

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

UNITED STATES OF AMERICA	)	
	)	
v.	)	4:21-CR-00239-GKF-1
	)	
ALETA NECOLE THOMAS	)	

**MOTION TO WITHDRAW
MOTION TO EXTEND SELF-SURRENDER DATE**

COMES NOW Defendant, Aleta Thomas, through her counsel, Matthew Allen Chivari, Esq., who respectfully requests this Court withdraw Ms. Thomas' previously submitted Motion to Extend Self-Surrender Date. Motion, ECF No. 136.

I. Relevant Procedural History

On June 8, 2022, this Court sentenced Ms. Thomas, *inter alia*, to serve a term of imprisonment of thirty months, and ordered that Ms. Thomas voluntarily surrender to the Federal Bureau of Prisons' designated institution on July 20, 2022, before 2:00 p.m. J., ECF No. 113, at 2.

As a result of her hospitalization at Ascension St. John Medical Center on July 19, 2022, Ms. Thomas filed a Motion to Extend Self-Surrender Date (ECF No.

130), which was denied by this Court on July 21, 2022 (Order, ECF No. 133). Ms. Thomas' self-surrender date was then set for July 27, 2022. Id.

II. Factual Assertions

On July 19, 2022, Ms. Thomas was admitted to Ascension St. John Medical Center in Tulsa, Oklahoma for acute neurological deficits/suspected stroke. After subsequent testing and treatment, Ms. Thomas was then admitted to Saint Francis Hospital on July 25, 2022. Upon request from counsel, Ms. Thomas provided documentation of her current medical and hospitalization status, which was attached to the Motion to Extend Self-Surrender Date (ECF No. 136) as Exhibit A.

Upon further communication with Cheryl Lewis, RN, the author of the letter attached as Exhibit A, it was brought to the attention of undersigned counsel that while Ms. Lewis did draft and submit the letter to Ms. Thomas, it appears that the sentence indicating her diagnosis and the discharge date were added after Ms. Lewis submitted the letter to Ms. Thomas.

Undersigned counsel relied in good faith upon the authenticity of the letter attached as Exhibit A. Upon receipt of further information demonstrating that it was altered from the original provided by Ms. Lewis, undersigned counsel requests to withdraw the Motion to Extend Self-Surrender Date. ECF No. 136.

V. Conclusion

Based on the foregoing assertions and argument, undersigned counsel requests to withdraw the Motion to Extend Self-Surrender Date. ECF No. 136.

Date: July 27, 2022

s/Matthew Allen Chivari, Esq.

Matthew Allen Chivari, Esq.

Il. Bar # 6337524

mchivari@lowtherwalker.com

Lowther | Walker LLC

101 Marietta St., NW, Ste. 3325

Atlanta, GA 30303

404.496.4052

www.lowtherwalker.com

Attorney for Aleta Necole Thomas

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

UNITED STATES OF AMERICA	)	
	)	
v.	)	4:21-CR-00239-GKF-1
	)	
ALETA NECOLE THOMAS	)	

CERTIFICATE OF SERVICE

I certify that on July 27, 2022, I electronically filed the forgoing MOTION TO EXTEND SELF-SURRENDER DATE with the Clerk of the United States District Court for the Northern District of Oklahoma by way of the CM/ECF system, which automatically will serve this document on the attorneys of record for the parties in this case by electronic mail.

Date: July 27, 2022

s/Matthew Allen Chivari, Esq.
Matthew Allen Chivari, Esq.
Il. Bar # 6337524
mchivari@lowtherwalker.com

Lowther | Walker LLC
101 Marietta St., NW, Ste. 3325
Atlanta, GA 30303
404.496.4052
www.lowtherwalker.com

Attorney for Aleta Necole Thomas