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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 21-CR-239-GKF**
	)	
ALETA NECOLE THOMAS,	)	
	)	
Defendant.	)	

PRESENTENCE REPORT OBJECTIONS OF
DEFENDANT, ALETA NECOLE THOMAS

The defendant, Aleta Necole Thomas ("Ms. Thomas"), hereby submits her objections to the Presentence Report in this matter. *See Exhibit No. 1.*

Respectfully submitted,

S/ Keith A. Ward
Keith A. Ward, PLLC
1874 S. Boulder
Tulsa, OK 74119
(918) 764-9011 Voice
keith@keithwardlaw.com

Attorney for Aleta Thomas

CERTIFICATE OF SERVICE

I certify that I served all registrants in the above-captioned case by submitting this document to the Clerk of the Court using the ECF System for filing and transmittal.

S/ Keith A. Ward

Exhibit No. 1

Law Offices of
WARD & ASSOCIATES
THE RIVERPARK BUILDING
1874 S. BOULDER AVENUE
TULSA, OKLAHOMA 74119
Telephone: (918) 764-9011
Facsimile: (918) 764-9384
www.keithwardlaw.com

From the desk: of

Keith A. Ward
keith@keithwardlaw.com

May 4, 2022

VIA EMAIL ONLY

Mr. Paul Sims
United States Probation Office
Tulsa, OK 74103

Re: ***USA v. Aleta Thomas***

Dear Mr. Sims:

This letter contains Ms. Thomas's objections to the PSR which are stated below.

Page 9, ¶ 14. The PSR states that Ms. Thomas "instructed (others) to submit approximately thirty-three fraudulent PPP loan applications..." Ms. Thomas accepts responsibility for the loan applications she personally submitted but did not instruct anybody to submit a fraudulent PPP loan application. Every other person who submitted a loan application did so as their own voluntary choice on their own smart phones with their own personal information. Ms. Thomas did not assist them in the preparation of their applications.

The PSR also states that the money was deposited into an account controlled by Thomas. While that fact is true, it gives a false impression that Ms. Thomas influenced the other persons to deposit money in her account. The other persons had the money deposited into Ms. Thomas's account because the lender required the money to be sent to a bank account. Those persons did not have a bank account and, for that reason, they asked Ms. Thomas for permission to have the money deposited directly into her account. She permitted the others to have the money deposited into her account and she received no consideration or money for allowing them to do it.

Pages 9-10, ¶ 16. The PSR concludes that Ms. Thomas obstructed justice by (a) stating that she was aided in the loan process by Joniayah Harrison. The fact that the government could not locate Ms. Harrison is not proof that she doesn't exist. It simply means that the government could not locate her. Ms. Thomas did not verify her identity. "Joniayah Harrison" is the name that person represented herself to be but it is entirely possible that she was using an alias to avoid detection for her role. Her identity, her existence and her role in Ms. Thomas's offense has been independently and affirmatively confirmed by Pepper Jones. In spite of the fact that Ms. Jones confirmed the existence of Joniayah Harrison, Ms. Jones did not receive an obstruction adjustment in her PSR.

The application notes to U.S.S.G. § 3C1.1 sets forth the examples of conduct that qualify as obstruction. None of them apply in this instance. The closest example is set forth in ¶ 4(G) which states: "providing a materially false statement to a law enforcement officer that significantly obstructed or impeded the official investigation or prosecution of the instant offense." The PSR fails to provide any information as to how any statements made by Ms. Thomas "significantly obstructed or impeded the ... investigation." Without particulars, it cannot be assumed that any statements she made "significantly obstructed or impeded the investigation." Finally, it should be noted that the grand jury heard the testimony and did not return a true bill for perjury which it would have done if the grand jury believed that she committed perjury by a mere preponderance of the evidence.

Page 10, ¶ 21. The PSR attributes a loss of $774,753.50 to Ms. Thomas. This amount includes the proceeds of individual PPP loans made to various other persons for which Ms. Thomas is not responsible. Those individuals have provided evidence to the government that they, not Ms. Thomas, are responsible for those loan applications. I have requested those statements from the government but have not yet received them. Those amounts should be removed from the loss calculation.

Page 10, ¶ 23. This paragraph concludes that Ms. Thomas held an aggravating role without naming a single person that Ms. Thomas allegedly organized or led in a criminal activity. Ms. Thomas single-handedly made her loan applications. No other persons were organized or managed by Ms. Thomas in her loan applications. The fact that other persons committed similar conduct by filing their own individual PPP loan applications is not evidence that Ms. Thomas organized or managed them. Ms. Thomas had no aggravating role.

Page 11, ¶ 29. Based on the foregoing objections the total offense level should be 18 rather than 24.

Thank you for revising the PSR in accordance with the afore-mentioned objections. Feel free to contact me if you need to do so.

Sincerely,

Keith Ward

Keith A. Ward
FOR THE FIRM

KAW
c: Ms. Kristin Harrington