

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 23-cr-00074-NYW-1

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DEJANE REANIECE LATTANY,

Defendant.

MINUTE ORDER

Entered by Judge Nina Y. Wang.

This matter is before the Court on the letter submitted, pro se,¹ by Defendant DeJane Reaniece Lattany (“Defendant” or “Ms. Lattany”) wherein she requests an extension of time to file a notice of appeal (the “Motion” or “Motion for Extension of Time”) [Doc. 30]. In the Motion, Ms. Lattany “formally request[s] an extension of the response deadline for [her] appeal.” [*Id.* at 1]. She states that her former attorney terminated his representation without providing her with “crucial documents necessary for [her] appeal,” and without these documents, she has been unable to prepare her appeal documents. [*Id.*]. Specifically, Ms. Lattany states that she only recently received the Presentence Investigation Report and sentencing memorandum, and she has not received a copy of the Judgment or “Commit order” in this case. [*Id.*]. This Court notes that Ms. Lattany’s former counsel, Jason Flores-Williams, filed a Motion to Withdraw, [Doc. 26], which this Court granted. [Doc. 29].

Ms. Lattany does not request a specific length of extra time to file her notice of appeal. *See generally [id.]*. Rule 4 of the Federal Rules of Appellate Procedure provides that “[i]n a criminal

¹ This Court notes that pursuant to Rule 44 of the Federal Rules of Criminal Procedure, “[a] defendant who is unable to obtain counsel is entitled to have counsel appointed to represent the defendant at every stage of the proceeding from initial appearance through appeal, unless the defendant waives this right.” Fed. R. Civ. P. 44. Based on Ms. Lattany’s filing, it is not clear whether she intends to waive counsel on appeal. To the extent that she seeks court-appointed counsel to proceed on appeal, Ms. Lattany must file a motion for leave to proceed on appeal *in forma pauperis* in this Court as soon as possible so that this Court has an opportunity to consider such motion before the extended deadline for filing the Notice of Appeal. A form of motion to proceed *in forma pauperis* on appeal can be located on the District of Colorado’s website, available at: <http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/Forms.aspx>. To the extent Ms. Lattany seeks appointed counsel on appeal, she must request that relief in the Tenth Circuit, after she has filed her Notice of Appeal.

case, a defendant's notice of appeal must be filed in the district court within 14 days after the later of: (i) the entry of either the judgment or the order being appealed; or (ii) the filing of the government's notice of appeal." Fed. R. App. P. 4(b)(1)(A). However, "[u]pon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)." Fed. R. App. 4(b)(4).

The judgment in this case was entered on August 21, 2023. *See* [Doc. 27]. Thus, Defendant's deadline to file any notice of appeal is currently September 5, 2023.² Under Rule 4(b)(4) of the Federal Rules of Appellate Procedure, this Court may extend Defendant's deadline to file a notice of appeal not longer than 30 days after this date—or through October 5, 2023.

Finding good cause to extend Ms. Lattany's deadline, the Motion for Extension of Time is **GRANTED**. Defendant's deadline to file any notice of appeal is **EXTENDED to October 5, 2023**. However, Defendant is expressly advised that, pursuant to the plain language of Rule 4(b)(4), the Court cannot extend this deadline any further. *See* Fed. R. App. P. 4(b)(4). **As such, no further extensions of this deadline will be granted.**

It is further **ORDERED** that the Clerk of the Court shall send a copy of this Minute Order, as well as a copy of the Judgment [Doc. 27] and Statement of Reasons [Doc. 28] to Defendant to her address listed in the Presentence Investigation Report:

Dejane Lattany
11125 Quintero Court
Commerce City, CO 80022

Accordingly, it is **ORDERED** that:

- (1) Defendant's Motion for Extension of Time [Doc. 30] is **GRANTED**;
- (2) Defendant's deadline to file any notice of appeal is **EXTENDED to October 5, 2023**;
- (3) **Defendant is ADVISED that no further extensions of this deadline will be granted**; and

² Fourteen days after August 21, 2023 is September 4, 2023—a legal holiday. When a time period is stated in a number of days and the last day is a legal holiday, "the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. App. P. 26(a)(1)(C). Thus, the original time period for Ms. Lattany's appeal expires September 5, 2023.

- (4) A copy of this Minute Order, the Judgment [Doc. 27], and the Statement of Reasons [Doc. 28] shall be sent to:

Dejane Lattany
11125 Quintero Court
Commerce City, CO 80022

DATED: September 1, 2023