my supporting
18 documentation is true and correct. If they had those things,
19 they could push the application forward, they could push the
20 loan forward.

21 The defendant submitting false information to the
22 bank does not somehow absolve him of intent to defraud. He
23 doesn't get to say if the bank didn't realize that these
24 documents were bad, that they were so absurd, because they
25 listed Keanu Reeves and other individuals on them, that

1 doesn't negate his intent, in fact, it seems to bolster it to
2 show that's documents he's providing that he is saying should
3 have seemed so ridiculous that no bank should have given him
4 the loan. But that's from him. And the bank made it clear
5 that all of that documentation was material to their decision
6 to issue that loan.

7 Ladies and gentlemen, there is no possibility that
8 the defendant had an honestly held belief that he could submit
9 fake information, that he could say he had Kremkov Industries
10 in operation before the February 15th, 2020 deadline, that he
11 could say that he had 493 employees, that he could say he had
12 \$3.8 million a month in payroll and that he could try to
13 submit documentation to support all of that. There's no
14 possible way when nothing has been shown that he had Kremkov
15 in operation in any way prior to February 15th of 2020.

16 Oppong, Mr. Oppong testified 38-year friendship.
17 They met in boarding school. And he said yeah, maybe the
18 defendant could be a year younger or a year older than me
19 because of the way the schools worked there, there's no way
20 that he would be four years younger than me.

21 But even that aside, the bottom line is you're
22 talking about people who have kept in touch, they met when
23 they were Ghana in boarding school when they're young, they
24 are now in the United States and they have kept in touch for
25 decades. And yet, Mr. Oppong had never heard of Mr. Delano

1 owning a mine.

2 Defense counsel asked what's in a name. A lot here.
3 Names like Kremkov Industries, names like Monica Sweeten,
4 Keanu Reeves and Karl Delano. Names are a lot when you're
5 going to list 493 on payroll. That's a lot of names.

6 And when you look at that payroll some more, we
7 showed, I mean, some of those pages don't have names like
8 Keanu Reeves. I mean, the names that we've pointed out that
9 are famous people, celebrities, we're talking about maybe ten
10 or some so names out of 493, they're buried in that payroll,
11 additional names they needed to get really, really close to
12 that 500-employee cap and be able to justify that there would
13 be a reason you would have such substantial payroll, you
14 needed to have a lot of employees.

15 Ladies and gentlemen, when we talked about the two
16 Social Security numbers, you know, the defense is saying, you
17 know, it would make no sense that 20 years ago, he got a
18 second Social Security number just so he could commit this
19 fraud.

20 To be clear that's never what the government has
21 argued. We've argued he obtained two Social Security numbers,
22 but the critical point is that the fact that he had those two
23 Social Security numbers is what allowed him to file the two
24 fraudulent tax returns. Because you heard from the IRS
25 witness that if two returns had been attempted using the same

1 Social Security number, one would have been rejected, it would
2 have been rejected as a duplicate, because they only process
3 one return per person.

4 So the fact that he had those two Social Security
5 numbers available to him is what allowed him, gave him the
6 opportunity to commit the crime. We're not saying 20 years
7 ago, he planned to file a fraudulent tax return in 2020, it is
8 simply how he actually committed that crime.

9 Ladies and gentlemen, certainly if you need to listen
10 to the custodial interview again, that absolutely will be
11 available to you. Defense counsel wants to say that those
12 answers the defendant gave over and over again to
13 Agent Caruana somehow should be disregarded because he was too
14 scared to tell the truth.

15 But you heard the defendant get sworn in before his
16 testimony. And you heard he's under oath, supposed to tell
17 the truth. When he was asked about that interview and what he
18 was saying in terms of employees, he agreed that he -- that he
19 had a maximum 50 to 60 employees. But now it's that you're
20 supposed to disregard that answer because three years ago he
21 was afraid. He wasn't under -- he wasn't suddenly under
22 arrest today and he was actually tasked with answering
23 questions truthfully.

24 You're not required to disregard his answers under
25 oath. You get to make the call, you get to judge that. And I

1 think when you look at everything in totality here, it's clear
2 that the defendant committed bank fraud and committed wire
3 fraud. That he did that to be able to get all those millions
4 of dollars from Chase Bank, did that to get millions of
5 dollars from the IRS that he was not entitled to receive.

6 And once he got it, he funneled all of that money
7 through multiple different bank accounts. Keep in mind the
8 demonstrative exhibit that the defendant just showed you again
9 doesn't include all of those additional transfers from 9849,
10 but you have -- you will have the summary exhibits from
11 Ms. Richardson that go through all of that that you can
12 review.

13 What the defendant did here was move all of that
14 fraud money through accounts and make enormous purchases of
15 lots of different assets. And he did that in part related to
16 the specific counts for concealment to disguise those
17 transactions.

18 We've already talked earlier today about the check
19 saying payroll and then moving money to accounts in the name
20 of FlyingJack in order to purchase other property. No reason
21 that he couldn't purchase those properties in one of the
22 original bank accounts.

23 And you may recall there was a lot of transferring
24 money through things like cashier's checks, withdrawing cash
25 from a cashier's -- with a cashier's check, then going and

1 depositing it in another account. Cashier's checks issued on
2 the bank's account rather than the original account of the
3 defendant.

4 Ladies and gentlemen, it's not the victim's
5 responsibility to ensure the defendant's not lying to them.
6 It's his responsibility to make sure that he was providing
7 truthful information to both the bank and to the IRS. And
8 when he didn't, he committed fraud that got him millions of
9 dollars and he laundered that money. And you should find the
10 defendant guilty of all charges beyond a reasonable doubt.

11 Thank you.

12 THE COURT: Okay. You've heard everything. The next
13 thing you will do is go to the jury room, where you will
14 choose one of your members to act as the foreperson. The
15 foreperson will direct your deliberations and will speak for
16 you in court.

17 The parties have prepared a verdict form for your
18 convenience. It's pretty simple. It has a number, a list of
19 questions, each question is largely the same. It has one
20 question for each of the counts.

21 It says as to Count One, we the jury find the
22 defendant, Karl Lucius Delano, formerly known as Carl Delano
23 Torjagbo, and then there's a spot for you to put either guilty
24 or not guilty, there's a line to check either one, depending
25 on what you decide. And there is the same question for each

1 one of the individual counts in the indictment. Okay?

2 So you have to select either guilty or not guilty for
3 each one of the counts at issue. Okay?

4 You will take it with you. And when you all have
5 agreed on the verdict, your foreperson will sign it at the end
6 and will date it and will keep it and let us know that you
7 have reached a verdict. Okay?

8 If you wish to talk with me at any time, I ask that
9 you write a note and you give it to the court security
10 officer, who will give it to me. I will respond as quickly as
11 possible, either in writing or more likely by bringing you
12 back in here.

13 But I want to caution you not to tell me how many
14 jurors have voted one way or the other if you write a note.
15 Okay? That is not for me or for anybody else to know.

16 Do you understand?

17 So if you write -- if you want to communicate with
18 me, write down your note but don't tell me where you-all are
19 in your deliberations.

20 Okay. Any questions about that?

21 A little bit more housekeeping. I believe the
22 downstairs lunchroom closes at 1:30 on Friday, I've been told
23 that. So why don't you do this, why don't when you get down
24 there -- when you get into the jury room, I'll have you go to
25 lunch immediately. And then when you come back, you can

1 select your foreperson.

2 And at that time, after you've selected your
3 foreperson, you can begin your deliberations. Okay?

4 Wait until you've all got your food together. And if
5 you want to work over lunch, you can, or you can eat and you
6 can start your deliberations after that. Okay?

7 It will take us a couple of minutes to get you all of
8 the exhibits back there, so go ahead and get your lunch right
9 away. Okay?

10 Do y'all bring them back up here when they're
11 deliberating or do they eat down there?

12 COURTROOM SECURITY OFFICER: Either way. There's
13 rooms they can go in down there.

14 THE COURT: Okay. You can't deliberate down there,
15 you've got to deliberate up here, but y'all can decide what
16 you want to do. When you're deliberating you all have to be
17 together. Okay?

18 You can't deliberate where some people are getting
19 lunch or anything like that. Any questions about that?

20 So go in the back, go have lunch, then come back and
21 at that point, select your foreperson and begin your
22 deliberations. Okay?

23 Yes, one second. Hold on. Don't go yet.

24 One second. Dean, Ms. Dean, okay, you stay here.

25 Okay?

1 All right. Y'all go ahead.

2 (Whereupon, the jurors exited the courtroom.)

3 THE COURT: Y'all can be seated.

4 Ms. Dean, this is my least favorite part of a trial.

5 This is where I have to tell you that you are an alternate
6 juror, so despite having sat here all week, you don't get to
7 deliberate unless something happens with one of our jurors.

8 But we had two alternates, we've already lost one
9 juror because that gentleman didn't show up. And the other
10 juror here, she has to start work on Monday, the young lady in
11 the back row who is also a nurse. I think there's a high
12 likelihood you are going to be called in to deliberate. Okay?

13 JUROR: Okay.

14 THE COURT: So you still can't talk to anybody about
15 this case. All right?

16 I'm going to let him take you -- do you have stuff
17 back there?

18 JUROR: Yeah, my bag.

19 THE COURT: I'm going to let you go back there and
20 grab your stuff. Do you want her to stay? I guess she can go
21 home for the day. I think you can go home for the day, but
22 make sure that Ms. Kelley has your phone number in case we
23 need you to come back. I am very sorry about that.

24 JUROR: That's okay.

25 THE COURT: If I could have you deliberate, I would,

1 but we can only have 12. I really appreciate it.

2 JUROR: No, that's okay.

3 THE COURT: And like I said, it's my least favorite
4 part.

5 JUROR: That's okay.

6 THE COURT: Okay. I want you-all -- any objections
7 or anything that y'all want to talk about?

8 MR. FINLAYSON: Your Honor, I did have one thought
9 about this juror situation. It's just a thought. Would it
10 make sense to just let the young woman from -- that's got to
11 go to work on Monday go on and put her on?

12 THE COURT: You-all tell me. What do want to do?

13 MR. FINLAYSON: That would be my vote.

14 MS. CONNORS: Your Honor, I'm not sure if there's
15 been additional information beyond the voir dire. I mean, I
16 know the Court did --

17 THE COURT: No. She said on Monday she starts a new
18 job and there is orientation with all the other new people.
19 That's all we know about her. And I told you that she said
20 something to the CSO maybe the first or second day of trial
21 that she was worried.

22 MS. CONNORS: Yes. And so I think our position is
23 that it wouldn't be appropriate to excuse her right now.

24 THE COURT: Okay. I won't do it unless both of y'all
25 agree. Okay.

1 MS. CONNORS: And the one thing we did need to go
2 ahead and put on the record is whether or not the defendant is
3 choosing to hold the jury for forfeiture.

4 MR. FINLAYSON: I believe we -- at this juncture, I
5 would say yes.

6 THE COURT: Okay. If you change your mind, you'll
7 let me know. Have you-all looked at -- there's no problems
8 with the jury instruction that was provided on the forfeiture?

9 MR. FINLAYSON: I'm not aware of any at this point.
10 I'll look again just to make sure.

11 THE COURT: Please do. Because I'm going to keep
12 them rolling quickly if we get to that. Okay?

13 MR. FINLAYSON: Okay.

14 THE COURT: I thought I saw a flash up on the screen
15 a picture of a truck with a person in it that is not in
16 evidence.

17 MR. FINLAYSON: I apologize, yes, Your Honor.

18 THE COURT: I don't like that.

19 MR. FINLAYSON: I apologize.

20 THE COURT: Okay.

21 MR. FINLAYSON: I apologize.

22 THE COURT: But it was somehow put into a PowerPoint
23 that had to be used for closing. And if I saw it, the jury
24 saw it. And looked like it had the name on it. And it looked
25 like it had a person. Has FlyingJack ever operated?

1 THE DEFENDANT: Yes.

2 MS. CONNORS: I mean, he bought dozens of trucks and
3 trailers.

4 THE COURT: Yes.

5 MS. CONNORS: And then Ms. Richardson only saw maybe
6 a few grand coming in during any timeframe.

7 THE COURT: And I don't -- I don't like the fact that
8 there is now something flashed, even momentarily, in front of
9 a jury that suggested an ongoing trucking business. I
10 don't -- I don't know how that happens accidentally, but I
11 don't like it. And had it stayed up for another half-second,
12 I was going to say something about it.

13 MR. FINLAYSON: I do apologize. I apologize, Judge.
14 I should have put it into evidence.

15 THE COURT: Well, I know. But, no, that's
16 irrelevant. You shouldn't have mentioned it because it -- you
17 shouldn't have had it on there because it wasn't in evidence.

18 I like aggressive trial, I think that's all
19 wonderful. I don't like things that push the line of an
20 unfair blow. I don't like it. And I don't sit back like a
21 potted plant when I see it. I note it. I did that to both of
22 y'all a couple of times. I didn't do anything in front of the
23 jury about that. But I almost did. Had it been up their
24 another half-second or had the government reacted, I would
25 have done it. Okay?

1 MR. FINLAYSON: Thank you. I apologize, Judge.

2 THE COURT: All right. Thank you.

3 You-all can't go to lunch until you get all the
4 exhibits ready.

5 And then, Ms. Kelley, where do you want them to put
6 the exhibits when they're ready to go back?

7 COURTROOM DEPUTY: We'll reconcile everything at the
8 front table.

9 THE COURT: And how do they get the audio transcript
10 if they want to listen to it, or the audio if they want to
11 listen?

12 COURTROOM DEPUTY: The government will have to
13 provide a clean access.

14 MS. CONNORS: We have a trial laptop.

15 THE COURT: That has no access to the Internet or
16 anything like that? All right. So you-all get everything
17 together, you-all take responsibility for making sure that
18 everything that goes back is what's been admitted.

19 And then when you have all that, let Ms. Kelley know,
20 and then you can go to lunch. Okay?

21 All right. And then stay close. Because we're going
22 try to keep them moving throughout the day. Okay?

23 MS. CONNORS: Yes, Your Honor.

24 (Whereupon, a recess was taken.)

25 THE COURT: All right. Are y'all ready for the

1 jurors?

2 MS. CONNORS: My paralegals are trying to gather.

3 THE COURT: Well, we can wait. We've waited for
4 everything else.

5 MR. FINLAYSON: And just, Your Honor, a heads up,
6 depending on the verdict, we may be able to resolve the
7 secondary matter.

8 THE COURT: Okay.

9 MS. CONNORS: Your Honor, I think we're fine to go
10 ahead.

11 THE COURT: Let's give it another minute. She's been
12 here the whole time.

13 MS. CONNORS: I know. She came in and then she was
14 like, oh, let me go get the computer. And I think she got on
15 the elevator too fast before we could stop her.

16 THE COURT: That's all right.

17 Are you ready now?

18 MS. CONNORS: Yes, thank you.

19 THE COURT: All right. Let's bring them in.

20 COURTROOM SECURITY OFFICER: All rise.

21 (Whereupon, the jurors entered the courtroom.)

22 THE COURT: All right. You may be seated.

23 I'm assuming you are the foreperson?

24 JURY FOREPERSON: Yes, sir.

25 THE COURT: I understand you-all have a verdict; is

1 that right?

2 JURY FOREPERSON: We do.

3 THE COURT: Is it as to each count of the indictment?

4 JURY FOREPERSON: Yes.

5 THE COURT: And is it unanimous as to each count?

6 JURY FOREPERSON: Yes.

7 THE COURT: Okay. Would you hand it up to me or hand
8 it to the CSO to hand it to me.

9 I'm going to ask you to go back in and examine your
10 verdict as to Number 9.

11 JURY FOREPERSON: Okay.

12 THE COURT: And then let me know if you still have a
13 verdict. Okay?

14 JURY FOREPERSON: Okay.

15 THE COURT: Thank you.

16 COURTROOM SECURITY OFFICER: All rise.

17 (Whereupon, the jurors exited the courtroom.)

18 THE COURT: Y'all can be seated. They had -- for
19 Number Nine, they had both items checked. The other ones they
20 only checked one. But I heard the gentlemen say as he left,
21 oh, like I think maybe he realized they made a mistake. There
22 we go.

23 COURTROOM SECURITY OFFICER: All rise for the jurors.

24 (Whereupon, the jurors entered the courtroom.)

25 THE COURT: All right. Let me look at it again.

1 Okay. Thank you very much.

2 I'm going to now ask Ms. Kelley to publish the
3 verdict. That means she's going to read the verdict. I want
4 each of you to listen carefully to make sure that this is the
5 verdict that you-all agreed to. Okay?

6 And that you individually support it.

7 Okay. We might -- we might have at the end -- one of
8 the parties might ask that you be asked whether this is, in
9 fact, your verdict, so listen to it. Okay?

10 Okay. All right. Go ahead.

11 COURTROOM DEPUTY: In the United District Court for
12 the Northern District of Georgia, Atlant Division, Criminal
13 Action Number 1:22-cr-171, the jury verdict reads as follows.

14 As to Count One, we, the jury, find the defendant,
15 Karl Lucius Delano formerly known as Carl Delano Torjagbo
16 guilty.

17 As to Count Two, guilty.

18 As to Count Three, guilty.

19 As to Count Four, guilty.

20 As to Count Five, guilty.

21 As to Count Six, guilty.

22 As to Count Seven, guilty.

23 As to Count Eight, guilty.

24 As to Count Nine, guilty.

25 As to Count Ten, guilty.

1 Signed on 7/25 by the foreperson.

2 THE COURT: Okay. Thank you very much.

3 Does either party wish to have the jury polled?

4 MR. FINLAYSON: Move to poll, Your Honor.

5 THE COURT: Okay. That means that Ms. Kelley is
6 going to ask each of you if this is the verdict that you
7 rendered and if it still is.

8 So one by one, she's going to call your juror number
9 and ask you to stand up and answer her questions. Okay?

10 Ms. Kelley.

11 COURTROOM DEPUTY: Juror Number 1, was the verdict as
12 published your verdict in the jury room?

13 JUROR: Yes.

14 COURTROOM DEPUTY: Is it still your verdict?

15 JUROR: Yes.

16 COURTROOM DEPUTY: Was the verdict freely and
17 voluntarily entered into by you?

18 JUROR: Yes.

19 COURTROOM DEPUTY: Juror Number 2, was the verdict as
20 published your verdict in the jury room?

21 JUROR: Yes.

22 COURTROOM DEPUTY: Is it still your verdict?

23 JUROR: Yes.

24 COURTROOM DEPUTY: Was the verdict freely and
25 voluntarily entered into by you?

1 JUROR: Yes.

2 COURTROOM DEPUTY: Juror Number 5, was the verdict as
3 published your verdict in the jury room?

4 JUROR: Yes.

5 COURTROOM DEUPTY: Is it still your verdict?

6 JUROR: Yes.

7 COURTROOM DEPUTY: Was the verdict freely and
8 voluntarily entered into by you?

9 JUROR: Yes.

10 COURTROOM DEPUTY: Juror Number 7, was the verdict as
11 published your verdict in the jury room?

12 JUROR: Yes.

13 COURTROOM DEUPTY: Is it still your verdict?

14 JUROR: Yes.

15 COURTROOM DEPUTY: Was the verdict freely and
16 voluntarily entered into by you?

17 JUROR: Yes.

18 COURTROOM DEPUTY: Juror Number 14, was the verdict
19 as published your verdict in the jury room?

20 JUROR: Yes.

21 COURTROOM DEUPTY: Is it still your verdict?

22 JUROR: Yes.

23 COURTROOM DEPUTY: Was the verdict freely and
24 voluntarily entered into by you?

25 JUROR: Yes.

1 COURTROOM DEPUTY: Juror Number 21, was the verdict
2 as published your verdict in the jury room?

3 JUROR: Yes.

4 COURTROOM DEUPTY: Is it still your verdict?

5 JUROR: Yes.

6 COURTROOM DEPUTY: Was the verdict freely and
7 voluntarily entered into by you?

8 JUROR: Yes.

9 COURTROOM DEPUTY: Juror Number 23, was the verdict
10 as published your verdict in the jury room?

11 JUROR: Yes.

12 COURTROOM DEUPTY: Is it still your verdict?

13 JUROR: Yes.

14 COURTROOM DEPUTY: Was the verdict freely and
15 voluntarily entered into by you?

16 JUROR: Yes.

17 COURTROOM DEPUTY: Juror Number 24, was the verdict
18 as published your verdict in the jury room?

19 JUROR: Yes.

20 COURTROOM DEUPTY: Is it still your verdict?

21 JUROR: Yes.

22 COURTROOM DEPUTY: Was the verdict freely and
23 voluntarily entered into by you?

24 JUROR: Yes.

25 COURTROOM DEPUTY: Juror Number 27, was the verdict

1 as published your verdict in the jury room?

2 JUROR: Yes.

3 COURTROOM DEUPTY: Is it still your verdict?

4 JUROR: Yes.

5 COURTROOM DEPUTY: Was the verdict freely and
6 voluntarily entered into by you?

7 JUROR: Yes.

8 COURTROOM DEPUTY: Juror Number 29, was the verdict
9 as published your verdict in the jury room?

10 JUROR: Yes.

11 COURTROOM DEUPTY: Is it still your verdict?

12 JUROR: Yes.

13 COURTROOM DEPUTY: Was the verdict freely and
14 voluntarily entered into by you?

15 JUROR: Yes.

16 THE WITNESS: Yes. Juror Number 35, was the verdict
17 as published your verdict in the jury room?

18 JUROR: Yes.

19 COURTROOM DEUPTY: Is it still your verdict?

20 JUROR: Yes.

21 COURTROOM DEPUTY: Was the verdict freely and
22 voluntarily entered into by you?

23 JUROR: Yes.

24 COURTROOM DEPUTY: That concludes the polling of the
25 jury.

1 THE COURT: Okay. Thank you.

2 All right. Is there any other business for the jury
3 on forfeiture?

4 MR. FINLAYSON: Your Honor, if we could discuss that
5 briefly for one moment, I'm hoping not, but --

6 THE COURT: Okay. You mean you and your --

7 Okay. Why don't you-all step out for just a minute.
8 We need just a minute.

9 COURTROOM SECURITY OFFICER: All rise.

10 (Whereupon, the jurors exited the courtroom.)

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

12 MR. FINLAYSON: Your Honor, I just -- if we could
13 clarify or if you could help me clarify for -- for the record
14 or Mr. Delano, I think we would like to waive this issue in
15 light of the verdict. And I guess my question -- or what I'd
16 like to clarify is if the case were set aside on appeal, would
17 this issue then become ripe again?

18 MS. CONNORS: Yes, Your Honor. Because if the
19 verdict for some reason got set aside, then forfeiture is tied
20 to the verdict when it's criminal.

21 THE COURT: I believe that's right.

22 MR. FINLAYSON: Okay. Under that -- and that's my
23 understanding as well. So under that arrangement or that
24 recognition, then I don't think we need to go forward with the
25 forfeiture procedure.

1 THE COURT: Okay. Then I'm going to bring them back
2 in and excuse them. Is that okay?

3 MR. FINLAYSON: That's fine.

4 THE COURT: All right.

5 MS. CONNORS: Yes, Your Honor.

6 THE COURT: And, Ms. Kelley, will you call that
7 alternate and tell her she's released from everything.

8 COURTROOM SECURITY OFFICER: All rise.

9 (Whereupon, the jurors entered the courtroom.)

10 THE COURT: Okay. That's it for you. There was one
11 thing we thought we might have to ask you to resolve, but we
12 don't. So you-all are done with your jury service. You do
13 not need to call again next week.

14 I want to thank you for being here and for being on
15 time and for being so attentive and easy to get along with.
16 Okay?

17 If y'all step back there, I'm going to come back and
18 just say one more good-bye to you in just a moment. Okay?

19 For the parties -- y'all can be seated. We'll have
20 any post-trial motions within 45 days.

21 Is that enough time for either side?

22 MR. FINLAYSON: Yes, sir.

23 THE COURT: All right. I will enter judgment upon
24 the verdict, barring that.

25 And what about a sentencing date, Ms. Kelley?

1 COURTROOM DEPUTY: Give me one second. I have it.
2 Sentencing is set for November 3rd at 10:00.

3 THE COURT: Okay. Anything else that y'all want to
4 talk about?

5 MR. FINLAYSON: No. No, sir.

6 MS. CONNORS: No, Your Honor.

7 THE COURT: Okay. We are then in recess.

8 I'm going to go talk to the jury. You-all don't want
9 to talk to the jury?

10 MS. CONNORS: I usually don't.

11 THE COURT: I think usually the person who prevails
12 does not, but...

13 MS. CONNORS: Well, I never want to hear something
14 that I don't want to hear.

15 MR. FINLAYSON: I guess I would ask for --
16 sometimes -- I've run into them in the parking lot before
17 after a trial. Is it okay to talk to them if they want to
18 talk to me?

19 THE COURT: Yes, totally fine.

20 All right. Thank you so much. I thought that this
21 was a pleasant trial and I appreciate you-all working on it.
22 And we're in recess.

23 MR. FINLAYSON: Thank you, sir. Thank you.

24

25 (Whereupon, the proceedings were adjourned at 2:26

1 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 25, 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. FINLAYSON: [3] 1101/91108/6
1110/5

BY MS. CONNORS: [4] 1081/71096/1
1098/211100/25

COURTROOM DEPUTY: [26] 1218/7
1218/121221/111222/111222/16
1222/191222/241223/21223/71223/10
1223/151223/181223/231224/11224/6
1224/91224/141224/171224/221224/25
1225/51225/81225/131225/211225/24
1228/1

COURTROOM DEUPTY: [11] 1222/14
1222/221223/51223/131223/211224/4
1224/121224/201225/31225/111225/19

COURTROOM SECURITY OFFICER:
[14] 1081/31104/101108/11115/81118/9

1118/191169/131171/131213/12
1219/201220/161220/231226/91227/8

JUROR: [38] 1214/131214/181214/24
1215/21215/51222/131222/151222/18
1222/211222/231223/11223/41223/6
1223/91223/121223/141223/171223/20
1223/221223/251224/31224/51224/8
1224/111224/131224/161224/19
1224/211224/241225/21225/41225/7
1225/101225/121225/151225/18
1225/201225/23

JURY FOREPERSON: [6] 1219/24
1220/21220/41220/61220/111220/14

MR. FINLAYSON: [52] 1080/101080/24
1100/121101/71104/171104/211105/3
1105/221105/251106/31107/221108/5
1110/21110/41114/251115/131116/13
1117/81117/211117/251118/161118/25
1138/161169/161169/181169/211171/1
1171/41171/61171/171190/231193/12
1215/81215/131216/41216/91216/13
1216/171216/191216/211217/131218/1
1219/51222/41226/41226/121226/22
1227/31227/221228/51228/151228/23

MS. CONNORS: [42] 1080/111080/13
1080/181080/201095/241098/201101/5
1104/31104/81104/151107/181115/2
1116/81116/221116/241117/31117/12
1117/141117/181117/241118/131119/5
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1215/221216/11217/21217/51218/14
1218/231219/21219/91219/131219/18
1226/181227/51228/61228/101228/13

THE COURT: [111] 1080/51080/12
1080/161080/191080/221081/11081/5
1100/141101/61104/61104/91104/12
1104/161104/181104/221105/71105/23
1106/11106/71107/191107/231108/3
1109/21115/11115/31115/101115/21
1116/91116/151116/231117/21117/4
1117/91117/131117/161117/201117/22
1118/41118/111118/151118/171118/21
1119/21119/61134/251138/171138/19
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1220/71220/121220/151220/181220/25
1222/21222/51226/11226/61226/11
1226/211227/11227/41227/61227/10
1227/231228/31228/71228/111228/19
THE DEFENDANT: [1] 1217/1
THE WITNESS: [3] 1100/171110/3
1225/16

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\$1.6 [4] 1151/141151/161166/17
1166/21

\$1.6 million [4] 1151/141151/16
1166/171166/21

\$10 [1] 1145/1

\$10 million [1] 1145/1

\$10,000 [4] 1133/231134/211166/6
1166/8

\$100,000 [2] 1200/91200/10

\$12 [1] 1140/2

\$12 million [1] 1140/2

\$120,000 [1] 1167/20

\$150,000 [1] 1165/20

\$2 [1] 1201/18

\$2 million [1] 1201/18

\$3 [7] 1141/41152/21153/241160/14
1162/21162/211178/11

\$3 million [7] 1141/41152/21153/24
1160/141162/21162/211178/11

\$3,459,835 [1] 1196/2

\$3.3 [3] 1159/181162/91165/11

\$3.3 million [3] 1159/181162/91165/11

\$3.4 [6] 1140/181159/171195/31195/15
1196/241197/16

\$3.4 million [6] 1140/181159/171195/3
1195/151196/241197/16

\$3.5 [1] 1195/23

\$3.5 million [1] 1195/23

\$3.8 [5] 1090/171145/21145/131168/22
1207/12

\$3.8 million [5] 1090/171145/21145/13
1168/221207/12

\$332,000 [1] 1168/4

\$40,000 [1] 1183/21

\$45.8 [4] 1081/121145/61149/13
1168/23

\$45.8 million [4] 1081/121145/6
1149/131168/23

\$50,000 [1] 1200/8

\$500 [2] 1145/81145/9

\$500,000 [2] 1166/141166/20

\$6 [8] 1163/251164/81164/111164/18
1167/91167/171167/221178/10

\$6 million [8] 1163/251164/81164/11
1164/181167/91167/171167/221178/10

\$6,007,300 [1] 1164/12

\$69,000 [1] 1194/8

\$7,000 [3] 1196/181196/201197/13

\$800,000 [2] 1159/151201/19

\$800,000-ish [1] 1159/15

\$9 [1] 1161/23

\$9 million [1] 1161/23

\$9.1 [2] 1159/131160/10

\$9.1 million [2] 1159/131160/10

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1179/161180/61181/19

\$9.5 million [16] 1142/231145/14
1147/101151/41151/171153/11155/24
1162/81162/221166/191178/91178/17
1179/41179/161180/61181/19

\$9.9 [1] 1159/14

\$9.9 million [1] 1159/14

\$91,000 [1] 1164/19

\$92,000 [1] 1145/9

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-- when [1] 1087/7

-- with [1] 1117/22

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10 [4] 1096/41118/71187/21187/14

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100 [1] 1187/2

100 percent [1] 1178/13

101 [1] 1176/20

1040 [2] 1196/91196/9

108 [1] 1193/5

10:00 [1] 1228/2

10th [1] 1230/14

12 [1] 1215/1

12th [6] 1108/161185/191187/12

1187/131188/111194/13

1377 [4] 1155/41155/161158/21158/9

13th [2] 1196/111196/12

14 [1] 1223/18

1456 [1] 1078/23

15 [2] 1118/71154/6

15th [9] 1154/231156/131158/13

1189/151190/101192/201194/71207/10
1207/15

16 [4] 1092/171094/41094/101133/8

16th [1] 1153/15

17 [4] 1094/101111/251133/61177/1

171 [1] 1221/13

19 [4] 1146/221172/221172/221202/4

1949 [1] 1078/21

1975 [2] 1094/51094/16

1
1995 [1] 1190/16
1997 [2] 1092/211094/5
19th [1] 1153/20
1:22-CR-00171-MLB [2] 1078/41230/10
1:22-cr-171 [1] 1221/13
1:30 [1] 1212/22

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20 [9] 1095/51098/81133/71133/8
 1161/11177/21189/81208/171209/6
2002 [1] 1190/18
2005 [1] 1094/21
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