

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

LUKE MARSHAL WENKE,

Defendant.

22-CR-35-JLS-HKS

NOTICE OF MOTION

MOTION BY:

Alexander J. Anzalone, Assistant Federal Public
Defender

DATE, TIME & PLACE:

Before the Honorable John L. Sinatra, Jr., United
States District Court Judge, Robert H. Jackson
United States Courthouse, 2 Niagara Square,
Buffalo, New York, **on the papers submitted.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
Alexander J. Anzalone, dated March 30, 2022.

RELIEF REQUESTED:

To adjourn the April 4, 2022 deadline for initial
pretrial submissions for 10 days and adjust the
remainder of the pretrial scheduling order
accordingly.

DATED:

Buffalo, New York, March 30, 2022.

Respectfully submitted,

/s/ Alexander J. Anzalone

Alexander J. Anzalone
Assistant Federal Public Defender
Federal Public Defender's Office
300 Pearl Street, Suite 200
Buffalo, New York 14202
(716) 551-3341, (716) 551-3346 (Fax)
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Counsel for Defendant Luke Marshal Wenke

TO: David J. Rudroff, Assistant United States Attorney
Charles M. Kruly, Assistant United States Attorney

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AFFIRMATION

ALEXANDER J. ANZALONE, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and I represent the defendant, Luke Marshal Wenke, in the instant matter.

2. The instant motion respectfully requests the Court to adjourn the April 4, 2022 deadline for initial pretrial submissions under the Court's March 21, 22 Pretrial Order for 10 days until April 13, 2022, and adjust the subsequent deadlines in that order accordingly.

3. The parties are engaging in ongoing negotiations as to a potential pretrial resolution of this case, and the Government also continues to provide discovery on a rolling basis prior to trial. The requested adjournment will allow the parties to continue exploring a pretrial resolution prior to filing pretrial submissions and beginning to litigate motions *in limine*.

4. The defense agrees to the exclusion of time under the Speedy Trial Act, pursuant to Title 18 United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(b)(iv) and Federal Rule

of Criminal Procedure 5.1, in that the ends of justice are served by such an adjournment and outweigh the best interests of the public and the defendant in a speedy trial.

5. I have discussed this request with Assistant United States Attorneys David J. Rudroff and Charles M. Kruly, and they have no objection to an adjournment, and agree to join in this motion for relief.

WHEREFORE, on behalf of both parties, it is respectfully requested that the Court adjourn the April 4, 2022 deadline for initial pretrial submissions for 10 days until April 13, 2022, and adjust the remainder of the pretrial scheduling order accordingly.

DATED: Buffalo, New York, March 30, 2022.

Respectfully submitted,

/s/ Alexander J. Anzalone

Alexander J. Anzalone

Assistant Federal Public Defender

Federal Public Defender's Office

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Counsel for Defendant Luke Marshal Wenke

TO: David J. Rudroff
Assistant United States Attorney

Charles M. Kruly
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