

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-CR-35-JLS

LUKE MARSHALL WENKE,

Defendant.

**GOVERNMENT'S MOTION FOR A
PROTECTIVE ORDER AND ORDER TO SEAL**

THE UNITED STATES OF AMERICA, by and through its attorneys, Trini E. Ross, United States Attorney for the Western District of New York, and David J. Rudroff, Assistant United States Attorney, hereby moves the Court for a Protective Order pursuant to Title 18, United States Code, Section 3771(a)(8) and for an Order permitting the filing of victim impact statements under seal, for the reasons set forth below.

1. On April 18, 2022, Luke Wenke pled guilty to Count 1 of the Indictment, charging him with a violation of Title 18 United States Code, Section 2261A(2) (cyberstalking). Sentencing is scheduled for August 18, 2022.

2. On August 15, 2022, the government received a victim impact statement from the victim listed in Count 1 of the Indictment. The victim requested that the government file these documents under seal since they contain private information about the victim and his family.

3. Pursuant to the Crime Victims' Rights Act, a victim has "the right to be treated with fairness and with respect for the victim's dignity and privacy." 18 U.S.C. § 3771(a)(8). Therefore, because the information submitted to the government by the victim, the victim's wife, and the victim's mother contain private information about the victim's family, the government respectfully requests the Court to seal the victim impact statement from the victim and issue a Protective Order, set out below as Exhibit 1, limiting disclosure by the defense

4. It is further requested that the material and copies referenced in Paragraph 2, shall not be disclosed to the media or any other person or entity except to those persons who, by reason of their participation in the proceeding, are entitled. Nothing shall prohibit a party from using the material in connection with the proceedings in this litigation, including appeal or any collateral enforcement proceedings.

5. It is further requested that copies shall not be provided to third parties except those employed or engaged for the purpose of this litigation, who shall also be bound by order of the Court.

DATED: Buffalo, New York, August 17, 2022.

TRINI E. ROSS
United States Attorney

BY: s/DAVID J. RUDROFF
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716-843-5806
David.Rudroff@usdoj.gov

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-CR-35-JLS

LUKE MARSHALL WENKE,

Defendant.

PROTECTIVE ORDER

Pursuant to Title 18, United States Code, Section 3771(a)(8), the government has filed a motion requesting that this Court issue a Protective Order permitting the filing of victim impact statements from the victim under seal. The government has requested a Protective Order limiting the dissemination of the victim impact statements filed in conjunction with the sentencing which is pending in this action.

NOW, upon motion of the government, it is hereby

ORDERED, that the victim impact statement submitted in the above-referenced case shall be received under seal; and it is further

ORDERED, that material and copies referenced described above shall not be disclosed to the media or any other person or entity except to those persons who, by reason of their participation in the proceeding, are entitled. Nothing shall prohibit a party from using the material in connection with the proceedings in this litigation, including appeal or

any collateral enforcement proceedings; and it is further

ORDERED, that copies of the above-described materials shall not be provided to third parties except those employed or engaged for the purpose of this litigation, who shall also be bound by order of the Court.

DATED: Buffalo, New York, August ____, 2022.

HON. JOHN L. SINATRA
United States District Court