

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
11/13/2023
JEFFREY P. COLWELL, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

UNITED STATES,	)	
Respondent	)	
	)	Case Number <u>1:23CR00074-1</u>
v.	)	(Your criminal case number)
	)	
<u>DEJANE REANIECE LATTANY,</u>	)	
Movant	)	

MOTION FOR APPOINTMENT OF COUNSEL

I, DEJANE REANIECE LATTANY,, respectfully move this Court to appoint me an attorney based on its authority under 18 U.S.C. § 3006A(a)(2)(B). The following reasons support this request:

1. Movant has filed a petition under 28 U.S.C. § 2255, which asks this Court to set aside the criminal judgment in this case.
2. Under § 3006A(a)(2)(B), counsel should be appointed in a § 2255 case where the movant is financially unable to obtain adequate representation and the interests of justice require that counsel be appointed.
3. Under Rule 6(a) of the Rules Governing Section 2255 Cases, this Court must appoint an attorney for a financially eligible movant if it orders discovery and an attorney is needed for effective discovery.
4. Under Rule 8(c) of the Rules Governing Section 2255 Cases, this Court must appoint an attorney for a financially eligible movant if it orders an evidentiary hearing.

5. Movant is financially unable to obtain adequate representation, as shown in the attached affidavit and statement of account. **(See Previous submitted Financial Affidavit attached)**

6. The interests of justice require appointing counsel for the Movant: **(In the space below, explain why you need an attorney and, if you have asked for or have been granted discovery or a hearing, include that information.)**

In the pursuit of justice and in accordance with the guarantees of the Sixth Amendment of the U.S. Constitution, it is crucial for an individual to have effective legal counsel. A defendant's right to effective counsel is a foundational principle of our criminal justice system. However, not all defendants receive the representation they are entitled to, and some may suffer prejudicial outcomes as a direct result of counsel's errors or omissions.

When asserting a claim of ineffective assistance of counsel, as envisaged by the landmark case Strickland v. Washington, a defendant must show that their attorney's performance was deficient, and that this deficient performance prejudiced the defense. Successfully making this argument can be a complex and nuanced endeavor. It often requires presenting a retrospective examination of the original attorney's actions, strategies, and decisions in the light most favorable to the defendant.

For this reason, seeking the assistance of a new attorney to file a §2255 motion on grounds of ineffective assistance is not only advisable but also often essential:

Objectivity: A fresh set of eyes can provide an objective review of the original proceedings and identify errors or omissions that might not be evident to the original attorney due to biases or emotional attachments.

Specialization: Filing a §2255 motion based on ineffective assistance of counsel requires a deep understanding of both the underlying criminal case and the intricacies of post-conviction relief. An attorney specialized in post-conviction motions will be more adept at identifying and arguing these issues.

Avoidance of Conflict of Interest: Raising an ineffective assistance of counsel claim against one's original attorney inherently suggests that the attorney did not provide proper representation. Having the original attorney file this motion could result in a conflict of interest, as they would essentially be asserting their own professional failings.

Credibility with the Court: A new attorney asserting ineffective assistance can strengthen the claim's credibility. If the original attorney were to admit their mistakes, the court might perceive it as an attempt to avoid malpractice or other liabilities.

Given these considerations, it becomes evident that a defendant asserting a claim of ineffective assistance of counsel would benefit immensely from seeking a new attorney, one who possesses both the objectivity and expertise necessary to properly file a §2255 motion and argue it effectively before the court.

WHEREFORE, Movant requests that the Court appoint an attorney to represent him or her in this case.

Respectfully submitted,



Signature of Movant, Pro Se

10/11/2023

Date

CERTIFICATE OF SERVICE

I hereby certify that on 10/11/2023, I served this Motion by
(date)

depositing a true and correct copy of the Motion in the U.S. Mail, postage prepaid to

Assistant U.S. Attorney Laura B Hurd
(name of prosecutor in your case)

at 1801 California Street, Suite 1600 Denver, CO 80202
(address of the prosecutor's office that prosecuted you)



Signature of Movant, Pro Se

Address: 11125 Quintero Court Commerce

City Colorado 80022

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

Civil Action No. _____

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEJANE REANIECE LATTANY,

Defendant.

MOTION AND AFFIDAVIT FOR LEAVE TO PROCEED ON APPEAL
PURSUANT TO 28 U.S.C. § 1915 AND FED. R. APP. P. 24 IN A CRIMINAL CASE

I request leave to commence this appeal without prepayment of fees or security therefor pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24. I also request that the United States pay for a transcript of the record of proceedings, if any, for inclusion in the record on appeal. In support of my requests, I submit the accompanying affidavit and declare that:

- (1) I am unable to pay such fees or give security therefor.
- (2) The issues I desire to raise on appeal are:

What I was sentenced to in regard to my criminal history points does not align with the terms agreed upon in my plea agreement, nor does it reflect the arguments that my attorney was to argue/present during my sentencing. I was not provided anything prior to sentencing from my Attorney such as my Pre-Sentence Report, my Sentencing Memorandum, the Prosecution's late motions and order. I want to say thank you to Judge Yang for having the missing documents sent to me and the extension to October 5, 2023.

- (3) I am entitled to redress.
- (4) I take this appeal in good faith.
- (5) The appeal is not frivolous and presents a substantial question.

I swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

MARITAL STATUS AND DEPENDENTS

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Single ☒ Married _____ Separated _____ Divorced _____

The following individuals are my dependents (Identify minor children by their initials only. Do not include their date of birth.):

Name	<u>T.L.</u>	Age	<u>11</u>	Relationship	<u>Son</u>
Name	<u>N.H.</u>	Age	<u>7</u>	Relationship	<u>Daughter</u>
Name	<u>B.H.</u>	Age	<u>1</u>	Relationship	<u>Son</u>
Name	_____	Age	_____	Relationship	_____

RESIDENCE

Street Address: 11125 Quintero Ct.
City: Commerce City State: Colorado
Zip Code: 80022 Telephone: 720 318 0173

EDUCATION

What is the highest level of formal education you have received: Bachelors of Science in Healthcare Management
I can speak, read, write, and understand the English language: Yes ☒ No _____

EMPLOYMENT

If employed at present, complete the following:

Name of employer: N/A
Address of employer: N/A
Telephone number of employer: N/A
How long have you been employed by present employer: N/A
Income: Monthly \$ N/A Weekly \$ _____

If self-employed, state your net income: Monthly \$ N/A Weekly \$ _____
What is the nature of your self-employment? _____

If unemployed at present, complete the following:

I have been unemployed since: N/A
Name of last employer: _____
Address of last employer: _____
Telephone number of last employer: _____
Salary or hourly wage received from last employer: \$ _____

If spouse is employed, complete the following:

Name of employer: NA
How long has spouse been employed by present employer: _____
Income: Monthly \$ _____ Weekly \$ _____

If receiving public assistance (e.g., welfare, unemployment benefits), complete the following:

I have been receiving public assistance since: SNAP Food stamps
Monthly benefits: \$ 939.00 Weekly benefits: \$ _____

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REAL AND PERSONAL PROPERTY

Real property:

Do you own real property? Yes _____ No X

If yes, describe: Forfeitures advised By Previous Attorney.

Address: _____

Name(s) on title: _____

Estimated value: \$ _____ Amount owed: \$ _____

Annual income from real property: \$ _____

Personal property:

Automobile: Make: N/A Model: _____ Year: _____

Name(s) on registration: _____

Estimated value: \$ _____ Amount owed: \$ _____

Cash on hand:

Total amount of cash in banks and savings and loan associations: \$ N/A

Names and addresses of banks and associations: _____

Other information pertinent to financial status: (Include stocks, bonds, savings bonds, interests in trusts either owned or jointly owned):

N/A

Payments for legal assistance: I have paid or will be paying an attorney, or someone other than an attorney (such as a paralegal or typist), money for services in connection with this case, including the completion of this form. Yes _____ No X

If yes, how much? \$ _____

If yes, state the name, address, and telephone number of the attorney or person:

FINANCIAL OBLIGATIONS:

Rent on house or apartment:

Mortgage on house:

Gas bill:

Electric bill:

Telephone bill:

Food:

Clothing:

Automobile loan:

Automobile insurance:

Other insurance:

MONTHLY PAYMENT:

\$ _____

\$ 21099.00

\$ 189.00

\$ 189.00

\$ 65.00

\$ 0

\$ 400.00

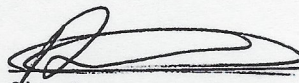
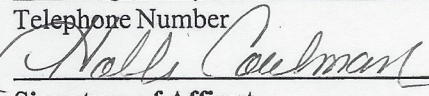
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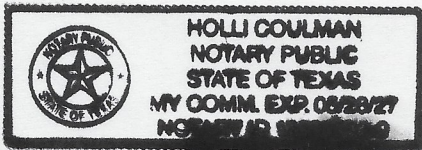
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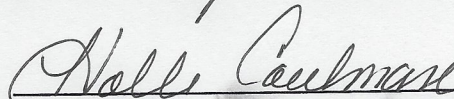
Payments to retail merchants: \$ _____
Total owed: _____
Payments on any other outstanding
loans or debts: \$ _____
Total owed: _____
Payments to doctors, hospitals, lawyers: \$ _____
Total owed: _____
Maintenance under separation
or dissolution agreement: \$ _____
Child support: \$ _____
Other Payments: \$ _____
Describe: _____ \$ _____
Describe: _____ \$ _____
Describe: _____ \$ _____
Describe: _____ \$ _____
Total monthly payments: \$ _____


Signature
DeJane Latrany
Name
11125 Quintero Ct
Street Address
Commerce City CO 80022
City State Zip Code
720 318 0173
Telephone Number

Signature of Affiant

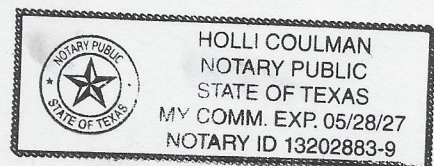
Date: 9/5/23

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th day of September, 2023




Notary Public
1001 Oakview Drive
Address Crossroads, TX 76227

My commission expires: 5/28/27



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