

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 23-cr-0074-NYW

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEJANE REANIECE LATTANY,

Defendant.

REPORTER'S TRANSCRIPT

Sentencing Hearing

Proceedings before the HONORABLE NINA Y. WANG, Judge,
United States District Court for the District of Colorado,
commencing at 1 p.m., on the 15th day of August, 2023, in
Courtroom A-502, United States Courthouse, Denver, Colorado.

APPEARANCES

Nicole C. Cassidy, Rebecca Susan Weber and Laura Beth Hurd, US
Attorney's Office, 1801 California Street, Suite 1600, Denver,
CO 80202, appearing for the Government.

Jason Flores-Williams, Law Office of Jason Flores-Williams,
1851 Bassett, Suite 509, Denver, CO 80202, appearing for the
Defendant.

TAMMY HOFFSCHILDT, Official Reporter
901 19th Street, Room A251
Denver, Colorado, 80294
(303) 947-1905

Proceedings Reported by Mechanical Stenography
Transcription Produced via Computer

1 (In open court at 1:05 p.m.)

2 *THE COURT:* Thank you. Please be seated. We're
3 convened in open court today for the sentencing in case number
4 23-cr-74-NYD-1, United States versus DeJane Reaniece Lattany.

5 Is that how you pronounce your name?

6 *THE DEFENDANT:* (Nodding head.)

7 *THE COURT:* Okay. I'm United States Judge Nina Wang.
8 Counsel, would you enter your appearance and introduce anyone
9 who is at the table with you.

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

13 *THE COURT:* Good afternoon, counsel.

14 *MR. FLORES-WILLIAMS:* Good afternoon, Your Honor.
15 Jason Flores-Williams, on behalf of Ms. Lattany, who is sitting
16 at the table.

17 *THE COURT:* Good afternoon, Mr. Flores-Williams and
18 good afternoon Ms. Lattany.

19 *THE DEFENDANT:* Good afternoon, Your Honor.

20 *THE COURT:* The Court notes that Ms. Lattany is
21 present in court with her counsel.

22 Counsel, are you ready to proceed?

23 *MR. FLORES-WILLIAMS:* Yes, Your Honor.

24 *THE COURT:* All right. The record reflects that the
25 defendant was charged by Information, in this case, **docket**

1 **Entry Number 1**, dated March 17th, 2023, and waived her right to
2 prosecution by Indictment on March 27th, 2023; that's **ECF**
3 **Number 5**. She made her initial appearance on March 27th, 2023,
4 at **Docket Entry Number 4**, at which time she entered a plea of
5 not guilty.

6 On March 28th, 2023, the defendant filed, with this
7 Court, a Notice of Disposition, that's **Docket Entry Number 8**,
8 and requested that this matter be set for a change of plea
9 hearing.

10 Ms. Lattany appeared before this Court on April 26th,
11 2023, withdrew her plea of not guilty and entered a plea of
12 guilty to the single count charged in the Information, a
13 violation of 18 U.S.C. Section 1343, wire fraud.

14 Ms. Lattany, by the virtue of that guilty plea, you
15 have been adjudicated guilty of the offense of wire fraud, in
16 violation of 18 U.S.C. Section 1343. The purpose of today's
17 hearing is for me to determine what sentence will be imposed
18 for that offense.

19 Ms. Lattany, is there anything about your condition
20 today, either physically or mentally, that would make you
21 unable to understand what is going on?

22 *THE DEFENDANT:* No, Your Honor.

23 *THE COURT:* And during this proceeding, at any time,
24 if you need to talk to your attorney, just let me know, and we
25 will make the arrangement so you can have that consultation

1 with him. Okay?

2 *THE DEFENDANT:* Yes, Your Honor.

3 *THE COURT:* Mr. Flores-Williams, have you and your
4 client read and discussed the presentence report, the revised
5 presentence report and the addendum thereto?

6 *MR. FLORES-WILLIAMS:* Yes, Your Honor.

7 *THE COURT:* Now, it's my understanding that the
8 defendant does not have any objections to the revised
9 presentence report; is that correct?

10 *MR. FLORES-WILLIAMS:* That is correct.

11 *THE COURT:* And it's also my understanding the
12 government does not have any objections to the revised
13 presentence report; is that correct?

14 *MS. CASSIDY:* Yes, Your Honor.

15 *THE COURT:* There's also a pending motion to decrease
16 the offense level by one additional level, pursuant to the
17 sentencing guideline Section 3E1.1 B. Docket entry filed
18 August 1st, 2023, that motion is unopposed and will be granted.

19 Because neither the government nor the defendant has
20 filed any objections to the presentence report, the factual
21 statements and the guideline applications in the report are
22 adopted, without objection, as to the Court's finding of fact
23 concerning sentencing. Account for one -- accounting for the
24 one-level decrease, pursuant to the motion, based on the
25 Court's resolution of the guidelines, it concludes that the

1 total offense level is 24 and the defendant's criminal history
2 category is III.

3 Any objections on the part of the government with
4 respect to that calculation?

5 MS. CASSIDY: Your Honor, I believe it was criminal
6 history category II with three points.

7 THE COURT: I'm sorry. Exactly. Criminal history
8 category II. I apologize. So the offense level is 24, the
9 criminal history category is II.

10 MS. CASSIDY: Yes, Your Honor.

11 THE COURT: Any objections?

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

13 THE COURT: That results in advisory sentencing
14 guideline range of 57 to 71 months of imprisonment.

15 Any objection to that advisory guideline range?

16 MS. CASSIDY: No, Your Honor.

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

18 THE COURT: The Court accepts the Plea Agreement as
19 offered, as part of the April 2023, Change of Plea proceeding,
20 and notes that the Plea Agreement had a different calculation
21 of the guideline calculation, but contained a proviso that
22 stated that it was simply a good-faith estimate based on the
23 information known to the parties at the time of the Plea
24 Agreement.

25 Court notes that in the revised presentence report,

1 there's been a change of the criminal history category, as
2 opposed to the estimate given, conviction in state court.

3 I note that the defendant has filed a sentence
4 memorandum, which this Court construed as a motion for downward
5 variance, that's **Docket Entry Number 19**. The United States
6 probation office has also recommended a downward variance in
7 sentencing, as part of its sentencing recommendation.

8 In addition, because the Court concludes that the
9 assessment of the defendant's criminal history category points
10 is accurate and thus appropriate criminal history category is
11 II, this Court construes the government's sentencing statement
12 and response to the defendant's sentencing memorandum, in part,
13 as a motion for downward variance, as well, as requested within
14 the document; that's **Docket Entry Number 24**.

15 Accordingly, the defendant argues for a variance
16 sentence for a term of 45 months. The United States Probation
17 Office recommends a variant sentence of 48 months, and the
18 United States argues for a variant sentence of 51 months.

19 Ms. Cassidy, is there anything that the government
20 believes that we need to address before I give each side an
21 opportunity to be heard, with respect to the appropriate
22 sentence?

23 *MS. CASSIDY:* No, Your Honor.

24 *THE COURT:* Mr. Flores-Williams, is there anything
25 else that the defense believes that we need to address before I

1 give each side the opportunity to be heard about the
2 appropriate sentence?

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

4 *THE COURT:* And, Ms. Cassidy, it's my understanding
5 that there are no victims in this case which wish to be heard
6 at this time; is that correct?

7 *MS. CASSIDY:* That is correct, Your Honor.

8 *THE COURT:* All right. Mr. Flores-Williams, at this
9 time, I will give you an opportunity to speak, on your client's
10 behalf, as to the sentence you believe is appropriate in this
11 case.

12 Ms. Lattany, you will also be given an opportunity to
13 speak, as well. Typically, what I do is I allow your attorney
14 to advocate first on your behalf, I let the government respond,
15 and then I give you the last word, if you like.

16 *THE DEFENDANT:* Okay. Thank you.

17 *MR. FLORES-WILLIAMS:* May it please the Court.
18 Your Honor, first I think it needs to be acknowledged, in which
19 my client has acknowledged, is that here, in this case, the
20 government stepped up during a very difficult time, and some
21 people, unfortunately, took advantage of that offering; that's
22 not good; and that's why my colleagues here, for whom I have a
23 great deal of respect, have brought -- have rightly brought
24 this case, and why we're here today, and Ms. Lattany is facing
25 a penalty.

1 She has acknowledged that what she did was wrong, and
2 not only acknowledged what she did was wrong, but understands
3 why it was wrong, as is indicated in the presentence report,
4 the questions that she answered.

5 So the gravity of what occurred here is not, for one
6 moment lost, on my client, Ms. Lattany. Pardon me.

7 In my job, I have come across two different kinds of
8 people, and sadly the former is the vast majority, in contrast
9 to the latter, the former, and I am sure people in this room
10 are respectfully familiar with this type, are the ones who --
11 defendants who blame everyone but themselves for why they're
12 here. They are only focused on how things affect them. They
13 are selfish and have no real understanding, even though they
14 might mouth the words, as to why it is this has happened to
15 them. These are the kind of defendants who blame the lawyer
16 when they have to go to jail, things like that, or it's an
17 unfeeling system, et cetera.

18 Ms. Lattany is not, in any way, part of that majority
19 former group. She is part of the latter, and at the end of the
20 bell curve of the latter, which is a person who -- a good
21 person, who sees the world in terms much greater than herself.
22 Understands the world and is sensitive to the world, to the
23 best of her ability, but made a mistake. I was thinking today,
24 for a second, I'm going to fill this Court with too many
25 antidotes. I was thinking about my time when I was a really

1 young man in New York, going to college, and I had a -- my loan
2 officer in the college made it very easy for me to take student
3 loans out. So once they were there, I just was almost in there
4 once every six months, in New York City, and I am still paying
5 for it today, for that ease of access. I don't know if that
6 antidote fits perfectly by any stretch, but what I know is that
7 in a situation where Ms. Lattany was in, she had a legitimate
8 business going, suddenly there was money that could be procured
9 with just by signing a couple of papers, everyone around her
10 was doing it, doesn't excuse it by any stretch of the
11 imagination, but people have lapses, good people can lose their
12 compass for a moment, and then the question is, is do they have
13 the wherewithal and the integrity to pay for it and how have
14 they paid it.

15 Dejane, Ms. Lattany, has paid, and she knows she is
16 going to pay more, but she has paid. She has lost her
17 business. She has been embarrassed, in front of her family, in
18 front of the people she knows, most importantly, she is
19 embarrassed within herself. She is -- during the throws of
20 this, she would come to my office with her children. Babies,
21 when I first met them, still in the process of, you know,
22 bringing them up, feeding them, and it was hard to see this
23 good person, who knew that she had lost it, and not exercised
24 their best selves and best judgment, with their children,
25 seeing a good mom, part of a really good family, come into this

1 place, and be -- having to take responsibility for something
2 that she did; and she did and has taken responsibility for it.
3 So now she has lost everything, and now she is facing not being
4 around for a beautiful part of her kids' lives. She did that
5 to herself, but that's her reality now.

6 The family is going to be stressed. Matt, her
7 partner, a really good guy, he is going to be faced with taking
8 care of these beautiful kids while Ms. Lattany is away.

9 So now that she has paid, what will she pay further?
10 My colleagues, with the government, have recommended or asked
11 for 51 months. We've asked for 45. The -- as the Court
12 acknowledged, the presentence investigation report has
13 requested or recommended 48. At this point, when -- my client
14 is going to pay, and has paid for what she has done. We would
15 ask for 45, as we did in our motion for downward variance as
16 the Court construed. It means Ms. Lattany goes away. It means
17 she will be incarcerated. But when she is -- but it means also
18 this is going to be the sort of person who is going to avail
19 herself of every possible program.

20 As the Court acknowledged, gratefully, my colleagues,
21 indicated the criminal history is a level of II, which is low,
22 and it's, you know -- there is going to come a time when she is
23 out of this and returned chastened to her life, raising her
24 children, vital part of her family's life, in which she will
25 have to reconstitute and rebuild herself. Forty-five, I

1 believe is fair. It acknowledges that she is acknowledging
2 what she has done, acknowledges the gravity, it means
3 incarceration, depravation of liberty, it means being away from
4 her family and missing a vital part of her children's lives.
5 It's a penalty that is real, but at the same time it also
6 acknowledges that this is a person who made a mistake. She is
7 not one of the members of the former group that I described.
8 She is one of the latter, who lost her moral compass for a bit,
9 and now, because of this process, the system working and
10 working well, as it should, she has regained it, and is here,
11 taking full responsibility before this Court. So it's with
12 that we ask for that downward variance, and that 45 months be
13 sentenced to this good person who made a mistake.

14 *THE COURT:* All right. Ms. Cassidy?

15 *MS. CASSIDY:* Your Honor, the government is requesting
16 that the Court impose a sentence of 51 months imprisonment
17 followed by three years of supervised release.

18 Plain and simple, this is case about greed.
19 Ms. Lattany submitted 15 fraudulent EIDL applications,
20 modification requests, 12 fraudulent PPP applications. These
21 were submitted on behalf of eight different businesses that she
22 claims that she operated over the course of 19 months. This
23 isn't a one-off mistake. It's not an isolated incident. This
24 is a pattern that extended a significant amount of time during
25 the global pandemic.

1 She grossly inflated the number of employees and the
2 businesses' average monthly payrolls on these applications, as
3 well as her business' revenues and cost of goods sold. She
4 lied about owning other business. She fabricated tax records
5 and documents, which she then submitted to lenders to submit
6 her loan requests, and as a result of these, this 19 months of
7 conduct, she received more than \$3 million, which is more than
8 many Americans will see in their entire lifetime. She received
9 over \$400,000 of EIDLs, \$20,000 of grants, and 10 PPP loans,
10 totaling over \$2.8 million, and she sought a lot more. She
11 returned to the SBAs and lenders over and over again to seek
12 additional loans and modifications for those companies.

13 As set forth in the parties' Plea Agreement
14 Ms. Lattany sought COVID loans totaling more than \$7.3 million.
15 It's a staggering sum, particularly when considering that the
16 purpose of the CARES Act was to keep as many employees employed
17 as possible, to prevent mass layoffs, at a time when the
18 country was facing an unprecedented global pandemic, and when
19 entity businesses were supposed to be shutdown, to prevent the
20 spread of the unknown virus, the proceeds were supposed to be
21 used for legitimate business expenses; such as, payroll, rent
22 and utilities, but the vast bulk of these proceeds for
23 Ms. Lattany's loans were not spent in that way.

24 She bought a house, she bought a Hummer, she made
25 payments on a different Hummer, she paid down credit card

1 bills, and she moved hundreds of thousands of dollars to
2 personal accounts. And I will note that through the work of
3 the FBI and our asset forfeiture of the AUSAs, that the
4 government was able to recover a portion of those proceeds, but
5 there's a significant amount that remains unrecovered. And I
6 will also note that Ms. Lattany turned around and submitted a
7 number of fraudulent PPP forgiveness applications, lying about
8 how she spent those proceeds, so that her businesses debts
9 would be wiped clear and be borne again, instead, by the
10 American taxpayer. And of course this all came at the -- all
11 of this conduct came at the expense of legitimate businesses,
12 as the funds allocated through the CARES Act for the PPP and
13 EIDL programs did, in fact, eventually run out, and so there
14 were businesses who could not receive funds.

15 This is not the defendant's first white collar
16 conviction, and we note that she recently pled guilty and was
17 sentenced in Denver District Court to Medicaid fraud, and this
18 is all put in the context that this is a defendant who had
19 significant options. She had numerous educational
20 opportunities. She ran her own businesses. She had the
21 opportunities to seek legitimate employees or even legitimate
22 COVID loans on behalf of some of her businesses, and she chose
23 not to do that.

24 So in considering the nature and circumstances of this
25 crime, as well as this defendant's specific characteristics,

1 and the need to provide specific deterrence to this defendant,
2 the government believes that a sentence of 51 months
3 imprisonment is the sentence that is sufficient, but not
4 greater than necessary, to achieve the goals of sentencing.
5 And then, as Your Honor and other Courts have recognized in
6 cases around the country, white-collar criminals are
7 particularly crime candidates for general deterrence, as their
8 conduct, like this defendant's conduct, also often occurs over
9 the course of months or years and are often crimes carefully
10 calculated, risk-versus-reward calculation, and so the
11 government requests that the Court's sentence today sends a
12 clear message to others that also might want to defraud
13 government programs, that their conduct will be punished, and
14 so for all of those reasons, the government seeks a sentence of
15 51 months.

16 *THE COURT:* Thank you, Ms. Cassidy. Ms. Lattany, at
17 this time I want to give you an opportunity to speak and to
18 tell me anything that you would like to. You are under no
19 obligation to do so, but if you would like to say something I
20 will happily listen.

21 *THE DEFENDANT:* Yes, Your Honor. I come here today,
22 before you, to accept responsibility for what I have done, for
23 in my belief that I have sinned. I can say that I was under a
24 lot of pressure during the months that this occurred. The
25 former -- the former plea that I have took with the State, I

1 took responsibility of that, although, just recently, I
2 received an email from them, which is an exhibit that I do
3 have, stating that they have to pay me, because they owe me. I
4 went through a hardship with the State, Colorado State
5 Medicaid, of not paying, and with me not being able to produce
6 the paperwork to show that I had those clients, and I had those
7 people that took care of those clients, and I took care of all
8 of the people that were there, with me, resulted in me having
9 to take a plea bargain, which later still stands, and I now --
10 and I now have an email stating that they have to pay me, and
11 continue to pay me, which is evidence that I did not do what --
12 what I took a plea bargain on, which drove me to not be logical
13 in what I did do, as far as with the federal government, and I
14 do take full responsibility of that, but, Your Honor, I just
15 ask that you look at it from a standpoint of me just trying to
16 take care of the people around me.

17 I did not -- I don't feel like I was trying to be
18 greedy. I do feel like I was trying to build a foundation for
19 the people and a lot of the families that I did take care of.
20 I was -- I was no way to take for myself. I was not spending
21 on myself, that's why they were able to take most of it out of
22 the accounts, because I was waiting for someone to help me to
23 get everything started, but I do take responsibility for what I
24 have done, because I did do wrong, and I did lie on the
25 applications. I did -- I did -- I did move the numbers up, to

1 receive more, only under the stress that I was having under the
2 first business that I did operate, which took care of many
3 families who depended on me, but I just ask that you take into
4 consideration, Your Honor, that I accept all full
5 responsibility of what I did, and that I am still looking
6 forward to make sure that I am somebody in the community that
7 they can look forward -- look forward to seeing as a role
8 model, as I was, before this happened during COVID.

9 So, I am sorry. And I just ask that you -- that you
10 just understand that I -- just understand that I am trying to
11 take this responsibility while trying to wean my son off of
12 breastfeeding and trying to cope with the deaths and everything
13 that I have suffered during this time. I kept myself in prison
14 in my room this whole time for three years, even though the
15 federal government has investigated me for one, I have been in
16 prison for three years, because of the Medicaid, the State
17 Medicaid case that I did not do, and I have -- I have proof
18 that I didn't do it, because they just sent me an email, the
19 other day, saying they have to pay me. So this whole time I
20 have been in prison. So the only difference is that I would be
21 away from my kids, who have suffered the loss of my grandfather
22 who was the stable foundation for this family, who have
23 suffered many losses and my baby that is back there, who will
24 suffer because he is still breastfed, and I am not saying to
25 keep me home because of that, but I'm just asking if you could

1 just see some leniency on that, because I understand what I did
2 and I did do wrong. I was under pressures and not everything
3 is the truth about me that's in these papers or in the news,
4 because that is not who I am.

5 So I am sorry and I appreciate everything that you can
6 do, Your Honor.

7 *THE COURT:* Thank you, Ms. Lattany. All right.
8 Although I may not mention all of them, I have carefully
9 considered the factors set forth in 18 U.S.C. Section 3553(a).
10 My responsibility here, today, is to determine a sentence that
11 is sufficient, but not greater than necessary, to comply with
12 the purposes as set forth in that section of the statute.

13 In considering the sentencing guidelines, I also do
14 not start from the presumption that the guidelines are
15 reasonable. Instead, I must make an individualized assessment,
16 based on the facts presented.

17 I want to let you know, Ms. Lattany, that I read all
18 of the letters that your family members submitted.

19 *THE DEFENDANT:* Thank you.

20 *THE COURT:* And I see them here today, and I want to
21 thank them on your behalf and on behalf of the Court, because
22 it is incredibly critically important for all defendants to
23 have family support. Not all defendants do. And I count you
24 as lucky to have those men and women sitting behind you,
25 supporting you, and I hope that they will support you during

1 your term of incarceration, that I must impose; but also
2 afterwards, because it is the after that I'm really focused on,
3 with respect to you.

4 So I also see your baby here, and I know that's
5 challenging, but I strongly believe that the first step in this
6 process is to weigh these factors and give you a sentence that
7 is fair, and that there is some reconciliation between you and
8 our community, you and your family, and so I keep that in mind
9 as I impose the sentence.

10 The factors I consider are the nature and
11 circumstances of the offense. The history and characteristics
12 of the defendant. The need to reflect the seriousness of the
13 offense, to promote respect for the law and to provide just
14 punishment for the offense. The need to afford adequate
15 deterrence to criminal conduct. The need to protect the public
16 from further crimes of this defendant.

17 I also consider the need to provide the defendant with
18 needed educational, vocational training, medical care or other
19 correctional treatment in the most effective manner. The kinds
20 of sentences available, the kind of sentence and sentencing
21 range established for someone who commits this category of
22 offense and has this criminal history level, as set forth in
23 the sentencing guideline. Any pertinent policy statements in
24 the sentencing guidelines issued by the Sentencing Commission,
25 pursuant to 18 -- I'm sorry -- 28 U.S.C. Section 994(a)(2) and

1 its effect on the date that the defendant is sentenced. The
2 need to avoid unwarranted sentences, disparities among
3 defendants with similar records who have been found guilty of
4 similar conduct and the need to provide restitution to any
5 victims of the offense.

6 I begin my consideration of the appropriate sentence
7 with the nature and circumstances of the offense. So from, at
8 least, June 2020, to, at least, January 2022, Ms. Lattany you
9 submitted at least 15 fraudulent Economic Injury Disaster Loan
10 and Paycheck Protection Applications to obtain more than \$3
11 million during the COVID-19 pandemic.

12 In addition to submitting these loan applications, you
13 submitted fabricated documents to support the false statements
14 about your alleged businesses, including fabricated tax
15 documents, wage statements and financial documents, and as a
16 result of your actions you obtained over \$3 million dollars and
17 then sought and obtained loan forgiveness for PPP loan by
18 falsely certifying, using the loan proceeds in accordance with
19 PPP requirements.

20 In addition, you attempted, but were not successful,
21 in obtaining another \$4 million in EIDL, Economic Injury
22 Disaster Grants and PPP loans. I'm struck by the sheer amount
23 of money that's sought in this case. In all, if all of those
24 loans and grants had been granted, that would have been over \$7
25 million in funds, which, frankly, is more money than most

1 people see across a lifetime of working really, really hard.

2 The bulk of those proceeds were not used for business
3 purposes. Instead, they were used to purchase real estate, in
4 Commerce City, Colorado, make payments on a vehicle, purchase a
5 vehicle, pay off personal debt. These actions seem similar to
6 the allegations to which you pled guilty in Denver County
7 District Court, and were recently sentenced to two years of
8 prison followed by two years parole, order of restitution in
9 the amount of \$372,150.47.

10 So the Court cannot conclude, as defense counsel
11 argued in the papers, that you don't have any prior criminal
12 history. The Court also concludes that the correct
13 calculation, because of that prior offense, was a Criminal
14 History Category II; not I, as was originally contemplated by
15 the Plea Agreement.

16 So the nature and the circumstances of this offense is
17 serious, Ms. Lattany. I think you know that. And I certainly
18 hope that you realize the gravity of those actions, that it was
19 a series of actions, series of decisions that led to,
20 potentially, a lot of money, during a time of crisis, not just
21 for you and your family members, but also for the world, in
22 general.

23 Contrasting to that, Ms. Lattany, however, I note that
24 you do have a limited criminal history, and essentially, prior
25 to these two offenses, surrounding the running of businesses,

1 which, of course, you have described as stressful and were, of
2 course, stressful for many business owners, in the COVID-19
3 pandemic, essentially, you only had traffic offenses.

4 The government and the United States Probation Office
5 both acknowledge that you ran the home healthcare agency from
6 about 2013 to about 2021, and the letters of support that you
7 received from your family members are striking, because they
8 all reinforce the fact that you, throughout your life, from
9 being a little girl, to today, have consistently sought and
10 obtained educational opportunities, even in the face of very
11 challenging personal and family circumstances, and I
12 acknowledge that and I credit you for that, Ms. Lattany. That
13 is not easy, and many, many people would choose a different
14 path, and so I commend you for all of those good choices that
15 you made over the years.

16 *THE DEFENDANT:* Thank you.

17 *THE COURT:* Of going to school, continuing in school,
18 bettering yourself, running a business, helping your family
19 members, supporting not only your own children, not only your
20 own biological children, but the children of your partner and
21 your nieces and nephews. I think that speaks to who you are as
22 a person, and so I have accounted that, and it is my great
23 hope, Ms. Lattany, that you draw on that reserve, and that you
24 will draw on that, to use your potential and use your talents,
25 which you clearly have, in a productive way, when you are

1 released.

2 As I noted before, neither the government nor the
3 defendant filed any objections to the presentence report, and
4 concluded that the factual statements and guideline
5 applications to the report are adopted without objection, as
6 the Court's finding of fact concerning sentencing.

7 The Court finds that the Total Offense level is 24,
8 and the Criminal History Category is II, results in a guideline
9 range of 57 months to 71 months, a fine range of 20,000 to
10 200,000 -- I'm sorry, 20,000 to \$200,000 and a supervised range
11 of one to three years.

12 After careful consideration, I conclude that a variant
13 sentence of imprisonment is sufficient, but not greater than
14 necessary, to satisfy the requirements set forth in Section
15 3553(a)(2). Therefore, pursuant to the Sentencing Reform Act
16 of 1984, it is the judgment of the Court that the defendant, in
17 this case, is it DeJane -- how do you say your first name?

18 *THE DEFENDANT:* DeJane.

19 *THE COURT:* DeJane Reaniece Lattany is hereby
20 committed to the custody of the bureau of prisons to be
21 imprisoned for a term of 48 months.

22 I will recommend that you be placed in custody in the
23 State of Colorado to facilitate continued support and contact
24 with your family members. I further order that you serve a
25 term of supervised release of three years, beginning

1 immediately upon the completion of your term of imprisonment.
2 Within 72 hours of release from custody of the bureau of
3 prisons, you will report, in person, to the probation office in
4 the district to which the defendant is released.

5 While you are on supervision, you may not commit
6 another federal, state or local crime, and you must not
7 unlawfully possess a controlled substance.

8 You must refrain from unlawful use of a controlled
9 substance. The Court waives the mandatory drug testing
10 provision in 18 U.S.C. Sections 3583(d), because the
11 presentence report indicates a low risk of future substance
12 abuse by the defendant. You must cooperate in the collection
13 of the DNA, as directed by your probation officer. You must
14 make restitution in accordance with 18 U.S.C. 3663 and 3663A,
15 or any other statute authorizing a sentence of restitution.
16 You must comply with the standard conditions adopted by this
17 Court in General Order 2020-20.

18 The Court finds that the following special conditions
19 of supervision are determined to be reasonably related to the
20 factors enumerated in 18 U.S.C. Section 3553(a) and 18 U.S.C.
21 3553(d). Further, based on the nature and circumstances of
22 this offense, the history and characteristics of this
23 particular defendant, the following conditions do not
24 constitute a greater deprivation of liberty than is reasonably
25 necessary to accomplish the goals of sentencing.

1 First, you must participate in a program of
2 mental-health treatment, provided by the probation officer, and
3 follow the rules and regulations of such program. The
4 probation officer, in consultation with the treatment provider,
5 will supervise your participation in the program as to the
6 modality, duration and intensity. You must pay for the costs
7 of treatment based on your ability to pay.

8 Two, since the judgment imposes a financial
9 requirement of restitution, you must pay the financial
10 restitution in accordance with the scheduled payment sheets of
11 this judgment. You must also notify the Court of any changes
12 in economic circumstances that might affect your ability to pay
13 the financial penalty and/or restitution.

14 Three, must not incur new credit charges or open
15 additional lines of credit without approval from the probation
16 officer, unless you are in compliance with the periodic payment
17 obligations imposed pursuant to the Court's judgment and
18 sentence.

19 Four, you must apply any moneys received from income
20 tax refunds, lottery winnings, inheritance, judgments and any
21 anticipated or unanticipated financial gains to the outstanding
22 Court-ordered financial obligation in this case.

23 Five, you must provide the probation officer access to
24 any requested financial information and authorize the release
25 of any financial information.

1 Six, if you have an outstanding financial obligation,
2 the probation officer may share any financial or employment
3 documentation relevant to you with the Asset Recovery Division
4 of the United States Attorney's Office to assist in the
5 collection of the obligation.

6 Seven, you must document all income, compensation
7 generated or received from any source, and must provide the
8 information to the probation officer as requested.

9 Eight, any business you operate, during the term of
10 supervision, must be approved by the probation officer. You
11 must operate under a formal registered entity, and you must
12 provide the probation officer with the name of the business
13 entity and its registry agents. You must maintain business
14 records and provide all business documentation and records as
15 requested by the probation officer.

16 Nine you must not cause or induce others to register a
17 business entity on your behalf.

18 Ten, you must document all income and compensation
19 generated or received from any source, and must provide that
20 information to the probation officer as requested.

21 Eleven, you must not cause or induce anyone to conduct
22 a financial transaction on your behalf or maintain funds on
23 your behalf.

24 Twelve, you must maintain separate personal and
25 business finances. You must not commingle personal and

1 business funds or any financial accounts, including, but not
2 limited to, bank accounts and lines of credit.

3 You must make restitution to the victim in the amount
4 indicated in the presentence report. I believe that amount is
5 \$3,437,072.81.

6 You will be ordered to pay interests on that
7 restitution, more than \$2500, unless the fine or restitution is
8 paid in full before the 15th day after the date of judgment,
9 that interest, as I understand, will run up to and including
10 today, the date of sentencing.

11 Does the government have any objection to that?

12 *MS. CASSIDY:* No, Your Honor, and at **Docket Number ECF**
13 **Number 24-2**, we provided the Court with a chart breaking down
14 the interest calculations, running through the date of
15 sentencing to today.

16 *THE COURT:* Okay. All right. You will also be
17 ordered to pay any special assessment of a hundred dollars, due
18 and payable immediately.

19 The Court finds that this defendant does not have the
20 ability to pay a fine, so the Court will waive the fine, in
21 this case.

22 It's ordered that the payment of your monetary
23 obligations shall be due as follows, the special assessment and
24 the restitution obligation are due immediately. The balance of
25 the monitor obligations shall be paid in monthly installments

1 calculated as at least 10 percent of the gross monthly income.
2 Pursuant to 32.2, of the Federal Rules of Criminal Procedure,
3 in addition the defendant shall forfeit her interests in the
4 following property to the United States; one, all title, right
5 and interest in the real property located at 11125 Quintero
6 Court, Commerce City, Colorado, 80022; two, \$17,348.46, seized
7 from Sunflower Bank, checking account 1100035300; three, a 2009
8 Hummer SVT Luxury, VIN 5GRGN02278H100429; four, a 2008 Hummer
9 Utility Passenger, VIN 5GRGN2382H8H101341; five \$945,572.89
10 seized from Canvas Credit Unit, checking account number 626207;
11 and money judgment in the amount of the proceeds obtained by
12 the scheme of the defendant, which is \$3,337,476.94, which will
13 be credited with any net proceeds obtained from judicial
14 forfeited assets.

15 You are advised of your right to appeal the sentence,
16 consistent with the waivers a set forth in the Plea Agreement.
17 If you desire an appeal, a Notice of Appeal must be filed with
18 the Clerk of the Court within 14 days after the entry of
19 judgment or your right to appeal will be lost.

20 If you are unable to afford an attorney for the
21 appeal, the Court will appoint one for you, at no cost, and if
22 you so request, the Clerk will immediately prepare and file a
23 Notice of Appeal on your behalf.

24 Ms. Lattany, I believe you and trust you that you want
25 to make things right, when you finish serving your sentence.

1 And so, I very much hope that you do, and I very much hope that
2 when given the opportunity, you will dig down deep. And you
3 are a young woman and you have a lot of life ahead of you, even
4 after this sentence, and so I look forward to hearing about the
5 productive things that you can do to serve your family and our
6 community in the future.

7 Ms. Cassidy, is there anything else that the
8 government believes we need to do here today?

9 MS. CASSIDY: One point of clarification, Your Honor.
10 I know the state court, in its judgment, included a provision
11 that that judgment term of imprisonment should run concurrently
12 with the term of sentence imposed here. Does Your Honor intend
13 to make a similar finding?

14 THE COURT: I believe that the -- these sentences,
15 with respect to this state court judgment and this federal
16 judgment should run concurrently.

17 MS. CASSIDY: Thank you, Your Honor.

18 THE COURT: All right. Mr. Flores-Williams, anything
19 else that you believe that we need to address today?

20 MR. FLORES-WILLIAMS: Yes, Your Honor, briefly. The
21 matter of self-reporting?

22 THE COURT: Oh, right. So, as I understand it,
23 Ms. Lattany has been out on bond pending sentencing, in this
24 case. As I also understand, there's a recommendation that she
25 be permitted to self-report within 15 days of her designation

1 for BOP status. Any objection on the part of the government?

2 *MS. CASSIDY:* No objection, Your Honor.

3 *THE COURT:* All right. So I will order that
4 self-reporting within 15 days of the date of her designation.
5 Probation office will reach out and will also get notification
6 the day of the designation and the date that she needs to
7 report to the BOP facility.

8 Again, I will recommend that she is designated to a
9 facility in Colorado, so that she has access to her family, but
10 I don't have control over that, so that is just simply a
11 recommendation of the Court.

12 *MR. FLORES-WILLIAMS:* Thank you.

13 *THE COURT:* All right. Anything further?

14 *MR. FLORES-WILLIAMS:* Nothing.

15 *THE COURT:* All right. Thank you very much. We will
16 be adjourned.

17 *THE COURTROOM DEPUTY:* All rise.

18 (Recess at 1:47 p.m.)
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REPORTERS' CERTIFICATE

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

Dated at Denver, Colorado, this 31st day of December,
2023.

Tammy Hoffschildt, FCRR, CRR, RMR