

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
COLORADO

UNITED STATES,

Respondent

v.

DEJANE REANIECE LATTANY,

Movant

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FILED

**UNITED STATES DISTRICT COURT
DENVER, COLORADO**

1:05 pm, Nov 27, 2023

JEFFREY P. COLWELL, CLERK

Case Number 1:23CR00074-1

(Your criminal case number)

MOTION FOR RELEASE TO HOME CONFINEMENT PENDING THE RESOLUTION OF POST-CONVICTION
MOTIONS UNDER 28 U.S.C. §§ 2255 AND 2254

I, DEJANE REANIECE LATTANY, respectfully submit this motion to the Honorable Court, requesting that I be allowed to commence my sentence under home confinement, pending the resolution of my post-conviction motions filed under 28 U.S.C. §§ 2255 and 2254. This motion is not in contradiction of my motion to surrender in Colorado, Instead, this motion serves as an alternative route temporarily. I am most grateful in any way that this motion be taken into great consideration. I hereby affirm that my request is not intended as a dilatory tactic concerning the commencement of my sentence. Rather, it is my earnest petition to initiate the sentencing phase under the conditions of home confinement. This arrangement would facilitate my efforts in meticulously compiling and presenting comprehensive evidence and pertinent details to substantiate the claims articulated in my motions pursuant to 28 U.S.C. §§ 2255 and 2254. It is noteworthy to mention that under normal circumstances, I would seek an appeal bond at this juncture. However, due to the failure of my previous legal counsel to safeguard my appellate rights, necessitating the filing of the aforementioned post-conviction motions, I am constrained to pursue this alternative course of action. This motion is grounded in the provisions of 18 U.S.C. § 3143(b) and is predicated on the substantial legal questions raised by my post-conviction motions, my demonstrable lack of flight risk or danger to the community, and the inherent powers of this Court to ensure fairness and justice. In support of this motion, I state the following:

1. Background and Procedural History: I have been sentenced to 48 months in Federal prison ending up in Category 2 on the point system. I am now safety valve ineligible and am being charged while my constitutional rights have been violated largely due to ineffective assistance of counsel. (please refer to the 2255 and 2254 that have already been submitted). Pursuant to the allegations of ineffective assistance of counsel and additional factors, it is submitted that my constitutional rights have been egregiously infringed. The current state of incarceration presents a substantial impediment to accessing necessary resources to substantiate the assertions made in my motions under 28 U.S.C. §§ 2255 and 2254, thereby potentially thwarting the administration of justice. Furthermore, I have yet to secure legal representation for these post-conviction proceedings. Detainment during the pendency of these motions substantially prejudices my ability to effectively demonstrate the gravity of the constitutional breaches I have experienced. While acknowledging and accepting responsibility for my actions, the severity and implications of these constitutional violations warrant due consideration.

2. Legal Standard under 18 U.S.C. § 3143(b): Under 18 U.S.C. § 3143(b), the court may permit a defendant to commence their sentence on home confinement pending the resolution of a motion for post-conviction relief if it finds that the appeal is not for purposes of delay and raises a substantial question of law or fact likely to result in reversal, an order for a new trial, a sentence without imprisonment, or a reduced sentence.

3. Substantial Questions Raised by Motions under 28 U.S.C. §§ 2255 and 2254 in regard to ineffective assistance of counsel and other very important elements of my cases. My constitutional rights have been violated.

4. Absence of Flight Risk or Danger to the Community: I assert that I do not pose a flight risk or a danger to the community. My deep ties to the community, including [list any family ties, employment, community involvement, etc.], along with my history of compliance with all previous court orders, support this assertion.

5. Judicial Discretion and Inherent Powers: This Court possesses inherent powers to manage its proceedings to ensure fairness and justice. In light of the compelling new evidence and legal arguments presented in my motions under 28 U.S.C. §§ 2255 and 2254, which raise serious questions about the legality and constitutionality of my conviction and sentence, it is within this Court's discretion to permit me to commence my sentence on home confinement.

6. Conclusion and Prayer for Relief: Based upon the foregoing, I respectfully request that this Honorable Court grant this motion and permit me to begin my sentence on home confinement under appropriate conditions, pending the resolution of my pending post-conviction motions

Respectfully submitted,



Signature of Movant, Pro Se

11/27/2023
Date