

**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

**ORDER**

Before the court is plaintiff's motion for an order recognizing that defendant has waived her attorney-client privilege. [Doc. 150]. Plaintiff contacted defendant's former attorney, Keith A. Ward, to gather evidence for its response to defendant's ineffective assistance of counsel claims. Mr. Ward requests that before he prepares an affidavit addressing defendant's allegations the government obtain an order from the court declaring that defendant waived her attorney-client privilege by filing a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 raising claims of ineffective assistance of counsel. [Doc. 150, p. 2]. Under *United States v. Pinson*, 584 F.3d 972 (10th Cir. 2009), the implied waiver of the attorney-client privilege that arises when a defendant claims ineffective assistance of counsel is limited to communications "necessary to prove or disprove [the] claim." See *United States v. Pinson*, 584 F.3d 972, 977-78 (10th Cir. 2009).

Defendant has acknowledged this waiver of her attorney-client privilege "to the extent that former counsel may respond, in limited fashion, so as to defend any applicable allegations of ineffectiveness of counsel." [Doc. 156].

IT IS THEREFORE ORDERED that the plaintiff's Motion for an Order Recognizing that Defendant has Waived her Attorney-Client Privilege [Doc. 150] is granted. The Court finds that

defendant has waived her attorney-client privilege with her former attorney, Keith Ward, and that Mr. Ward may respond to the defendant's claims of ineffective assistance of counsel against him.

IT IS SO ORDERED this 28th day of September 2022.

  
GREGORY K. FRIZZELL  
UNITED STATES DISTRICT JUDGE