

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALETA NECOLE THOMAS,

Defendant.

Case No. 21-CR-239-GKF

Government's Motion to Withdraw Motion for Third Point

The Court should grant the Government's request to withdraw its Motion for Third Point (Doc. 96) which the Government filed before receiving the Motion for Sentencing Variance, Aleta Necole Thomas (Doc. 97) and Presentence Report Objections of Aleta Necole Thomas (Doc. 98). Consistent with the Sentencing Guidelines on Acceptance of Responsibility, the Court should grant the Government's request because in her objections to the PSR at ¶¶ 14, 21 and 23, Ms. Thomas affirmatively denies the relevant conduct applicable to her offenses of conviction, and Ms. Thomas falsely denies or frivolously contests relevant conduct in a manner entirely inconsistent with acceptance of responsibility. *See* USSG § 3E1.1, cmt, n.1(A).

In particular, Ms. Thomas's objection to the PSR at ¶ 14 denies she "instructed (others) to submit thirty-three fraudulent PPP loan applications. . . ." and even now Ms. Thomas denies that she "assist[ed] them in the preparation of their

applications.” Doc. 97, p. 1. Again, in the PSR at ¶ 21 Ms. Thomas unnecessarily and frivolously objects to the loss calculation in this case. Her objections and Thomas’s continued denial that she assisted others in the preparation of fraudulent PPP loan applications is entirely inconsistent acceptance of responsibility and the evidence in this case. Immediately after her bank froze Thomas’s bank account and at Ms. Thomas’s behest, six of Thomas’s friends and family members sent emails to the case agent in which they explained Thomas assisted them with their loan applications and she had permission to deposit the loan proceeds into her bank account. Ex. 1 Disc. pp. 3019-49 *Aleta Thomas Email Correspondence MOA_Final 04-09-2021*. Subsequent witness interviews confirm that Ms. Thomas recruited, assisted, and caused her friends and family members to submit fraudulent PPP loans to the government and deposited the loan proceeds into Ms. Thomas’s bank account.

Finally, in her objection to the PSR at ¶ 23, Ms. Thomas falsely denies and frivolously contests that she organized or led a group of five or more people in submitting fraudulent PPP loans. Again, this objection is baseless considering Ms. Thomas’s April 9 through April 27, 2021, email messages to the case agent in which Ms. Thomas named ten other people who she stated she tried to help and allowed them to use her bank account to deposit their loan proceeds. Consequently, the Court should grant the Government’s Motion to Withdraw the Motion for Third Point because Ms. Thomas has not clearly demonstrated she accepts responsibility for her offenses of conviction and continues to falsely deny and frivolously contest facts related to her relevant conduct.

Respectfully submitted,
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Certificate of Service

I hereby certify that on the day of June 2, 2022, I served the foregoing document via electronic email, on the following:

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