IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 23-cr-00074-NYW

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DEJANE REANIECE LATTANY,

Defendant.

UNITED STATES' MOTION FOR PRELIMINARY ORDER OF FORFEITURE FOR A PERSONAL MONEY JUDGMENT AND SPECIFIC ASSETS

COMES NOW the United States of America ("United States"), by and through United States Attorney Cole Finegan and Assistant United States Attorney Laura B. Hurd, pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b) of the Federal Rules of Criminal Procedure, and moves this Court to enter a Preliminary Order of Forfeiture. In support, Plaintiff states the following:

MEMORANDUM OF LAW

I. Statement of Facts

1. On March 17, 2023, an Information was filed charging defendant Dejane Reaniece Lattany in Count One with Wire Fraud, a violation of 18 U.S.C. § 1343. (ECF Doc. #1).

2. The United States also sought forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c) of all proceeds obtained from, and any property constituting and derived from any proceeds the defendant obtained directly and indirectly as a result of such offense, including, but not limited to:

a. 11125 Quintero Court, Commerce City, Colorado, 80022;
b. $17,344.39[1] seized from Sunflower Bank Checking Account #1100035300;
c. 2009 Hummer Sut[2] Luxury, VIN: 5GRGN02279H100429;
d. 2008 Hummer Utility Passenger Vehicle, VIN: 5GRGN23828H101341;
e. $945,572.89 seized from Canvas Credit Union Checking Account # 626207; and
f. a money judgment in the amount of proceeds obtained by the scheme and by the defendant. *Id*. at p. 7.

3. On April 26, 2023, the United States and defendant Dejane Reaniece Lattany entered into a Plea Agreement. (ECF Doc. #13). The Plea Agreement provides, *inter alia*, that the defendant agreed to plead guilty to Count One of the Information, charging a violation of 18 U.S.C. § 1343. The defendant also agreed and consented to the forfeiture of the above-listed assets, and a money judgment in the amount of $3,337,476.94, which represents the proceeds obtained by the scheme and by the defendant. *Id*. at p. 2, 5.

II. Legal Argument

4. Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the Court shall order criminal forfeiture of all property constituting or derived from proceeds traceable to 18 U.S.C. § 1343.[3] Title 28, United States Code, Section 2461(c) allows for the criminal forfeiture of any property that can be civilly forfeited.

5. According to Rule 32.2(b)(1)(A) of the Federal Rules of Criminal Procedure,

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[1] After seizure, the Sunflower Checking Account #1100035300 amount was more specifically identified as $17,348.46.
[2] The 2009 Hummer Sut is a 2009 Hummer SVT.
[3] Title 18, United States Code, Section 981(a)(1)(C) provides for the forfeiture of any property constituting or derived from proceeds traceable to a “specified unlawful activity” as defined in 18 U.S.C. § 1956(c)(7). In turn, 18 U.S.C. § 1956(c)(7) includes any offense listed in 18 U.S.C. § 1961(1) as a “specified unlawful activity.” Wire Fraud in violation of 18 U.S.C. § 1343 is listed in 18 U.S.C. § 1961.

the Court must determine what property is subject to forfeiture under 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) as soon as practicable after a plea of guilty. "The court's determination may be based on evidence already in the record, including any written plea agreement, and on any additional evidence or information submitted by the parties and accepted by the court as relevant and reliable." Fed. R. Crim. P. 32.2(b)(1)(B).

6. Once the property is determined to be subject to forfeiture, the Court must promptly enter a Preliminary Order of Forfeiture. Fed. R. Crim. P. 32.2(b)(2)(A). It is mandatory that the Preliminary Order of Forfeiture is entered "sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications before the order becomes final as to the defendant." Fed. R. Crim. P. 32.2(b)(2)(B).

7. As set forth in the Plea Agreement, defendant Dejane Reaniece Lattany agrees that from approximately June 2020 to January 2022, she knowingly and intentionally prepared and submitted fraudulent EIDL, EIDG, and PPP applications to the SBA in her own name as a sole proprietorship, and on behalf of businesses she purportedly owned and operated. In total, defendant Lattany obtained $3,337,476.94 in fraudulently obtained proceeds.[4] (ECF Doc. #13 at p. 10-15, Doc. #15, ¶ 45). Accordingly, a forfeiture money judgment in the amount of $3,337,976.94 should be entered against defendant Lattany.

8. In addition, the following assets were funded with the proceeds obtained through the wire fraud scheme:

a. 11125 Quintero Court, Commerce City, Colorado, 80022;
b. $17,348.46 seized from Sunflower Bank Checking Account #1100035300;
c. 2009 Hummer SVT Luxury, VIN: 5GRGN02279H100429;
d. 2008 Hummer Utility Passenger Vehicle, VIN:

[4] No interest or lender processing fees have been included in this amount.

5GRGN23828H101341; and

e. $945,572.89 seized from Canvas Credit Union Checking Account # 626207.

See (ECF Doc. # 15, ¶¶ 27-37); *see also United States v. 11125 Quintero Court, Commerce City, Colorado 80022 et al*., civil case no. 22-cv-01351-RM-SP (ECF Doc. #1).

9. A Preliminary Order of Forfeiture is necessary in order for the United States to seize the property subject to forfeiture. In addition, 21 U.S.C. § 853(n) requires that third parties who may have an interest in the property receive notice, via publication, or to the extent practical, direct written notice, of the forfeiture and the United States' intent to dispose of the property. The United States cannot accomplish the seizure, notice, and publication without a Preliminary Order of Forfeiture.

10. Accordingly, the defendant's interest in the following assets are subject to forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c):

a. 11125 Quintero Court, Commerce City, Colorado, 80022;
b. $17,348.46 seized from Sunflower Bank Checking Account #1100035300;
c. 2009 Hummer SVT Luxury, VIN: 5GRGN02279H100429;
d. 2008 Hummer Utility Passenger Vehicle, VIN: 5GRGN23828H101341;
e. $945,572.89 seized from Canvas Credit Union Checking Account # 626207; and
f. a money judgment in the amount of $3,337,476.94, which will be credited with any net proceeds obtained from judicially forfeited assets.

III. Conclusion

The above-listed assets are subject to criminal forfeiture. To the extend third parties may wish to assert an interest in the above-listed assets, pursuant to 21 U.S.C. § 853(n), the United States will send notice, via publication and direct written notice, of the forfeiture and their right to file a petition. The United States cannot accomplish such notice and publication without a Preliminary Order of Forfeiture.

WHEREFORE, the United States moves this Court to enter the Preliminary Order of Forfeiture for Specific Assets and a Personal Money Judgment tendered herewith, for the reasons set forth above.

DATED this 21th day of July 2023.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July 2023, I electronically filed the foregoing with the Clerk of Court using the ECF system, which will send notice to all counsel of record.

s/*Jody Gladura*
FSA Federal Paralegal
Office of the U.S. Attorney