

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CASE NO. 23-cr-00074-NYW

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEJANE REANIECE LATTANY,

Defendant.

MOTION TO MODIFY SELF-SURRENDER ORDER

COMES NOW, Defendant DeJane Reanice Lattany, by and through Assistant Federal Public Defender Josh Lilley, respectfully requests that this Court modify Ms. Lattany's self-surrender date from October 30, 2023 to November 30, 2023. In support, Ms. Lattany would show as follows:

I. Introduction

On March 17, 2023, Ms. Lattany was charged by information with a single count of wire fraud in violation of 18 U.S.C. § 1343. Doc. 1. On March 28, 2023, Ms. Lattany filed a Notice of Disposition, and a Change of Plea hearing was held on April 26, 2023. Docs. 8, 12.

Ms. Lattany was sentenced on August 15, 2023 to 48 months imprisonment and three years of supervised release. Doc. 27. On the same day the judgment was entered, Ms. Lattany's prior counsel withdrew. Doc. 26. As a result, Ms. Lattany, then appearing *pro se*, filed a Motion/Request for Extension of Appeal Response Deadline. Doc. 30. The Court granted Ms.

Lattany's request and extended her deadline to file a notice of appeal to October 5, 2023. Doc. 31.

On September 1, 2023, this Court entered a Voluntary Surrender Order, requiring Ms. Lattany to surrender herself on September 28, 2023 to the Warden at FDCI Victorville Satellite Camp in Victorville, California. Doc. 32. Ms. Lattany then filed a Motion to Extend Self-Surrender Date, requesting a surrender date of November 30, 2023. In her Motion, Ms. Lattany discussed a number of difficulties she was working through, including: 1. to care for and set up a stable living plan for her children while she is incarcerated, including slowing taking her youngest child off of breastfeeding; 2. to graduate from the University of Phoenix on October 7, 2023; and 3. to take into consideration that she was having to figure this out on her own given her *pro se* status and numerous issues regarding prior counsel's advice to Ms. Lattany. Doc. 30. The Government did not oppose an extension but did not have information to determine whether a November 30, 2023 extension was merited. Doc. 40.

On September 20, 2023, undersigned counsel filed a Notice of Appearance, appearing for Ms. Lattany going forward. Doc. 39.

On September 25, 2023, the Court issued an Order granting Ms. Lattany's Motion in part, extending her self-surrender date to October 30, 2023. Doc. 41. In its Order, this Court detailed, "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." Doc. 41. Therefore, the Court issued an Amended Voluntary Surrender Order Supplementing Judgment on September 25, 2023, requiring Ms. Lattany surrender to FCI Victorville Satellite Camp on October 30, 2023. Doc. 42.

II. Ms. Lattany's Request for a November 30, 2023 Self-Surrender Date

Ms. Lattany is requesting that the Court modify the Voluntary Surrender Order, allowing her to surrender on November 30, 2023, her original date requested. Ms. Lattany is still addressing many of the same challenges she was facing when she filed her original request to extend her self-surrender date on September 19, 2023. Most notably, Ms. Lattany is continuing to set up childcare and living arrangements for her three children. The children are going to stay with various family members, and Ms. Lattany is coordinating a living schedule. This includes making sure all family members who will be caring for the children have all the information they need to properly care for each child, understanding their respective needs. Ms. Lattany is still slowly taking her youngest child off breastfeeding so there is not an abrupt stop when Ms. Lattany self-surrenders.

Barring any change of circumstance from people other than Ms. Lattany, the State Court proceedings Ms. Lattany discussed in her first request have concluded and resolved. However, one of the largest issues that Ms. Lattany is facing currently is the forfeiture of her home. Doc. 13. Ms. Lattany is balancing the forfeiture process and its effect on the other occupants of the home, as well as finding living arrangements for her children. Ms. Lattany was unfamiliar with the forfeiture process and the forfeiture of the home after sentencing. Ms. Lattany feels very comfortable with a November 30, 2023 self-surrender date and does not foresee any future requests to extend this date.

As the Court recognized in its previous order, Ms. Lattany has complied with her conditions of pretrial release, has no history of a failure to appear, she has not incurred any new law violations, she has no history of violence, and poses no risk to the community. Doc. 41. In the short time since Ms. Lattany filed her first request to modify the self-surrender date, she has

continued comply with all conditions of release. Therefore, this Court can again make a finding “by clear and convincing evidence that [Ms. Lattany] is not likely to flee or pose a danger to the safety of any other person or the community” pursuant to 18 U.S.C. § 3143.

Undersigned counsel entered on behalf of Ms. Lattany after she filed her first request to modify her self-surrender date and did not have the opportunity to help her draft her motion and convey her situation to Government’s counsel. Undersigned counsel has spoken to counsel for the Government and the Government takes no position to Ms. Lattany’s request.

Wherefore, Ms. Lattany respectfully requests this Court modify or amend the Voluntary Surrender Order, allowing Ms. Lattany to self-surrender to FCI Victorville Satellite Camp on or before November 30, 2023.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ Josh Lilley
Josh Lilley
Assistant Federal Public Defender
633 17th Street, Suite 1000
Denver, CO 80202
Telephone: (303) 294-7002
FAX: (303) 294-1192
Email: josh_lilley@fd.org
Attorney for Ms. Lattany

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Nicole C. Cassidy, AUSA
Email: Nicole.Cassidy@usdoj.gov

Rebecca Susan Weber, AUSA
Email: Rebecca.Weber@usdoj.gov

and I hereby certify that I have mailed or served the document or paper to the following non-CM/ECF participant in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

Dejane Reaniece Lattany (via Mail)

/s/ Josh Lilley
Josh Lilley
Assistant Federal Public Defender