

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

LUKE WENKE,

Defendant.

22-CR-35-JLS

NOTICE OF MOTION

MOTION BY:

Frank R. Passafiume, Assistant Federal Public
Defender, Attorney for Luke Wenke.

DATE, TIME & PLACE:

Before the Honorable John L. Sinatra
United States District Judge, Robert H. Jackson
United States Courthouse, 2 Niagara Square,
Buffalo, New York 14202, **on date and time to be
set by the Court.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
Frank R. Passafiume, dated July 25, 2024.

RELIEF REQUESTED:

Order for psychiatric examination to determine
competency pursuant to 18 U.S.C. § 4241.

DATED:

July 25, 2024, Buffalo, New York.

Respectfully submitted,

/s/Frank R. Passafiume

Frank R. Passafiume
Assistant Federal Public Defender
Federal Public Defender's Office
300 Pearl Street, Suite 200
Buffalo, New York 14202
(716) 551-3341; 551-3346 (fax)
frank_passafiume@fd.org
Attorney for Luke Wenke

TO: Michael DiGiacomo
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

LUKE WENKE,

Defendant.

22-CR-35-JLS

AFFIRMATION

FRANK R. PASSAFIUME, ESQ., affirms under penalty of perjury that:

1. I am an attorney with the Federal Public Defender's Office located at 300 Pearl Street, Suite 200, Buffalo, New York 14202, and I represent the defendant, Luke Wenke, in the instant matter.

2. As the Court is aware, the defense retained an expert psychiatric examiner in anticipation of the October 17, 2024, hearing. The Court thereafter directed the defense file a status report by July 26, 2024.

3. Based on consultations with the expert psychiatric examiner, my investigation of the case, and my observations of Mr. Wenke, I request that a psychiatric examination of Mr. Wenke be conducted pursuant to 18 U.S.C. §§ 4241(a) and 4247(b) as there is reasonable cause to believe that Mr. Wenke is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense.

4. A proposed Order will be submitted separately to the Court.

DATED: July 25, 2024
Buffalo, New York

Respectfully submitted,

/s/Frank R. Passafiume

Frank R. Passafiume
Assistant Federal Public Defender
Federal Public Defender's Office
300 Pearl Street, Suite 200
Buffalo, New York 14202
(716) 551-3341; 551-3346 (fax)
frank_passafiume@fd.org
Attorney for Luke Wenke

TO: Michael DiGiacomo
Assistant United States Attorney