

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Nina Y. Wang**

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DEJANE REANIECE LATTANY,
Defendant.

ORDER ON MOTION FOR EXTENSION OF SELF-SURRENDER DATE

This matter is before the Court on the Motion for Extension of Self-Surrender Date (or “Motion”) submitted, pro se,¹ by Defendant DeJane Reaniece Lattany (“Defendant” or “Ms. Lattany”). [Doc. 37]. On August 15, 2023, this Court sentenced Defendant to 48 months’ imprisonment, to be followed by three years of supervised release. [Doc. 25 at 2; Doc. 27]. The Court ordered Ms. Lattany to self-surrender to federal custody on September 28, 2023 by 12:00 p.m. [Doc. 32].

In her Motion, Ms. Lattany requests an extension of the self-surrender date through November 30, 2023. [Doc. 37 at 1]. She states that she is a single mother of three young children and requires additional time to arrange for childcare for her children during her incarceration and to prepare her children for her absence. [*Id.*]. She also states that she “has a series of court hearings to protect her children,” though she does not provide the dates of those hearings. [*Id.* at 2]. In

¹ While Ms. Lattany’s Motion was submitted pro se, an attorney from the Office of the Federal Public Defender has since entered his appearance on her behalf. *See* [Doc. 39].

addition, she represents that she is scheduled to graduate from the University of Phoenix on October 7, 2023 and intends to participate in her graduation ceremony, which will be held in Anaheim, California. [*Id.* at 2, 6]. Ms. Lattany also mentions that her former counsel “terminated their representation without providing [her] with crucial documents necessary for [her] case and appeal.” [*Id.* at 2 (emphasis omitted)].

The Government has responded to Ms. Lattany’s Motion. *See* [Doc. 40]. The Government states that it “does not oppose a partial extension” of Ms. Lattany’s self-surrender date; specifically, the Government does not oppose a “short extension” of the self-surrender date to permit Ms. Lattany to arrange childcare, “but is not certain that an extension to November 30, 2023 is merited.” [*Id.* at 1–3].²

“A request for a self-surrender date, or extension thereof, is a request for release on bail pending execution of sentence or pending appeal, as the case may be, under 18 U.S.C. § 3143.” *United States v. Martinez*, No. 23-50534, 2023 WL 5316497, at *1 (5th Cir. Aug. 14, 2023); *see also United States v. Roeder*, 807 F. App’x 157, 159 (3d Cir. 2020). Under the statute,

the judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c).

18 U.S.C. § 3143(a)(1). Ms. Lattany argues in her Motion that she has complied with all conditions of pretrial release, has no history of failing to appear, and poses no risk to the community. [Doc. 37 at 3]. She asserts that her requested extension does not diminish the seriousness of her offense

² The Government states that it requested information regarding the timing of Ms. Lattany’s pending court hearings but had not received that information as of the time of filing its Response. [Doc. 40 at 3].

but will instead allow her to arrange childcare for her children and to “achieve important personal and academic milestones.” [*Id.*].

The Court finds, by clear and convincing evidence, that Ms. Lattany is not a flight risk or a danger to the community. At the beginning of this case, Ms. Lattany was released on bond, subject to certain conditions of release. [Doc. 7]. This Court continued Ms. Lattany’s bond after her change of plea, pending sentencing, *see* [Doc. 12 at 2], and also continued her bond after sentencing, pending her self-surrender. [Doc. 25 at 2]. There have been no reports of any violations of the conditions of Ms. Lattany’s release. Indeed, the Presentence Investigation Report (“PSR”) confirms that the defendant has complied with her conditions of supervision and has not incurred any new law violations. [Doc. 22 at 3]. The PSR also demonstrates that Ms. Lattany has close familial relationships in Colorado, [*id.* at 14], and is a primary caretaker of her children. [*Id.* at 15]. In addition, the Court notes that Ms. Lattany’s offenses were not crimes of violence. Finally, the Court notes that Ms. Lattany requests an extension of her self-surrender date for the purpose of, *inter alia*, arranging childcare for her children for her term of incarceration, representing that she “has a series of court hearings to protect her children.” [Doc. 37 at 1–2].

The Court will **GRANT** Ms. Lattany’s Motion **in part**. Although the Court finds good cause to extend Ms. Lattany’s self-surrender date to permit her to arrange childcare for her children, the Court is without sufficient information to justify the two-month extension requested by Defendant. Accordingly, the Court will **EXTEND** Ms. Lattany’s self-surrender date **by 30 days**, to **October 30, 2023**. To the extent Ms. Lattany requires more time to attend the court hearings referenced in her Motion, she may request an additional extension of time through counsel. **Ms. Lattany remains subject to the conditions of release set forth in the Order Setting Conditions of Release.** [Doc. 7]. An amended Voluntary Surrender Order Supplementing

Judgment will issue with this Order.

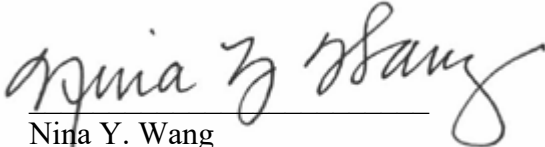
CONCLUSION

For these reasons, it is **ORDERED** that:

- (1) The Motion for Extension of Self-Surrender Date [Doc. 37] is **GRANTED in part**;
and
- (2) Defendant's self-surrender date is **EXTENDED** to **October 30, 2023**, by **12:00 p.m.**

DATED: September 25, 2023

BY THE COURT:



Nina Y. Wang
United States District Judge