

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEJANE REANIECE LATTANY,

Defendant.

**REPORTER'S TRANSCRIPT
(Change of Plea Hearing)**

Proceedings before the HONORABLE NINA Y. WANG,
Judge, United States District Court, for the District of
Colorado, commencing at 1:07 p.m. on the 26th day of
April, 2023, Alfred A. Arraj United States Courthouse,
Denver, Colorado.

A P P E A R A N C E S

FOR THE PLAINTIFF:

NICOLE C. CASSIDY and REBECCA SUSAN WEBER, U.S. Attorney's
Office, U.S. District of Colorado, 1801 California Street,
Suite 1600, Denver, CO 80202

FOR THE DEFENDANT:

JASON FLORES-WILLIAMS, Jason Flores-Williams, Law Office
of, 1851 Bassett, Suite 509, Denver, CO 80202

1 APRIL 26, 2023

2 (Proceedings commence at 1:07 p.m.)

3 THE COURT: Thank you. Please be seated.

4 Good afternoon. We are here today on Case No.

5 23-cr-00074-NYW-1, United States of America v. DeJane

6 Reaniece Lattany. I am United States District Judge Nina

7 Y. Wang.

8 Counsel, would you enter your appearance, starting
9 with the Government.

10 MS. CASSIDY: Good afternoon, Your Honor, Nicole
11 Cassidy and Rebecca Weber for the United States.

12 THE COURT: Good afternoon, counsel.

13 MR. FLORES-WILLIAMS: Jason Flores-Williams.

14 THE COURT: Good afternoon. And good afternoon,
15 Ms. Lattany.

16 Ms. Buchanan, would you please administer the oath
17 to Ms. Lattany.

18 COURTROOM DEPUTY: Please stand and raise your
19 right hand.

20 DEJANE REANIECE LATTANY

21 having been first duly sworn, answers questions from the
22 Court as follows:

23 THE DEFENDANT: Yes.

24 THE COURT: All right. The record reflects that
25 the defendant was charged by Information, which is ECF No.

1 1, dated March 17, 2023, and waived her right to
2 prosecution by Indictment on March 27, 2023, that is ECF
3 Docket No. 5. She made her initial appearance on March
4 27, 2023, ECF No. 4, at which time she entered a plea of
5 not guilty.

6 On March 28, 2023, the defendant filed with this
7 Court a notice of disposition, that is ECF No. 8, and
8 requested that this matter be set for a change of plea
9 hearing.

10 Mr. Flores-Williams, it is my understanding that
11 pursuant to a plea agreement, Ms. Lattany wishes to enter
12 a plea of guilty to Count 1 of the Information, charging a
13 violation of 18 U.S.C. Section 1343, wire fraud; is that
14 correct?

15 MR. FLORES-WILLIAMS: That's correct.

16 THE COURT: This matter is therefore before the
17 Court this afternoon for a change of the defendant's plea,
18 for consideration of an advisement with respect to the
19 parties' proposed plea agreement under Federal Rule of
20 Criminal Procedure No. 11, and for re-arraignment under
21 Rule 10 of the Federal Rules of Criminal Procedure.

22 For the record, the Court notes that it has
23 received the following: Court Exhibit 1, which is the
24 plea agreement that was signed in court this afternoon.
25 And then the plea agreement contains a provision that the

1 plea agreement disclosed to the Court is the entire
2 agreement, that there are no other promises, agreements,
3 or side agreements, terms, conditions, understandings or
4 assurances, express or implied. In entering this plea
5 agreement, neither the Government nor the defendant has
6 relied or is relying on any other terms, promises,
7 conditions, or assurances. That is the plea agreement, at
8 page 18.

9 I also have the statement by defendant in advance
10 of the plea of guilty, which has also, it appears, been
11 signed and marked as Court Exhibit No. 2.

12 Starting with Mr. Flores-Williams, do you agree on
13 behalf of your client that the plea agreement constitutes
14 the entire agreement and that there are no other
15 agreements or terms of the agreement?

16 MR. FLORES-WILLIAMS: Yes, Your Honor.

17 THE COURT: And then, Ms. Cassidy, do you agree on
18 the part of the United States that the plea agreement
19 constitutes the entire agreement and that there are no
20 other agreements or terms to the agreement?

21 MS. CASSIDY: Yes, Your Honor.

22 THE COURT: All right. Now turning your attention
23 to Court Exhibit No. 1, which is the plea agreement, on
24 page 18, Mr. Flores-Williams, can you confirm for me that
25 that is your signature.

1 MR. FLORES-WILLIAMS: Yes, Your Honor.

2 THE COURT: And, Ms. Lattany, can you confirm for
3 me that that is your signature.

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And on behalf of the Government, you
6 have signed, Ms. Cassidy; is that right?

7 MS. CASSIDY: Yes, Your Honor.

8 THE COURT: And on behalf of the Government, you
9 have signed, Ms. Weber; is that correct?

10 MS. WEBER: That's correct.

11 THE COURT: All right. Now turning to Exhibit 2,
12 which is the statement by defendant in advance of the plea
13 of guilty, turning to page 9, I am going to confirm again,
14 Mr. Flores-Williams, that is your signature.

15 MR. FLORES-WILLIAMS: Yes, Your Honor.

16 THE COURT: And, Ms. Lattany, that is your
17 signature, as well.

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: So I am just going to confirm again
20 that there is no reason that either the Government or the
21 defendant knows of that the Court cannot rely on this
22 document; is that correct?

23 MS. CASSIDY: Correct, Your Honor.

24 MR. FLORES-WILLIAMS: Correct.

25 THE COURT: All right. Ms. Lattany, I am going to

1 ask you some questions to make sure you understand your
2 rights and the consequences of pleading guilty. Do you
3 understand that you just took an oath to tell me the
4 truth, and if you answer my questions falsely today, your
5 answers could be used against you in a separate
6 prosecution for perjury or making false statements?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you understand that you have the
9 right to remain silent and you do not have to answer any
10 of my questions at this hearing?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: For the purposes of this hearing, do
13 you give up your right to remain silent in order to answer
14 my questions?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Mr. Flores-Williams, do you concur in
17 the defendant's waiver of her right to remain silent for
18 the purposes of this hearing?

19 MR. FLORES-WILLIAMS: Yes, Your Honor.

20 THE COURT: And, Ms. Lattany, I also want to make
21 sure that you understand that although you have signed the
22 plea agreement, you are not yet bound by the agreement.
23 You will not be bound until I accept your plea of guilty,
24 so you can change your mind at any point during this
25 hearing up to the time that I accept a plea of guilty.

1 If at any time I tell you something or ask you
2 something that you do not understand, I need you to let me
3 know that you do not understand so I can clarify it for
4 you. Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And also if at any time you want to
7 stop and speak privately to Mr. Flores-Williams, that is
8 also perfectly fine, but you need to let me know so I can
9 allow that, all right?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Ms. Lattany, what is your full name?

12 THE DEFENDANT: DeJane Reaniece Lattany.

13 THE COURT: And how old are you?

14 THE DEFENDANT: I am 32.

15 THE COURT: And what level of school did you
16 complete?

17 THE DEFENDANT: I have an Associate's Degree.

18 THE COURT: And do you have any trouble reading or
19 writing in English?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Are you under the influence of any
22 drugs, medication, or alcohol today?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Is there anything about how you feel
25 right now, either physically or emotionally, that prevents

1 you from understanding what is happening at this hearing?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Mr. Flores-Williams, do you have any
4 reason to believe that Ms. Lattany should not go forward
5 with this plea today?

6 MR. FLORES-WILLIAMS: No, Your Honor.

7 THE COURT: Do you believe that she is in
8 possession of her faculties and competent to proceed?

9 MR. FLORES-WILLIAMS: I do.

10 THE COURT: Based on the statements of the
11 defendant and her attorney and my own observations, I find
12 that the defendant is in full possession of her faculties
13 and is competent to proceed.

14 Ms. Lattany, have you reviewed the Information and
15 discussed the charges with your attorney?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And has he answered all of your
18 questions?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Do you understand the charge that has
21 been brought against you?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Mr. Flores-Williams, will you please
24 outline for the Court your understanding of the plea
25 agreement.

1 MR. FLORES-WILLIAMS: Yes, Your Honor. Ms. Lattany
2 is pleading guilty to one count of wire fraud, 18 U.S.C.
3 1343. She is forfeiting assets in the total amount of
4 1,340,000. And in exchange for this, she is agreeing to
5 be sentenced pursuant to the Federal Sentencing
6 Guidelines, understanding the Court may vary from those
7 guidelines.

8 The range of those guidelines -- okay, I need to
9 correct myself. The forfeiture [sic] involved is
10 3,437,072.81. And the Court can either accept or not
11 accept the guidelines that she is agreeing to.

12 THE COURT: All right. Ms. Cassidy, do you agree
13 with that description of the agreement between the
14 Government and Ms. Lattany?

15 MS. CASSIDY: Just a couple of additions, Your
16 Honor.

17 Pursuant to the terms of the plea agreement,
18 Ms. Lattany is also waiving certain appellate and
19 collateral attacks rights.

20 She is agreeing that the intended loss amount for
21 the purposes of the of the guidelines calculation is more
22 than 3.5 million but less than 9.5 million.

23 The restitution figure is \$3,437,072.81, plus
24 interest accruing through the date of the sentencing
25 hearing minus the value of property seized below.

1 And she is further agreeing and consenting to the
2 forfeiture of assets listed on page 2 of the plea
3 agreement.

4 And the Government, for its part, is agreeing not
5 to bring other charges against the defendant based on
6 information currently known to the United States
7 Attorney's Office concerning fraud against the government
8 programs described in the plea agreement, and is agreeing
9 that, provided that the defendant does not engage in any
10 prohibited conduct or otherwise implicate United States
11 Sentencing Guideline Sections 3C1.1 and 3E1.1, comment 4,
12 between the guilty plea and sentencing in this case, that
13 the Government agrees that the defendant should receive a
14 2-level reduction for acceptance of responsibility
15 pursuant to Section 3E1.1(a) of the Sentencing Guidelines,
16 and agrees to file a motion requesting that the defendant
17 receive a 1-level reduction for acceptance of
18 responsibility pursuant to United States Sentencing
19 Guideline Section 3E1.1(b). And the Government is further
20 agreeing to recommend a sentence at the
21 bottom-of-the-guideline range as calculated by the Court.

22 THE COURT: All right. Mr. Flores-Williams, do you
23 have any objection to the additions made by the
24 Government?

25 MR. FLORES-WILLIAMS: None, Your Honor.

1 THE COURT: And, Ms. Lattany, do you agree with the
2 description of your agreement made by the Government and
3 your attorney?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Have you reviewed and discussed your
6 plea agreement with your attorney?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Have you had enough time to ask your
9 attorney all of the questions you have had about these
10 documents?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And has your attorney answered all of
13 your questions to your satisfaction?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Do you understand the plea agreement
16 and the statement made in advance of the plea agreement?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Ms. Lattany, you have the
19 constitutional right to a trial by jury. At trial, the
20 Government would have the burden of proof and they would
21 have to prove your guilt beyond a reasonable doubt. At
22 trial, 12 jurors need to find unanimously you are guilty.
23 Do you understand you have that right?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: At trial, you don't have to prove your

1 innocence, but because the law presumes innocence, you
2 have a right to testify and call witnesses if you want,
3 but no obligation. Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: If I accept your plea this afternoon,
6 you will be waiving your right to a jury trial. Do you
7 understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Ms. Lattany, if you went to trial and
10 you were convicted, you would have the right to appeal
11 your conviction and the sentence imposed. If I accept
12 your plea agreement, you will be giving up that right to
13 appeal your conviction and sentence except in very limited
14 circumstances.

15 If I accept your plea agreement, you can only
16 appeal the sentence that I impose if it exceeds the
17 maximum sentence provided by the statute, if it exceeds
18 the top end of the advisory guideline range, or if the
19 Government appeals the sentence imposed.

20 Under the plea agreement, you also waive the right,
21 which means you give it up, to challenge your conviction
22 and sentence in any collateral attack, including a motion
23 brought under 28 U.S.C. Section 2255.

24 You are not prohibited, however, from seeking
25 relief where there has been a retroactive change in the

1 sentencing guidelines or the sentencing statute or you
2 were deprived of effective assistance of counsel or where
3 you were prejudiced by prosecutorial misconduct.

4 Under the terms of your plea agreement, you waive
5 the right to appeal your sentence upon revocation of
6 supervised release except under certain circumstances.

7 You also waive the right to appeal the denial of
8 any motion for modification of imposed sentence where the
9 denial rests in any part on the Court's determination that
10 extraordinary and compelling reasons for a sentence
11 reduction is not warranted under the factors set forth in
12 18 U.S.C. Section 3553(a) except in certain circumstances.

13 Ms. Cassidy, is there anything else that counsel
14 believes I need to advise the defendant with regard to her
15 waiver of appellate rights?

16 MS. CASSIDY: No, Your Honor.

17 THE COURT: And, Ms. Lattany, do you need any more
18 time to talk to your attorney about these rights or your
19 waiver of the rights?

20 THE DEFENDANT: Just that part about the sentencing
21 part.

22 THE COURT: Okay. Go ahead.

23 (Off-the-record discussion had.)

24 THE DEFENDANT: Okay. I am ready to proceed, Your
25 Honor.

1 THE COURT: All right. So after conferral with
2 your attorney, do you give up those rights?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Mr. Flores-Williams, are you satisfied
5 that each of these waivers by your client is made
6 knowingly, voluntarily, and intelligently?

7 MR. WILLIAMS: Yes, Your Honor.

8 THE COURT: And do you concur in each of these
9 waivers?

10 MR. FLORES-WILLIAMS: I do.

11 THE COURT: The factual basis for the guilty plea
12 is set forth on pages 7 through 15 of the defendant's plea
13 agreement. Have you reviewed the facts stated in the plea
14 agreement with your attorney, Ms. Lattany?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And do you agree that those facts are
17 true?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Counsel, for the purposes of the
20 factual basis, may the Court rely on the factual basis set
21 forth in the plea agreement?

22 MR. FLORES-WILLIAMS: Yes, Your Honor.

23 MS. CASSIDY: Yes, Your Honor.

24 THE COURT: And, Ms. Cassidy, for the record, could
25 you set forth the factual basis of the plea.

1 MS. CASSIDY: Yes, Your Honor. In terms of the
2 factual basis of the plea, would you prefer I read out the
3 stipulation of facts?

4 THE COURT: You can just give me a summary.

5 MS. CASSIDY: Okay. Your Honor, on or about March
6 27, 2020, the United States signed into law the
7 Coronavirus Aid, Relief, and Economic Security Act, which
8 provided emergency assistance, which was administered by
9 the SBA; meaning the Small Business Administration, to
10 small business owners suffering adverse economic effects
11 caused by the COVID-19 pandemic.

12 This instituted two programs, among other programs,
13 including the Paycheck Protection Program and the Economic
14 Injury Disaster Loan Program, which had various
15 requirements, both for the -- to be eligible for the loan
16 programs as well as regarding the potential uses of loans
17 received pursuant to those programs.

18 As set forth under the plea agreement, from at
19 least June 2020 through at least January 2022, Ms. Lattany
20 knowingly, and with an intent to defraud, devised a scheme
21 to defraud and to obtain money from the United States and
22 from participating lenders by means of material false and
23 fraudulent pretenses, representations, and promises that
24 were based on submitting false and fraudulent EIDL and PPP
25 loan applications.

1 The total amount of EIDL applications, the SBA
2 approved and funded five EIDL applications submitted by
3 Ms. Lattany and three EIDL grants, for a total of \$430,000
4 in EIDLs and \$20,000 in grants, and these amounts, minus
5 the \$100 processing fees for each EIDL were sent to bank
6 accounts controlled by Ms. Lattany.

7 Additionally, the SBA had quoted additional amounts
8 of \$3,071,200 during the initial loan application process
9 for 10 additional fraudulent EIDL applications and two
10 additional fraudulent loan modifications that were
11 ultimately declined.

12 And so therefore the total amount of EIDL and grant
13 applications, funded and unfunded, attributed to
14 Ms. Lattany, is \$3,555,200.

15 In addition, from in or around June 2020 through in
16 or around December 2021, Ms. Lattany also prepared and
17 submitted fraudulent PPP applications to lenders in her
18 name as the sole proprietorship and on behalf of various
19 business entities that she purportedly owned. Third-party
20 lenders approved and funded 10 of these PPP loans,
21 resulting in \$2,887,976.94 being paid out to entities that
22 Ms. Lattany controlled.

23 And in addition to these 10 PPP loans that were
24 actually funded, Ms. Lattany also submitted another two
25 PPP loan applications that were not funded but had quoted

1 amounts totaling \$895,832. And so, therefore, the total
2 amount of PPP applications attributed to Ms. Lattany,
3 funded and unfunded, is \$3,783,808.94.

4 And additionally two other things to point out in
5 the loan agreements and in these EIDL applications and PPP
6 applications, Ms. Lattany knowingly, and with the intent
7 to defraud, made materially false statements regarding the
8 entities' number of employees, gross revenues, cost of
9 goods sold, average monthly payroll, and number of
10 employees.

11 And in the EIDL loan applications, Ms. Lattany
12 further falsely certified that the information provided in
13 those applications were true and accurate and that the
14 funds would be used for permissible expenses when, in
15 fact, she used the bulk of those proceeds for personal
16 benefits.

17 And, additionally, the SBA's financing center is in
18 Denver, Colorado, and so when it paid out both the PPP
19 processing fees and the EIDL payments, there was an
20 interstate wire from Denver to outside of the state.

21 THE COURT: Thank you, Ms. Cassidy.

22 All right. Any response or objection,
23 Mr. Flores-Williams?

24 MR. FLORES-WILLIAMS: No, Your Honor.

25 THE COURT: All right. We have talked about the

1 signature pages with respect to the plea agreement, and so
2 let's move to the charges that the defendant intends to
3 plead guilty to and the possible penalty for those
4 charges.

5 Ms. Cassidy, will you please inform the defendant
6 of the charges to which she will be pleading guilty and
7 also state the elements for each charge.

8 MS. CASSIDY: Yes, Your Honor. The defendant will
9 be pleading guilty to one count of 18 U.S.C. Section 1343,
10 that is wire fraud. The maximum sentence for this
11 violation is not more than 20 years imprisonment; a fine
12 of not more than the greater of \$250,000 or twice the gain
13 or loss from the offense, or both; not more than 3 years
14 of supervised release; a \$100 mandatory victim fund
15 assessment fee; plus restitution in an amount to be
16 determined at the time of sentencing.

17 And the elements of these offenses are as follows:
18 First, that the defendant devised a scheme to defraud.
19 Second, that the defendant acted with the specific intent
20 to defraud. Third, that the defendant used or caused
21 another person to use interstate or foreign wire
22 communication facilities for the purposes of carrying out
23 the scheme. And, fourth, that the scheme employed false
24 or fraudulent pretenses, representations, or promises that
25 were material.

1 THE COURT: Ms. Lattany, do you understand the
2 nature of the charge against you?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you believe that you are guilty of a
5 crime with those elements?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Ms. Lattany, do you understand the
8 consequences of you entering a plea of guilty, including
9 the maximum sentence that I could impose?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Mr. Flores-Williams, have you reviewed
12 and explained to Ms. Lattany the sentencing computation
13 provisions that are included in the plea agreement?

14 MR. FLORES-WILLIAMS: Yes, Your Honor.

15 THE COURT: Have you told her anything different
16 than what is set forth in that section of the plea
17 agreement?

18 MR. FLORES-WILLIAMS: No, Your Honor.

19 THE COURT: And that section of the plea agreement,
20 the advisory computation and advisement appear on pages 15
21 through 17 of the plea agreement.

22 Mr. Flores-Williams, based on the information that
23 you have to date, what do you believe the estimated range
24 to be?

25 MR. FLORES-WILLIAMS: 51 to 60 months, Your Honor.

1 THE COURT: And, Ms. Cassidy, what is the estimated
2 range that the United States believes?

3 MS. CASSIDY: 51 to 63 months, Your Honor.

4 THE COURT: All right. Ms. Lattany, you need to
5 know that the estimated sentencing ranges that counsel
6 just stated are only estimates based on the information
7 known to date. It is possible that the presentence
8 investigation report could contain additional information
9 that would change that calculation. Do you understand
10 that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Has your attorney explained to you that
13 the Federal Sentencing Guidelines are merely advisory, and
14 after your advisory guideline range has been determined, I
15 have the authority in certain circumstances to depart
16 upward or downward from that range?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you understand that that means that
19 the sentence that I impose is entirely up to me as the
20 judge?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you understand that even if you are
23 disappointed with the sentence that I impose, that it will
24 not be a basis for you to withdraw your plea of guilty?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you know what supervised release is?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand that if you are sent
4 to prison, that when you are released there will be
5 conditions attached to your release. Some of those
6 standard conditions that you may be subject to are not
7 committing any new crimes, state, federal or local; not
8 possessing any illegal substances; and not possessing any
9 firearms.

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Do you understand that if you violate
12 one or more of the conditions of supervised release, your
13 supervised release term could be revoked and you could be
14 returned to prison for all or part of the remaining term
15 of supervised release?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: The plea agreement, at page 7, sets
18 forth some additional consequences, they are known as
19 collateral consequences of the plea of guilty. Do you
20 understand that if you are presently on parole, probation,
21 or supervised release, this plea alone could be the basis
22 to revoke that parole, probation, or supervised release,
23 and as a result you could be returned to prison on that
24 other case?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you understand that you are pleading
2 guilty to a felony offense?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you understand that the conviction
5 of a felony offense may deprive you of valuable civil
6 rights, such as the right to vote, the right to hold
7 public office, the right to serve on a jury, and the right
8 to possess a firearm of any kind?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Do you understand that if you are not a
11 United States citizen, the conviction may also cause you
12 to be deported and removed from the United States, denied
13 future admission into the United States, and/or be denied
14 citizenship?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Ms. Lattany, do you have any questions
17 about the information that we have discussed here today?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Has anyone attempted in any way to
20 threaten you, your family, or anyone close to you in order
21 to force you to plead guilty?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Are you satisfied with the
24 representations that Mr. Flores-Williams has provided to
25 you?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And do you believe that he has fully
3 advised you concerning your case?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Having in mind all that we have
6 discussed regarding the plea of guilty, the rights that
7 you will be giving up, and the maximum sentence you could
8 receive, do you still want to withdraw your plea of not
9 guilty and enter a plea of guilty to the charge against
10 you?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: I am going to start with
13 Mr. Flores-Williams. Any reason not to accept your
14 client's plea of guilty?

15 MR. FLORES-WILLIAMS: No, Your Honor.

16 THE COURT: And, Ms. Cassidy, any reason that the
17 government knows of not to accept defendant's plea of
18 guilty?

19 MS. CASSIDY: No, Your Honor.

20 THE COURT: Other than re-arraigning Ms. Lattany,
21 Mr. Flores-Williams, do you agree that the Court has
22 complied with the requirements of Rule 11 of the Federal
23 Rules of Criminal Procedure?

24 MR. FLORES-WILLIAMS: Yes, Your Honor.

25 THE COURT: And, Ms. Cassidy, other than

1 re-arraigning defendant, do you agree that the Court has
2 complied with the requirements of Rule 11 --

3 MS. CASSIDY: Yes, Your Honor.

4 THE COURT: -- of the Federal Rules of Criminal
5 Procedure?

6 MS. CASSIDY: I apologize, Your Honor. Yes.

7 THE COURT: All right. Mr. Flores-Williams, does
8 Ms. Lattany seek permission to withdraw her plea of not
9 guilty as to Count 1 of the Information?

10 MR. FLORES-WILLIAMS: She does.

11 THE COURT: Permission is granted. The defendant's
12 plea of not guilty is withdrawn.

13 Ms. Cassidy, would you please re-arraign
14 Ms. Lattany.

15 MS. CASSIDY: Yes, Your Honor.

16 Ms. Lattany, you have been charged in an
17 Information dated March 17, 2023, with one count of wire
18 fraud, in violation of 18 U.S.C. 1343. Are you the DeJane
19 Reaniece Lattany named in that Information?

20 THE DEFENDANT: Yes.

21 MS. CASSIDY: And as to Count 1 of the Information,
22 charging wire fraud, in violation of 18 U.S.C. 1343, how
23 do you plead?

24 THE DEFENDANT: Guilty.

25 MS. CASSIDY: And then do you admit or deny the

1 forfeiture allegation contained in the Information?

2 THE DEFENDANT: I admit.

3 THE COURT: In the matter of Criminal Case No.
4 23-cr-74-NYW-1, United States of America v. Lattany, the
5 Court finds that the defendant, who is represented by
6 counsel with whom she is satisfied, has acknowledged a
7 factual basis for the plea.

8 The Court finds that the defendant has been fully
9 advised of her rights in writing and by the Court. The
10 Court finds that the defendant is fully competent and
11 capable of entering an informed plea and that the
12 defendant is aware of the nature of the charges and the
13 consequences of her plea.

14 The Court finds that the defendant has discussed
15 her plea agreement with her attorney and has signed and
16 agreed to the plea agreement voluntarily, knowingly, and
17 intelligently.

18 Therefore, it is ordered that Court Exhibit No. 1,
19 which is the plea agreement, is accepted and admitted.
20 The plea, as made in open court today is accepted, and the
21 defendant is adjudged guilty of Count 1 of the
22 Information, charging a violation of 18 U.S.C. Section
23 1343, wire fraud.

24 The Court defers approval of the plea agreement
25 pending review of the presentence investigation report.

1 The defendant is referred to the probation
2 department for that presentence investigation report. The
3 probation department shall conduct a presentence
4 investigation and submit a presentence report as required
5 by Rule 32 of the Federal Rules of Criminal Procedure.

6 Ms. Lattany, your sentencing hearing will not occur
7 for a few months. Before the sentencing hearing, the
8 probation officer will talk to you and gather information
9 that will be included in a report that I will review for
10 purposes of deciding what sentence to impose. When you
11 speak to the probation officer, your attorney may be
12 present with you if you wish.

13 If you have any objections to the factual contents
14 or the guideline calculation contained in that report,
15 your attorney may file objections on your behalf.

16 At the sentencing hearing, itself, I may hear
17 further statements or arguments from both your attorney
18 and the attorney for the Government. You will also be
19 allowed to make your own personal statement to me on your
20 own behalf before I impose sentence if you wish.

21 The sentencing hearing is currently set for August
22 15, 2023, at 1:00 p.m. Ms. Lattany, you are ordered to
23 appear at that time and date without any further notice of
24 the Court.

25 All dates other than the sentencing date are hereby

1 vacated.

2 Counsel, you are ordered to file any sentencing
3 positions or any other motions that pertain to sentencing
4 at least 14 days before the sentencing date. Any
5 responses or objections to such filings must be filed no
6 later than seven days before the sentencing date.

7 The defendant is here on bond, that is Docket No.
8 6. Pursuant to 18 U.S.C. Section 3143, the judicial
9 officer shall order that a person who has been found
10 guilty of an offense and who is awaiting imposition or
11 execution of the sentence, other than a person for whom
12 the applicable guideline promulgated pursuant to 28 U.S.C.
13 Section 994 does not recommend a term of imprisonment, be
14 detained unless the judicial officer finds by clear and
15 convincing evidence that the person is not likely to flee
16 or pose a danger to the safety of another or to the
17 community if released under Section 3142(b) or (c).

18 Ms. Cassidy, would the Government be seeking
19 detention before sentencing?

20 MS. CASSIDY: No, Your Honor.

21 THE COURT: And the Government has no objection to
22 continuing defendant's bond pending sentencing on the same
23 terms?

24 MS. CASSIDY: Correct, Your Honor. Thank you.

25 THE COURT: Ms. Lattany, bond continues pending

1 sentencing upon the Court's finding by clear and
2 convincing evidence that she is not likely to flee or pose
3 a danger to the safety or to another in the community, as
4 reflected on the docket before it.

5 Any further business on behalf of the Government?

6 MS. CASSIDY: No, Your Honor. Thank you.

7 THE COURT: Any further business on behalf of the
8 defendant?

9 MR. FLORES-WILLIAMS: No, Your Honor. Thank you.

10 THE COURT: All right. Thank you, counsel.

11 Will be in recess.

12

13 **R E P O R T E R ' S C E R T I F I C A T E**

14 I, Darlene M. Martinez, Official Certified
15 Shorthand Reporter for the United States District Court,
16 District of Colorado, do hereby certify that the foregoing
17 is a true and accurate transcript of the proceedings had
18 as taken stenographically by me at the time and place
19 aforementioned.

20

21 Dated this 22nd day of December, 2023.

22

23

24 s/Darlene M. Martinez

25 RMR, CRR