

**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 First Unopposed Motion for Extension
of Time to Respond to Defendant's § 2255 Motion**

The government respectfully requests an extension of time until November 1, 2022, to file its response to the motion by the defendant, Aleta Necole Thomas to vacate, set aside or correct her conviction, pursuant to 28 U.S.C. § 2255. (Dkt. # 125). In support, the government states as follows:

1. The government's response is currently due on September 29, 2022. This is the first extension of time requested by the government.
2. Counsel for defendant does not oppose this motion. On June 7, 2022, this Court sentenced Thomas to 30 months of imprisonment for Counts 3 and 4 to run concurrently. Ms. Thomas is currently incarcerated.
3. The government seeks an extension of time for the following reasons:
 - a. On July 13, 2022, Thomas submitted a § 2255 motion seeking to vacate her conviction based upon claims that her attorney, Keith Ward, rendered ineffective assistance of counsel at Thomas's sentencing. (Dkt. # 125).

- b. Counsel has contacted Mr. Ward, to request a responsive affidavit. Mr. Ward indicated that to prepare the requested affidavit, he will require an order recognizing that Thomas has waived her attorney-client privilege. The government has sought an order from this Court.
 - c. On September 20, 2022, Counsel for Ms. Thomas filed an unopposed Motion for Extension of Time requesting seven more days to consult with Ms. Thomas about the government's motion for an order recognizing Ms. Thomas waived her attorney-client privilege. (Dkt. #152). The Court granted this request and set a deadline of September 27, 2022, for Ms. Thomas's Counsel to respond. (Dkt. # 153).
 - d. This new deadline is two days before the government's September 29, 2022, deadline to respond to Ms. Thomas's § 2255 Motion.
 - e. In addition, Mr. Ward will require at least 10-14 days to review Thomas's allegations regarding ineffective assistance of counsel, retrieve and review the extensive case file and draft a responsive affidavit. Undersigned counsel will require additional time to review the affidavit and prepare the government's response.
- 4. Ms. Thomas will not be prejudiced by this extension of time.
 - 5. This request is made for good cause and not for the purpose of delay, so that the government will have adequate time to properly prepare its response to Ms.

Thomas's § 2255 motion.

Wherefore, the United States seeks an extension of time until November 1, 2022, to respond to Thomas's § 2255 motion.

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
T: (918) 382-2785 | F: (918) 560-7938
Email: kristin.harrington@usdoj.gov

Certificate of Service

I certify that on September 21, 2022, I electronically transmitted the foregoing to the Clerk of the Court using the ECF System for filing to the following ECF registrants.

Matthew Chivari
Murdock Walker, II
Counsel for Aleta Necole Thomas

/s/ Kristin F. Harrington

Kristin F. Harrington
Assistant United States Attorney