

**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

**Response in Opposition to Defendant's
Motion to Extend Self-Surrender Date (Dkt. # 130)**

The Court should deny Aleta Thomas's request to delay her self-surrender because the medical records included in Exhibit A of her motion rule out an acute stroke and other neurological deficits as causes of Ms. Thomas's subjective complaints of pain and other symptoms. In fact, her medical records show that Ms. Thomas has recently received a comprehensive medical evaluation that did not result in further medical care, evaluation, or treatment. Consequently, Ms. Thomas is unable to prove exceptional circumstances or medical reasons for delaying her surrender.

Facts

The Court denied Ms. Thomas's first request to delay her self-surrender on July 15, 2022. (*See* Dkt. # 129). Four days later, on July 19, 2022, Ms. Thomas visited her primary care physician and complained of pain in her head and right leg. Ms.

Thomas later reported to the St. John Medical Center emergency department, where Physician Assistant Mark Steichen evaluated Ms. Thomas for a potential recent stroke. (Dkt. # 130, Ex. A at 1). Under Dr. Christopher Abdo's supervision, Mr. Steichen assessed Ms. Thomas and ordered tests. According to Mr. Steichen's medical history notes, Ms. Thomas claimed she experienced a previous stroke. However, her past medical tests, including MRIs, ruled out stroke. Mr. Steichen's recent evaluation of Ms. Thomas and other test results revealed "no acute findings" and "No evidence of acute stroke at this time." (*Id.* at 1, 3).

Also on July 19, 2022, Dr. Ian T. Fischer evaluated the results of a computed tomography angiogram scan of Ms. Thomas's head and neck. Dr. Fischer concluded that they revealed "no aneurysm" nor evidence of any other medical condition. (*Id.* at 5). Dr. Bryan Scott Smith also reviewed images of Ms. Thomas's chest and noted that there was nothing wrong with her heart, lungs, or thorax. Dr. Smith concluded that Ms. Thomas had "No acute intrathoracic abnormality," and labeled Ms. Thomas's medical situation as "nonemergent." (*Id.* at 6).

Argument & Authorities

Ms. Thomas's second request to stay her self-surrender fails to show exceptional circumstances or medical reasons for delaying her surrender to prison.

Ms. Thomas's medical records show that the medical staff at the St. John Hospital emergency department ruled out any medical problem related to Ms. Thomas's subjective complaint of pain. According to her records, she was also not admitted to the hospital for additional treatment or evaluation. Further, Ms.

Thomas's medical records fail to show that she was referred to a specialist or any other medical doctor, for follow-up tests or care. Nothing in Ms. Thomas's motion or medical records support her position that the court should delay her self-surrender. In the event Ms. Thomas needs additional medical care, she can obtain that care while in the custody of the Bureau of Prisons. Thus, the Court should deny her second request to delay her self-surrender.

At her sentencing, the Court made findings that Ms. Thomas was unlikely to flee or pose a danger to another person or the community, consistent with 18 U.S.C. § 3142(a)(2)(B). Now, however, Ms. Thomas's late and repeated requests to delay her self-surrender call into question whether she is likely to flee. Accordingly, the Court should order Ms. Thomas to surrender at once and without further delay.

Conclusion

The Court should deny Ms. Thomas's second request to delay her self-surrender because Ms. Thomas's medical records rule out any medical condition as the cause of her subjective complaints of pain and other symptoms. Ms. Thomas has received a recent comprehensive medical evaluation that resulted in no diagnosis warranting further medical care, evaluation, or treatment. Consequently, Ms. Thomas is again unable to prove exceptional circumstances or medical reasons for delaying her surrender to the Bureau of Prisons. Therefore, the Court should deny her Motion to Extend Self-Surrender Date (Dkt. # 130).

Respectfully submitted,

CLINTON J. JOHNSON
UNITED STATES ATTORNEY

/s/ Kristin F. Harrington

Kristin F. Harrington, OBA No. 21185
Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2785

Certificate of Service

I hereby certify that on the day of July 21, 2022, I served the foregoing document via electronic email, on the following:

Matthew Allen Chivari, Esq.
mchivari@lowtherwalker.com
Counsel for Ms. Thomas

/s/ Kristin F. Harrington

Kristin F. Harrington
Assistant United States Attorney