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

United States of America,

v. Case No. 1:22-cr-171-MLB

Carl Delano Torjagbo a/k/a Karl Lucius Delano,

Defendant.

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ORDER

A grand jury charged Defendant Carl Torjagbo with bank fraud, wire fraud, and money laundering arising from his fraudulent participation in the Paycheck Protection Program and fraudulent filing of tax refunds. (Dkt. 198.) The United States alleged he obtained more than $12 million from those schemes. The indictment sought forfeiture of three cars, three pieces of real property, and money in two bank accounts. (*Id.* at 14-15.)

A jury convicted Defendant on all counts. (Dkt. 226.) Defendant waived his right to have the jury determine forfeiture and agreed the Court would decide it. (Dkt. 268 at 150.) The Court sentenced Defendant to 175 months of imprisonment. (Dkts. 284, 270.) The United States then moved for preliminary forfeiture of the identified assets. (Dkt. 253.) The Court found the requisite nexus between the assets and the offenses of conviction and granted the United States's motion. (Dkt. 260.) Defendant moves to stay that order pending appeal. (Dkt. 281.)

Rule 32.2(d) of the Federal Rules of Criminal Procedure permits a court to stay an order of forfeiture pending appeal "on terms appropriate to ensure that the property remains available pending appellate review." Fed. R. Crim. P. 32.2(d). In deciding whether to grant a stay, courts consider (1) the defendant's likelihood of success on appeal, (2) whether the forfeited asset will depreciate during the appeal, (3) whether the asset has unique or irreplaceable value to the defendant such that a substitute asset would not be available if the defendant prevailed on appeal, and (4) the cost of maintaining the forfeited property during the appeal. *United States v. Fisher*, 2024 WL 2001596 *3 (N.D. Ga. April 1, 2024) (citing cases).

The Defendant contends he will likely prevail on appeal because he had no fraudulent intent and because "there is no proper nexus between the criminal acts alleged and the forfeited property." (Dkt. 281 at 2.) He offers no further explanation. The Court disagrees with Defendant's assessment of his appellate chances. The jury found Defendant had the requisite intent, and the Court found the necessary nexus. Neither issue was close. Since Defendant identifies no trial error or defect in the forfeiture analysis, the Court concludes Defendant has little chance of success on appeal. The first factor strongly favors the United States. Vehicles depreciate. One property—5114 Greythorne Lane—has been abandoned since 2023 and is deteriorating. (Dkt. 139-1.) The second factor leans heavily towards the United States as to the cars and favors it for that property. Nothing suggests the assets have intrinsic value to Defendant. Vehicles are replaceable, and Defendant offers nothing to suggest the properties are unique. From a previous hearing, the Court concludes the Greythorne Lane home is a modest, average home available in many neighborhoods. The Court also rejects the notion that real estate is inherently unique simply because someone bought it. *See Fisher,* 2024 WL 2001596 *3 (noting courts' reluctance "to find that property has intrinsic value simply because it is a home or a parcel of real property [and instead] requiring defendants seeking to stay forfeiture to allege facts showing that the property is unique" such as having nostalgic value). So this factor remains neutral, or perhaps tips slight in the United States's favor. Maintenance costs weigh against a stay. As of July 2024, the Greythorne Lane property had unpaid taxes of more than $66,700 while the other two properties had combined unpaid taxes of more than $11,000. (Dkt. 167 at 61-66.) Those amounts have increased. The homeowners association has also paid more than $140 per month since 2024 to maintain the Greythorne property. (Dkt. 139-3.) These expenses will continue to dimmish the assets' value during appeal. This factor strongly favors the United States.

The first and fourth factors strongly favor the United States. The other two tip slightly in its favor. But none weigh in Defendant's favor. Put differently, the United States is likely to prevail on appeal and, absent immediate forfeiture, will suffer irreparable injury from a delay while Defendant is unlikely to prevail and will face no irreparable injury should he beat the odds on appeal. The Court thus **DENIES** Defendant's motion to stay forfeiture pending appeal (Dkt 281).

SO ORDERED this 24th day of April, 2026.

MICHAEL L. BROWN
UNITED STATES DISTRICT JUDGE