

**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 EXTEND SELF-SURRENDER DATE

COMES NOW Defendant, Aleta Thomas, pursuant to 18 U.S.C. § 3143(a)(1), who respectfully requests that this Court extend the date upon which she has been ordered to surrender to the Federal Bureau of Prisons (“BOP”) for service of her sentence in said case (currently scheduled for July 27, 2022) due to her continued hospitalization at Saint Francis Hospital, for a period of not less than fourteen (14) days. In support of this motion, Ms. Thomas states the following:

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 for hemorrhagic stroke and lupus seizures, as indicated by the letter attached hereunto as Exhibit A.

III. Memorandum of Law

This Court, by its releasing Ms. Thomas, pending execution of her sentence of imprisonment, necessarily has found by clear and convincing evidence that she is not likely to flee or pose a danger to the community, as contemplated in 18 U.S.C. § 3142(a)(1). Therefore, this Court's ordering Ms. Thomas to surrender voluntarily for the execution of her sentence, rather than its remanding her to the custody of the United States Marshals Service, was warranted. Ms. Thomas respectfully submits that those circumstances remain unchanged.

IV. Opposing Party's Position

The Government has not had an opportunity to convey their position on this motion.

V. Conclusion

Ms. Thomas, based on the foregoing assertions and argument, prays that this Court extend her surrender date pending release from her current hospitalization for a period of not less than fourteen (14) days.

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

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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



July 26,2022

To whom it may concern,

Aleta Nicole Thomas DOB 10/30/1978 was admitted to Saint Francis Hospital on 07/25/2022.And is currently still in patient here at this hospital her attending physician is doctor Kinya Cyrus Kamau. She has been diagnosed and admitted for the following. Hemorrhagic Stroke and Lupus Seizures. There has not been an estimated discharge date as of today.

Sincerely,

Cheryl Lewis, RN, Case Manager

Clinical Care Management Department

Saint Francis Hospital

6161 S. Yale Ave.

Tulsa OK 74136

(918)494-7384

6161 S Yale Avenue

Tulsa Oklahoma 74136

918.494.2200

www.Saintfrancis.com

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