

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CRIMINAL DOCKET FOR CASE #: 1:22-cr-00035-JLS-HKS All Defendants

Case title: USA v. Wenke

Magistrate judge case number: 1:22-mj-00036-HKS

Date Filed: 03/15/2022

Date Terminated: 08/18/2022

Assigned to: Hon. John L. Sinatra,
Jr.
Referred to: Hon. H. Kenneth
Schroeder Jr.

Defendant (1)

Luke Marshall Wenke
TERMINATED: 08/18/2022

represented by **Frank Richard Passafiume**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender Appointment

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TERMINATED: 10/04/2023
Designation: Public Defender Appointment

Fonda Dawn Kubiak
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Pending Counts

18:2261.F and 18:2261A(2)(b)
INTERSTATE DOMESTIC
VIOLENCE
(1)

Disposition

Defendant is sentenced to the custody of Bureau of Prisons for a term of 18 months. Following his release from the Bureau of Prisons, defendant shall be placed on supervised release for a term of 3 years. Terms and conditions of Supervised Release shall be set forth in the Judgment of Conviction. \$100 Special Penalty Assessment imposed.

Highest Offense Level (Opening)

Felony

Terminated Counts

18:875C.F INTERSTATE
COMMUNICATIONS –
THREATS
(2)

Disposition

Dismissed

**Highest Offense Level
(Terminated)**

Felony

Complaints

18:875C.F – INTERSTATE
COMMUNICATIONS –
THREATS

Disposition

Plaintiff

USA

represented by **Franz M Wright**
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Designation: Retained

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TERMINATED: 01/16/2025
Designation: government attorney

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TERMINATED: 11/09/2023
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TERMINATED: 03/12/2025
Designation: Retained

Date Filed	#	Docket Text
03/12/2025		Attorney update in case as to Luke Marshall Wenke. Attorney Michael DiGiacomo terminated. (CGJ) (Entered: 03/12/2025)
03/12/2025	<u>188</u>	NOTICE OF ATTORNEY APPEARANCE Michael DiGiacomo appearing for USA. <i>NOTICE OF REMOVAL OF APPEARANCE</i> (DiGiacomo, Michael) (Entered: 03/12/2025)
03/11/2025	187	NOTICE OF HEARING. The evidentiary hearing, under 18 U.S.C. § 4244, will continue on April 10, 2025, at 9 a.m., in the Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. The witnesses will testify via videoconference. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 3/11/2025. (JMS) (Entered: 03/11/2025)
03/10/2025	<u>186</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Luke Marshall Wenke held on February 18, 2025, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie S. Weber, Bonnie_Weber@nywd.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 3/31/2025. Redacted Transcript Deadline set for 4/10/2025. Release of Transcript Restriction set for 6/9/2025. (BSW) (Entered: 03/10/2025)
02/20/2025	185	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 2/20/2025. After hearing recommendations from the parties, the Court determines that the hearing under 18 U.S.C. § 4244 will continue for reasons stated on the record. Defense counsel to contact the Court with potential dates for witness testimony by videoconference. Court recommends the U.S. Marshal transfer Mr. Wenke to Niagara County Jail, so that he can receive mental health treatment during the pendency of the hearing and the Court's subsequent decision. Appearances. For government: Franz Wright and Michael DiGiacomo. For defendant: Fonda Kubiak. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 02/20/2025)
02/20/2025	<u>184</u>	NOTICE OF ATTORNEY APPEARANCE: Fonda Dawn Kubiak appearing for Luke Marshall Wenke (Kubiak, Fonda) (Entered: 02/20/2025)

02/18/2025	<u>183</u>	Sealed Document as to Luke Marshall Wenke – Government exhibits 1, 2, and 3. (Attachments: # <u>1</u> Exhibit 2, # <u>2</u> Exhibit 3)(KLH) (Entered: 02/18/2025)
02/18/2025	182	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Evidentiary hearing under 18 U.S.C. § 4244 as to Luke Marshall Wenke held on 2/18/2025. Government calls witness Corey M. Leidenfrost, Ph.D. Government exhibits 1, 2, and 3 entered into evidence, under seal. Parties discuss alternatives to defendant returning to BOP for treatment, should the Court find that defendant may be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. Parties to confer and return for a status conference on 2/20/2025 at 9:30 AM. Court holds the hearing under 18 U.S.C. § 4244 open in the meantime. Appearances. For government: Franz Wright. For defendant: Frank Passafiume and Fonda Kubiak. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 02/18/2025)
02/18/2025	<u>181</u>	NOTICE OF ATTORNEY APPEARANCE Franz M Wright appearing for USA. (Wright, Franz) (Entered: 02/18/2025)
02/07/2025	180	SCHEDULING NOTICE: At the request of the parties, the February 12, 2025 Evidentiary Hearing is canceled. The hearing will be held on February 18, 2025 at 1:30 p.m. in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) Modified on 2/10/2025 (KLH). (Entered: 02/07/2025)
01/31/2025	179	NOTICE OF HEARING as to Luke Marshall Wenke: An evidentiary hearing under 18 U.S.C. § 4244 is set for February 12, 2025, at 1:30 p.m., in the Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. At that time, Dr. Michael E. Rutter may testify, and any other witnesses called by the parties. The hearing will continue on February 18, 2025, at 1:30 p.m., for Dr. Corey Leidenfrost to testify and any other witnesses called by the parties. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 1/31/2025. (JMS) (Entered: 01/31/2025)
01/31/2025	<u>178</u>	Letter filed by USA as to Luke Marshall Wenke (DiGiacomo, Michael) (Entered: 01/31/2025)
01/16/2025	177	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 1/16/2025 re the report of Dr. Leidenfrost. Court advises the parties that it will set a hearing under 18 U.S.C. § 4244. Counsel to contact their respective witnesses to determine dates they would be available. Status report, to include proposed hearing dates, due by 1/31/2025. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: John Taberski and Matthew Zenger. Defendant present. (Court Reporter Sue Ryckman, Forbes Court Reporting) (KLH) (Entered: 01/17/2025)
01/16/2025		Attorney update in case as to Luke Marshall Wenke. Attorney David J. Rudroff terminated. (SG) (Entered: 01/16/2025)
01/15/2025	<u>176</u>	NOTICE OF ATTORNEY APPEARANCE David J. Rudroff appearing for USA. <i>NOTICE OF REMOVAL</i> (Rudroff, David) (Entered: 01/15/2025)
01/14/2025	<u>175</u>	Sealed Document as to Luke Marshall Wenke – Confidential report by Dr. Leidenfrost. (KLH) (Entered: 01/14/2025)
01/10/2025	<u>174</u>	Letter from Luke Wenke to the Court, received on 1/8/2025. (KLH) (Entered: 01/10/2025)
01/06/2025	173	RESCHEDULING NOTICE (TIME CHANGE ONLY): Status Conference RESCHEDULED for 1/16/2025 at 9:00 AM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) (Entered: 01/06/2025)
12/11/2024	172	TEXT ORDER. The parties shall appear for a status conference on January 16, 2025, at 10:30 a.m., at the Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. SO ORDERED. Issued by Hon. John L.

		Sinatra, Jr. on 12/11/2024. (JMS) (Entered: 12/11/2024)
12/10/2024	<u>171</u>	TEXT ORDER. The parties confirmed that Dr. Leidenfrost will evaluate Defendant and render a report opining to the statutory standard under 18 U.S.C. § 4244. In light of the forthcoming expert evaluation, the parties shall disclose the <u>164</u> Competency Report to Dr. Leidenfrost. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 12/10/2024. (JMS) (Entered: 12/10/2024)
11/27/2024	<u>170</u>	Letter from Luke Wenke, addressed to Judge Sinatra. (CGJ) (Entered: 11/27/2024)
11/27/2024	<u>169</u>	Letter filed by USA as to Luke Marshall Wenke (DiGiacomo, Michael) (Entered: 11/27/2024)
11/25/2024	<u>168</u>	Letter from Luke Wenke, addressed to Judge Sinatra. (KLH) (Entered: 11/25/2024)
11/22/2024	<u>167</u>	Letter from Luke Wenke, addressed to Judge Sinatra. (Attachments: # <u>1</u> Letter from Luke Wenke, addressed to Judge Vilardo.) (KLH) (Entered: 11/25/2024)
11/19/2024	<u>166</u>	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 11/19/2024. Court has received and reviewed the competency report (Dkt. 164) and finds defendant is competent to proceed, but, for reasons stated on the record, has reasonable cause to believe defendant may be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. Court directs the parties to contact Dr. Leidenfrost to determine whether he can opine as to the statutory standard set forth in 18 U.S.C. § 4244(b) and § 4247(c). Joint status report due 11/29/2024. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: John Taberski. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 11/19/2024)
11/18/2024	<u>165</u>	Letter from Luke Wenke to Judge Sinatra, received 11/18/2024. (Attachments: # <u>1</u> Letter from Luke Wenke addressed to Judge Vilardo, # <u>2</u> Letter from Luke Wenke addressed to Judge Arcara) (KLH) (Entered: 11/18/2024)
11/14/2024	<u>164</u>	Sealed Document as to Luke Marshall Wenke – Competency Report by Kaitlyn Nelson, Psy.D. under supervision of Robin Watkins, Ph.D., ABPP. (KLH) (Entered: 11/14/2024)
11/13/2024	<u>163</u>	RESCHEDULING NOTICE: The 11/14/2024 status conference is RESCHEDULED for <u>11/19/2024 at 2:30 PM</u> in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) (Entered: 11/13/2024)
11/05/2024	<u>162</u>	Letter from Luke Wenke to the Court, received 11/4/2024. (Attachments: # <u>1</u> Additional Letter)(KLH) (Entered: 11/05/2024)
10/29/2024	<u>161</u>	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 10/29/2024. Parties advise the Court that Mr. Wenke has not yet returned to the district after his evaluation. Court sets a status conference for 11/14/2024 at 9:30 AM. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger and John Taberski. (Court Reporter Bonnie Weber)(KLH) (Entered: 10/29/2024)
10/25/2024	<u>160</u>	Letter from Luke Wenke to the Court, received on 10/24/2024. (KLH) (Entered: 10/25/2024)
10/22/2024	<u>159</u>	RESCHEDULING NOTICE: The 10/24/2024 Status Conference on Violation of Supervised Release is RESCHEDULED for <u>10/29/2024 at 10:00 AM</u> in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) (Entered: 10/22/2024)
10/16/2024	<u>158</u>	RESCHEDULING NOTICE: The 10/17/2024 Status Conference on Violation of Supervised Release is RESCHEDULED for <u>10/24/2024 at 9:30 AM</u> in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) (Entered: 10/16/2024)

10/07/2024	<u>157</u>	Letter from Luke Wenke, to the Court, received 10/7/2024. (KLH) (Entered: 10/07/2024)
10/01/2024	156	TEXT ORDER granting the <u>154</u> Federal Bureau of Prison's request for a 15-day extension to complete Defendant's evaluation. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 10/1/2024. (JMS) (Entered: 10/01/2024)
09/30/2024	<u>155</u>	Letter from Luke Wenke to Court, received on 9/30/2024. (KLH) (Entered: 09/30/2024)
09/30/2024	<u>154</u>	LETTER from the Office of the Warden, Dept of Justice, to the Court, dated 9/17/2024. (KLH) (Entered: 09/30/2024)
09/18/2024	<u>153</u>	AMENDED ORDER for Psychiatric Exam as to Luke Marshall Wenke. Signed by Hon. John L. Sinatra, Jr. on 9/18/24.(SG) (Entered: 09/20/2024)
09/18/2024	152	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 9/18/2024. Parties provide an update regarding communications with the forensic psychologist and request the Court issue an amended order to address the concerns expressed on the record. Court will amend its order addressing, in part, the parties' concerns. Court cancels the 10/17/2024 hearing under 18 U.S.C. § 4244, and sets a status conference for 10/17/2024 at 9:00 AM. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. (Court Reporter Megan Pelka) (KLH) (Entered: 09/18/2024)
09/16/2024	151	NOTICE OF HEARING as to Luke Marshall Wenke: Status Conference set for 9/18/2024 at 9:30 AM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) (Entered: 09/16/2024)
09/10/2024	<u>150</u>	Letter from Luke Wenke to the Court, received on 9/10/2024. (Attachments: # <u>1</u> Additional Letter to the Court, received on 9/10/2024) (KLH) (Entered: 09/10/2024)
08/30/2024	<u>149</u>	Letter from Luke Wenke to Pro Se Litigation Unit, received 8/29/2024. (KLH) (Entered: 08/30/2024)
08/27/2024	<u>148</u>	Letter from Luke Wenke to Court, received 8/23/2024. (KLH) (Entered: 08/27/2024)
08/21/2024	<u>147</u>	Letter from Luke Wenke to the Court, received 8/19/2024. (KLH) (Entered: 08/26/2024)
08/21/2024	<u>146</u>	Letter from Luke Wenke to the Court, received 8/19/2024. (KLH) (Entered: 08/26/2024)
08/09/2024	<u>145</u>	Letter from Luke Wenke to Judge Vilardo, received 8/6/2024. (KLH) (Entered: 08/09/2024)
08/06/2024	<u>144</u>	ORDER for Psychiatric Exam as to Luke Marshall Wenke (1). Signed by Hon. John L. Sinatra, Jr. on 8/6/24.(SG) (Entered: 08/07/2024)
07/30/2024	143	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 7/30/2024 re <u>140</u> motion for psychiatric exam. Court grants the motion and directs the parties to confer and prepare a proposed order as discussed on the record. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume and Fonda Kubiak. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 07/30/2024)
07/29/2024	<u>142</u>	Letter from Luke Wenke, to Judge Sinatra. (CGJ) (Entered: 07/29/2024)
07/26/2024	141	NOTICE OF HEARING: Status Conference set for 7/30/2024 at 3:00 PM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) (Entered: 07/26/2024)
07/25/2024	<u>140</u>	MOTION for Psychiatric Exam by Luke Marshall Wenke. (Passafiume, Frank) (Entered: 07/25/2024)

07/23/2024	<u>139</u>	Correspondence from Luke Wenke to the Court, received 7/22/2024. (KLH) (Entered: 07/23/2024)
07/15/2024	<u>138</u>	Letter from Luke Wenke to the Court, received 7/15/2024. (KLH) (Entered: 07/15/2024)
07/10/2024	<u>137</u>	Letter from Luke Wenke, received by the Court on July 8, 2024. (KLH) (Entered: 07/10/2024)
07/01/2024	<u>136</u>	Letter from Luke Wenke, to Judge Sinatra. (CGJ) (Entered: 07/01/2024)
06/24/2024	<u>135</u>	Letter from Luke Wenke, to Judge Sinatra. (CGJ) (Entered: 06/24/2024)
06/24/2024	<u>134</u>	Letter from Luke Wenke, to Judge Sinatra. (CGJ) (Entered: 06/24/2024)
06/24/2024	<u>133</u>	Letter from Luke Wenke, to Judge Sinatra. (CGJ) (Entered: 06/24/2024)
05/06/2024	<u>132</u>	Letter from Luke Wenke to Judge Sinatra. (SG) (Entered: 05/06/2024)
05/03/2024	131	TEXT ORDER. In light of the forthcoming expert evaluation, Defense counsel shall file a status report by 7/26/2024. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 5/3/2024. (NAK) (Entered: 05/03/2024)
04/26/2024	<u>130</u>	Sealed Document as to Luke Marshall Wenke – Email correspondence between the Court and counsel regarding scheduling. (KLH) (Entered: 04/26/2024)
04/24/2024	<u>129</u>	Letter from Luke Wenke to Judge Sinatra (CGJ) (Entered: 04/25/2024)
04/22/2024	128	NOTICE OF HEARING as to Luke Marshall Wenke: A hearing under 18 U.S.C. § 4244 is set for October 17, 2024 at 9:30 AM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. If the hearing is not concluded on October 17, 2024, it will continue on October 18, 2024 at 9:30 AM. (KLH) (Entered: 04/22/2024)
04/22/2024	<u>127</u>	Letter from Luke Wenke to Judge Sinatra (SG) (Entered: 04/22/2024)
04/16/2024	<u>126</u>	Letter from Luke Wenke to Judge Sinatra (SG) (Main Document 126 replaced with redacted version on 4/17/2024) (KLH) (Entered: 04/17/2024)
04/16/2024	125	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference as to Luke Marshall Wenke held on 4/16/2024. Parties discuss their positions regarding the Confidential Evaluation Report by Dr. Leidenfrost. The Court orders a hearing under 18 U.S.C. § 4244 and, after Mr. Passafiume has an opportunity to make arrangements for an alternative expert to conduct a separate evaluation of Mr. Wenke, will schedule the hearing. Mr. Passafiume will provide a status report next week with a suggested timeframe to allow for completion of the evaluation and to conduct the hearing. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger and John Taberski. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 04/16/2024)
04/09/2024	<u>124</u>	Letter from Luke Wenke to the Court, received April 9, 2024. (KLH) (Entered: 04/09/2024)
04/02/2024	123	TEXT ORDER. In light of Dkt. 122, the parties shall appear for a Status Conference on 4/16/2024 at 10:00 AM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. The parties shall be prepared to discuss next steps, including whether the Court should, on its own motion, order a hearing pursuant to 18 U.S.C. sections 4244(a) and 4247(d). SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 4/2/2024. (NAK) (Entered: 04/02/2024)
04/02/2024	<u>122</u>	Sealed Document as to Luke Marshall Wenke – Confidential Evaluation Report by Corey M. Leidenfrost, Ph.D. (KLH) (Entered: 04/02/2024)
04/01/2024	<u>121</u>	Letter from Luke Wenke to Judge Sinatra. (LB) (Entered: 04/01/2024)
03/25/2024	<u>120</u>	Letter from Luke Wenke to Judge Sinatra (SG) (Entered: 03/25/2024)

03/20/2024	<u>119</u>	Letter from Luke Wenke to Judge Sinatra (SG) (Entered: 03/21/2024)
03/11/2024	<u>118</u>	Letter from Luke Wenke to the Court, received 3/11/2024. (KLH) (Entered: 03/11/2024)
03/11/2024	<u>117</u>	Letter from Luke Wenke to the Court, received 3/11/2024. (KLH) (Entered: 03/11/2024)
03/04/2024	<u>116</u>	Letter from Luke Wenke to the Court. (CGJ) (Entered: 03/04/2024)
02/14/2024	<u>115</u>	AMENDED ORDER as to Luke Marshall Wenke. Signed by Hon. John L. Sinatra, Jr. on 2/14/24.(SG) (Entered: 02/15/2024)
01/30/2024	<u>114</u>	ORDER as to Luke Marshall Wenke. Signed by Hon. John L. Sinatra, Jr. on 1/30/2024. (KLH) (Entered: 01/30/2024)
01/30/2024	113	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 1/30/2024. The parties have identified a psychiatrist to evaluate the defendant. Probation will be the facilitator for purposes of having the evaluation completed. A report on the evaluation will be submitted by probation to the Court and will be filed under seal. Upon receipt of the report, the parties will contact the Court to request a sentencing date. Order to follow. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 01/30/2024)
01/29/2024	<u>112</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Luke Marshall Wenke held on December 8, 2023, before Judge John L. Sinatra. Court Reporter Diane S. Martens, dmartensreporter@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/20/2024. Redacted Transcript Deadline set for 2/29/2024. Release of Transcript Restriction set for 4/29/2024. (DSM) (Entered: 01/29/2024)
01/26/2024	<u>111</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Luke Marshall Wenke held on December 7, 2023, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie S. Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 2/16/2024. Redacted Transcript Deadline set for 2/26/2024. Release of Transcript Restriction set for 4/25/2024. (BSW) (Entered: 01/26/2024)
01/26/2024	<u>110</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Luke Marshall Wenke held on December 5, 2023, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie S. Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 2/16/2024. Redacted Transcript Deadline set for 2/26/2024. Release of Transcript Restriction set for 4/25/2024. (BSW) (Entered: 01/26/2024)
01/16/2024	109	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 1/16/2024. Mr. Passafiume advises the Court that a medical provider has been identified, but the office of the federal public defender may not be in a position to pay for the evaluation for reasons stated on the record, and presents the Court with possible avenues for the evaluation to be paid for by either the U.S. Marshal or the Judiciary. Court will explore the options. A further status conference is set for 1/30/2024 at 9:30 AM. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger. Defendant present. (Court Reporter FTR) (KLH) (Entered: 01/16/2024)

01/02/2024	108	<p>Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 1/2/2024. Government provides an update regarding options for defendant's psychiatric evaluation. Parties continue to explore the best option and to determine if cost-sharing can be worked out. Court sets a status conference for 1/16/2024 at 9:30 AM. Parties may contact the Court to advance the status conference to an earlier date, if needed.</p> <p>Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger and John Taberski. Defendant present. (Court Reporter Bonnie Weber)(KLH) (Entered: 01/03/2024)</p>
12/14/2023	<u>107</u>	<p>Sealed Document as to Luke Marshall Wenke – Unredacted version of <u>106</u> Redacted Documents. (Attachments: # <u>1</u> Sealed Document, # <u>2</u> Sealed Document) (KLH) (Entered: 12/18/2023)</p>
12/14/2023	<u>106</u>	<p>REDACTED DOCUMENTS as to Luke Marshall Wenke – Redacted letter to the Court from K. Valentine. (Attachments: # <u>1</u> Redacted email from probation, # <u>2</u> Redacted email from probation) (KLH) (Entered: 12/18/2023)</p>
12/14/2023	105	<p>Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 12/14/2023. Probation advises the Court of concerns regarding defendant's conduct since his release last week. Court acknowledges a letter received from Katie Valentine. Court will docket redacted versions of the letter and probation's email to the Court. After hearing argument from the parties and probation, Court finds that there are no longer any conditions or combination of conditions that will reasonably assure the safety of the community and orders the defendant detained pending sentencing. Probation to follow up with the Bureau of Prisons to find out what treatment options would be available to the defendant after sentencing. Counsel to continue to find a psychiatrist who is willing and able to evaluate defendant. Court sets a status conference for 1/2/2024 at 9:00 AM.</p> <p>Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger and John Taberski. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 12/15/2023)</p>
12/11/2023	<u>104</u>	<p>ORDER authorizing Assistant Outpatient Treatment as to Luke Marshall Wenke. Signed by Hon. John L. Sinatra, Jr. on 12/11/2023. (KLH) (Entered: 12/11/2023)</p>
12/11/2023	<u>103</u>	<p>ORDER Setting Additional Conditions of Release. Signed by Hon. John L. Sinatra, Jr. on 12/11/2023. (KLH) (Entered: 12/11/2023)</p>
12/08/2023	102	<p>Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 12/8/2023. Probation provides an update based on the Endeavor clinician's recommendations. Court orders defendant released pending sentencing, subject to the conditions stated on the record. Order setting conditions of release to follow. Defense counsel to prepare and submit to the Court, a proposed order that will meet the requirements recommended by Endeavor to establish a treatment plan as stated on the record. Parties to appear for a status conference on 12/14/2023 at 2:00 PM.</p> <p>Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger. Defendant present. (Court Reporter Diane Martens)(KLH) (Entered: 12/08/2023)</p>
12/07/2023	101	<p>Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 12/7/2023. Probation is in contact with Endeavor Health Services to establish a treatment plan for the defendant. Court advises the parties that in the absence of a treatment plan, the defendant will remain remanded pending sentencing. Probation expects to hear back from Endeavor very soon. Court sets a status conference for 12/8/2023 at 1:00 PM.</p> <p>Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber/FTR) (KLH) (Entered: 12/07/2023)</p>

12/06/2023	100	NOTICE OF HEARING: Status Conference set for 12/7/2023 at 2:00 PM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) (Entered: 12/06/2023)
12/05/2023	99	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Marshall Wenke held on 12/5/2023. Parties agree to work with probation to arrange for Mr. Wenke to undergo a preliminary mental health and criminal risk assessment as discussed on the record. Court will schedule a status conference after the assessment is complete. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 12/05/2023)
11/21/2023	98	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Sentencing on Violation of Supervised Release as to Luke Marshall Wenke scheduled but not held on 11/21/2023. Status conference held instead. Probation advises the parties and the Court that it has been unable to identify a provider to provide the recommended evaluation, based on feedback from Horizon. Court adjourns sentencing to 12/5/2023 at 9:00 AM. Parties to confer with probation and try to identify a provider who is available and qualified to provide the evaluation, as discussed on the record. Parties to file a joint status report by 11/28/2023. If necessary, the sentencing hearing may be converted to a status conference. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber)(KLH) (Entered: 11/21/2023)
11/15/2023	<u>97</u>	Letter from Luke Wenke to the Court, received 11/15/2023. (KLH) (Entered: 11/15/2023)
11/09/2023		Attorney update in case as to Luke Marshall Wenke. Attorney John D. Fabian terminated. (CGJ) (Entered: 11/09/2023)
11/08/2023	<u>96</u>	ARREST Warrant Returned Executed on 10/4/23 in case as to Luke Marshall Wenke. (SG) (Entered: 11/08/2023)
11/08/2023	<u>94</u>	NOTICE OF ATTORNEY APPEARANCE Michael DiGiacomo appearing for USA. (DiGiacomo, Michael) (Entered: 11/08/2023)
11/07/2023	95	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Revocation hearing as to Luke Marshall Wenke scheduled but not held on 11/7/2023, for reasons discussed on the record. Plea on Violation of Supervised Release held instead. Defendant sworn. Defendant admits to the allegation in Charge # 5 of the Second Amended Violation Petition. Court accepts defendant's admission and defendant is adjudged to have violated Charge # 5. Sentencing set for 11/21/2023 at 10:00 AM before the Hon. John L. Sinatra, Jr. Report due from probation on or before 11/14/2023. Probation to follow up on arrangements for defendant's psychiatric evaluation. Defendant remains remanded pending sentencing. Appearances. For government: Michael DiGiacomo. For defendant: Frank Passafiume. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber)(KLH) (Entered: 11/08/2023)
11/03/2023	<u>93</u>	SECOND AMENDED PETITION/ORDER as to Luke Marshall Wenke directing that this Amended Petition shall serve as the charging document in place of the previously filed petition. Signed by Hon. John L. Sinatra, Jr. on 11/3/2023. (KLH) (Entered: 11/03/2023)
11/03/2023	<u>92</u>	Letter from Luke Wenke to the Court, received 11/3/2023. (KLH) (Entered: 11/03/2023)
11/02/2023	91	TEXT ORDER. To the extent that Dkt. <u>81</u> and Dkt. <u>89</u> relate to witness/hearsay issues, the Court will hear from the parties on their "good cause" and "interest of justice" arguments (Fed. R. Crim. Pro. 32.1(b)(2)(C)) at the outset of the revocation hearing on 11/7/2023 at 2:00 PM. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 11/2/2023. (NAK) (Entered: 11/02/2023)

11/02/2023	<u>90</u>	MANDATE of USCA (certified copy) as to Luke Marshall Wenke re <u>70</u> Notice of Appeal. IT IS HEREBY ORDERED that the motion to withdraw appeal is GRANTED. The appeal is deemed withdrawn. (CGJ) (Entered: 11/02/2023)
11/01/2023	<u>89</u>	MEMORANDUM/BRIEF (<i>Government Response to Defendant's Discovery Request</i>) by USA as to Luke Marshall Wenke (DiGiacomo, Michael) (Entered: 11/01/2023)
10/31/2023	<u>88</u>	AMENDED PETITION/ORDER as to Luke Marshall Wenke directing that this Amended Petition shall serve as the charging document in place of the previously filed petition. Signed by Hon. John L. Sinatra, Jr. on 10/31/23.(SG) (Entered: 10/31/2023)
10/30/2023	<u>87</u>	Letter from Luke Wenke to the Court, received 10/30/2023. (KLH) (Entered: 10/30/2023)
10/25/2023	<u>86</u>	Letter from Luke Wenke to the Court, received 10/23/2023. (KLH) (Entered: 10/26/2023)
10/23/2023	<u>85</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Luke Marshall Wenke held on August 10, 2023, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 11/13/2023. Redacted Transcript Deadline set for 11/24/2023. Release of Transcript Restriction set for 1/22/2024. (BSW) (Entered: 10/23/2023)
10/23/2023	<u>84</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Luke Marshall Wenke held on August 3, 2023, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 11/13/2023. Redacted Transcript Deadline set for 11/24/2023. Release of Transcript Restriction set for 1/22/2024. (BSW) (Entered: 10/23/2023)
10/19/2023	<u>83</u>	TEXT ORDER granting <u>82</u> Motion to Adjourn Revocation Hearing as to Luke Marshall Wenke. The Revocation Hearing is now set for 11/7/2023 at 2:00 PM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY. Issued by Hon. John L. Sinatra, Jr. on 10/19/2023. (KLH) (Entered: 10/19/2023)
10/19/2023	<u>82</u>	MOTION to Adjourn Revocation Hearing <i>for One–Week</i> by Luke Marshall Wenke. (Passafiume, Frank) (Entered: 10/19/2023)
10/16/2023	<u>81</u>	DEMAND for <i>Discovery and Disclosure</i> as to Luke Marshall Wenke (Passafiume, Frank) (Entered: 10/16/2023)
10/06/2023	<u>80</u>	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status conference on Violation of Supervised Release as to Luke Marshall Wenke held on 10/6/2023. Defendant waives preliminary hearing. Government seeks revocation and moves for detention pending a revocation hearing, based on the grounds set forth in the petition. Probation advises the Court of additional correspondence from the victim and recommends detention. Defendant consents to continued detention, but reserves the right to move for release. Revocation hearing set for 10/26/2023 at 10:00 AM. Appearances. For government: Paul Bonanno. For defendant: Jeff Bagley. For probation: Matthew Zenger. Defendant present. (Court Reporter FTR Gold) (Entered: 10/11/2023)
10/05/2023	<u>79</u>	NOTICE OF ATTORNEY APPEARANCE John D. Fabian appearing for USA. (Fabian, John) (Entered: 10/05/2023)
10/04/2023	<u>78</u>	Minute Entry for proceedings held before Hon. Michael J. Roemer. Appearances: AUSA John D. Fabian on behalf of government; AFD Frank R. Passafiume w/defendant Luke Marshall Wenke; USPO Matthew G. Zenger. Initial Appearance re Violation Under Supervision as to Luke Marshall Wenke held on 10/4/2023. Government summarized the violations contained in the Petition. Defense counsel acknowledged receipt of the Petition. Court advised defendant of his rights

		<p>including the right to counsel. Defendant requested assigned counsel and AFPD Passafiume advised the Court that his office has been representing defendant through this case and if his financial status changes the Court will be notified.</p> <p>Government moved for detention. P.O. Zenger recommended detention. Defense counsel reserved the right to proceed with all hearings before Hon. John L. Sinatra, Jr. Status Conference set for 10/6/2023 02:00 PM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. Defendant was remanded to the custody of the U.S. Marshal Service. (Court Reporter FTR Gold.)(RAZ) (Entered: 10/04/2023)</p>
10/04/2023		SCHEDULING NOTICE as to Luke Marshall Wenke. Initial Appearance on Violation Proceedings set for 10/4/2023 02:00 PM in Alleghany Courtroom, 6th Floor East, 2 Niagara Square, Buffalo, NY before Hon. Michael J. Roemer. (RAZ) (Entered: 10/04/2023)
08/30/2023	<u>75</u>	ORDER as to Luke Marshall Wenke modifying conditions of supervision. Signed by Hon. John L. Sinatra, Jr. on 8/30/23.(SG) (Entered: 08/31/2023)
08/30/2023	<u>74</u>	CLERKS CERTIFICATE as to Luke Marshall Wenke filed and electronically sent to Court of Appeals re <u>72</u> Designation of Record on Appeal/Index. (SG) (Entered: 08/30/2023)
08/29/2023	<u>73</u>	TRANSCRIPT REQUEST by Luke Marshall Wenke (Ovsiovitch, Jay) (Entered: 08/29/2023)
08/29/2023	<u>72</u>	DESIGNATION OF RECORD ON APPEAL by Luke Marshall Wenke re <u>70</u> Notice of Appeal CLERK TO FOLLOW UP (Ovsiovitch, Jay) (Entered: 08/29/2023)
08/24/2023	<u>71</u>	Letter from Luke Wenke to Judge Sinatra (SG) (Entered: 08/25/2023)
08/23/2023		Within 14 days of filing the Notice of Appeal, the appellant is required to electronically file with the District Court an index of filed documents it wishes the Court of Appeals to consider, called Designation of Record on Appeal. After receipt, the Clerks Office will certify and transmit the index to the Circuit. (SG) (Entered: 08/23/2023)
08/22/2023	<u>70</u>	NOTICE OF APPEAL. (Ovsiovitch, Jay) (Entered: 08/22/2023)
08/14/2023	<u>76</u>	Sealed Document as to Luke Marshall Wenke – final report from probation. (KLH) (Entered: 09/28/2023)
08/14/2023	<u>69</u>	Letter from Luke Wenke, dated 8/11/23, to Judge Sinatra (SG) (Entered: 08/14/2023)
08/14/2023	<u>68</u>	JUDGMENT for Revocation of Probation or Supervised Release as to Luke Marshall Wenke (1), Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. John L. Sinatra, Jr. on 8/14/23.(SG) (Entered: 08/14/2023)
08/10/2023	67	<p>Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Sentencing on Violation of Supervised Release as to Luke Marshall Wenke completed on 8/10/2023. Defendant's term of supervised release is revoked and he is sentenced to the custody of the Bureau of Prisons for a period of time served, followed by 34 months of supervised release. Court acknowledges the sentence is intended to accommodate defendant's mental health treatment plan. See judgment for standard, mandatory and special conditions of supervised release. Court imposes the sentence as stated and directs preparation of judgment for revocation of supervised release.</p> <p>Appearances. For government: David Rudroff. For defendant: Alexander Anzalone. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber)(KLH) (Entered: 08/10/2023)</p>
08/03/2023	66	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Sentencing on Violation of Supervised Release on Charge #1 of the petition for violation of supervised release as to Luke Marshall Wenke held but not completed on 8/3/2023. Final report from probation office to be filed under seal. Government argues for a sentence of incarceration. Defendant requests a sentence of time served, with a new term of supervision to include mental health treatment, as specified on the record.

		<p>Probation advises the Court that arrangements can be made for defendant to be evaluated and to begin mental health treatment on 8/10/2023. Court adjourns sentencing until 8/10/2023 at 9:00 AM. Defendant remains remanded.</p> <p>Appearances. For government: David Rudroff. For defendant: Alexander Anzalone and Fonda Kubiak. For probation: John Taberski. Defendant present. (Court Reporter Bonnie Weber)(KLH) (Entered: 08/03/2023)</p>
08/01/2023	<u>65</u>	Sealed Document as to Luke Marshall Wenke – Government's unredacted version of Exhibit B re <u>59</u> sentencing memorandum. (Attachments: # <u>1</u> Unredacted version of Exhibit E) (KLH) (Entered: 08/01/2023)
07/31/2023	<u>62</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Luke Marshall Wenke held on June 23, 2023, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie S. Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 8/21/2023. Redacted Transcript Deadline set for 8/31/2023. Release of Transcript Restriction set for 10/30/2023. (BSW) (Entered: 07/31/2023)
07/31/2023	<u>61</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Luke Marshall Wenke held on June 21, 2023, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 8/21/2023. Redacted Transcript Deadline set for 8/31/2023. Release of Transcript Restriction set for 10/30/2023. (BSW) (Entered: 07/31/2023)
07/28/2023	<u>64</u>	Sealed Document as to Luke Marshall Wenke – Defendant's sentencing memorandum. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(KLH) (Entered: 08/01/2023)
07/28/2023	63	TEXT ORDER granting <u>60</u> Motion to Seal as to Luke Marshall Wenke (1). Issued by Hon. John L. Sinatra, Jr. on 7/28/2023. (KLH) (Entered: 08/01/2023)
07/28/2023	<u>60</u>	MOTION to Seal <i>VOSR Sentencing Memorandum and Exhibits</i> by Luke Marshall Wenke. (Anzalone, Alexander) (Entered: 07/28/2023)
07/28/2023	<u>59</u>	SENTENCING MEMORANDUM by USA as to Luke Marshall Wenke (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Rudroff, David) (Entered: 07/28/2023)
07/10/2023	58	TEXT ORDER granting <u>57</u> Motion to Adjourn sentencing as to Luke Marshall Wenke. Sentencing on Violation of Supervised Release is now set for 8/3/2023 at 9:30 AM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY. Issued by Hon. John L. Sinatra, Jr. on 7/10/2023. (KLH) (Entered: 07/10/2023)
07/10/2023	<u>57</u>	MOTION to Adjourn Sentencing Date and Sentencing Scheduling Order <i>Three Weeks (Unopposed)</i> by Luke Marshall Wenke. (Anzalone, Alexander) (Entered: 07/10/2023)
06/26/2023	<u>56</u>	ARREST Warrant Returned Executed on 5/17/23 in case as to Luke Marshall Wenke. (SG) (Entered: 06/27/2023)
06/26/2023	<u>55</u>	ARREST Warrant Returned Executed on 3/15/22 in case as to Luke Marshall Wenke. (SG) (Entered: 06/27/2023)
06/23/2023	54	<p>Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Continuation of Violation Hearing as to Luke Marshall Wenke held on 6/23/2023. Court finds that the government has proven by a preponderance of the evidence that the defendant violated the conditions of supervised release, as charged in the petition. Court finds the defendant guilty of Charge #1. Sentencing set for 7/14/2023 at 11:00 AM. Probation's report due 7/7/2023. Submissions from the parties due 7/12/2023. Defendant remanded.</p> <p>Appearances. For government: David Rudroff. For defendant: Alexander Anzalone and Fonda Kubiak. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 06/23/2023)</p>

06/22/2023	<u>53</u>	MEMORANDUM/BRIEF <i>Post-Revocation Hearing Brief</i> by Luke Marshall Wenke (Anzalone, Alexander) (Entered: 06/22/2023)
06/22/2023	<u>52</u>	MEMORANDUM/BRIEF <i>in support of VOSR</i> by USA as to Luke Marshall Wenke (Rudroff, David) (Entered: 06/22/2023)
06/21/2023	51	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Violation Hearing as to Luke Marshall Wenke held on 6/21/2023. Government calls U.S. Probation Officer Matthew Zenger and FBI Special Agent Krystie Brown. Government Exhibits 1, 2, 3, 4, 5, and 6 admitted into evidence. Defendant moves to dismiss the petition. Government opposes the motion. Court denies Defendant's motion. Defendant calls Ronald Ransford, Investigator from the Federal Public Defender's Office. Defense Exhibits A and B admitted into evidence. Court directs counsel to provide closing arguments in writing, to include relevant case law. Submissions due 6/22/2023. Violation proceeding to conclude on 6/23/2023 at 1:30 PM. Appearances. For government: David Rudroff and Charles Kruly. For defendant: Alexander Anzalone and Fonda Kubiak. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 06/21/2023)
06/20/2023	<u>50</u>	EXHIBIT LIST by USA as to Luke Marshall Wenke (Rudroff, David) (Entered: 06/20/2023)
06/20/2023	<u>49</u>	WITNESS LIST by USA as to Luke Marshall Wenke (Rudroff, David) (Entered: 06/20/2023)
06/20/2023	48	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Wenke held on 6/20/2023. Defense counsel advises the Court that the Government has presented additional documents in court today. If Court is inclined to hear argument on detention, Defendant requests adjournment, to review these new documents and prepare for argument. Government moves for detention in light of recent material provided by the FBI. Probation recommends detention. Court orders Defendant detained for reasons stated on the record, pending a violation hearing on 6/21/2023 at 1:00 PM. Appearances. For government: David Rudroff. For defendant: Alexander Anzalone. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 06/20/2023)
06/15/2023	<u>47</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Luke Marshall Wenke held on August 18, 2022, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 7/6/2023. Redacted Transcript Deadline set for 7/17/2023. Release of Transcript Restriction set for 9/13/2023. (BSW) (Entered: 06/15/2023)
06/06/2023	46	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference on Violation of Supervised Release as to Luke Wenke held on 6/6/2023. Defendant requests a status conference in two weeks to allow time for discussions with the government and probation. Government not opposed. Court sets a status conference for 6/20/2023 at 2:30 PM. All conditions of the <u>45</u> order setting additional conditions of release, issued by Judge Schroeder remain in effect. Appearances. For government: David Rudroff. For defendant: Alexander Anzalone. For probation: Janelle Dzina. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 06/06/2023)
05/18/2023	<u>45</u>	ORDER Setting Additional Conditions of Release as to Luke Marshall Wenke. Signed by Hon. H. Kenneth Schroeder Jr. on 5/18/23.(LMG) (Entered: 05/18/2023)
05/18/2023		Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Initial Appearance re Violation of Supervised Release as to Luke Marshall Wenke held on 5/18/2023.

		<p>Defendant acknowledged receipt of violation petition. Defendant waived probable cause hearing and asked to be released pending an appearance before the Hon. John L. Sinatra, Jr. Government moved for detention.</p> <p>Court denied government's motion for detention, released defendant and imposed terms and conditions of release in addition to the terms and conditions of release previously imposed.</p> <p>Parties directed to appear before the Hon. John L. Sinatra, Jr. on 6/6/2023 at 10:00 AM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY.</p> <p>Appearances: AUSA David Rudroff for the government; AFPD Fonda Kubiak (standing in for AFPD Alexander Anzalone) with defendant; USPO Matthew Zenger. (Court Reporter FTR Gold)(LMG) (Entered: 05/18/2023)</p>
05/18/2023		Set/Reset Hearings as to Luke Marshall Wenke: Initial Appearance on Violation Proceedings set for 5/18/2023 at 02:00 PM in Cattaraugus Courtroom, 7th West, 2 Niagara Square, Buffalo, NY before Hon. H. Kenneth Schroeder Jr. (LMG) (Entered: 05/18/2023)
08/18/2022	<u>43</u>	Sealed Document (Statement of Reasons) as to Luke Marshall Wenke. (CGJ) (Entered: 08/19/2022)
08/18/2022	<u>42</u>	JUDGMENT as to Luke Marshall Wenke (1), Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. John L. Sinatra, Jr. on 8/18/2022. (CGJ) (Entered: 08/19/2022)
08/18/2022	41	<p>Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Sentencing held on 8/18/2022 for Luke Marshall Wenke on his previous plea of guilty to Count 1 of the Indictment. Defendant is sentenced to 18 months in the custody of the Bureau of Prisons, followed by 3 years of Supervised Release with conditions. See Judgment for standard, mandatory and special conditions of Supervised Release. No fines or costs of incarceration or supervised release imposed. \$100 special assessment due immediately. Government moves for dismissal of Count 2 of the Indictment. Court grants the motion. Court imposes the sentence as stated and directs preparation of the Judgment of Conviction. Defendant remanded.</p> <p>Appearances. For government: David Rudroff. For defendant: Alexander Anzalone. For probation: Ashley McNeal. Defendant present. (Court Reporter Bonnie Weber) (JLV) (Entered: 08/18/2022)</p>
08/17/2022	<u>40</u>	Sealed Document–Victim Impact Statement as to Luke Wenke. (SG) (Entered: 08/17/2022)
08/17/2022	<u>39</u>	PROTECTIVE ORDER as to Luke Marshall Wenke. Signed by Hon. John L. Sinatra, Jr. on 8/17/22.(SG) (Entered: 08/17/2022)
08/17/2022	<u>38</u>	REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Luke Marshall Wenke. (Schrack, Joette) (Entered: 08/17/2022)
08/17/2022	37	TEXT ORDER granting <u>36</u> Motion for Protective Order and to Seal as to Luke Marshall Wenke. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 8/17/2022.(CJG) (Entered: 08/17/2022)
08/17/2022	<u>36</u>	MOTION for Protective Order <i>and Order to Seal</i> by USA as to Luke Marshall Wenke. (Rudroff, David) (Entered: 08/17/2022)
08/10/2022		E–Filing Notification re <u>33</u> CONTINUATION OF EXHIBITS by Luke Marshall Wenke <i>Defendant's Letter to Judge Regarding Sentencing</i> : Entry was modified on 8/10/2022 to seal. (KLH) (Entered: 08/10/2022)
08/03/2022	<u>35</u>	RECOMMENDATION (Sealed) as to Luke Marshall Wenke. (Myers, Mary) (Entered: 08/03/2022)
08/03/2022	<u>34</u>	REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Luke Marshall Wenke. (Myers, Mary) (Entered: 08/03/2022)

07/28/2022	<u>33</u>	CONTINUATION OF EXHIBITS by Luke Marshall Wenke <i>Defendant's Letter to Judge Regarding Sentencing</i> (Anzalone, Alexander) Modified on 8/10/2022 to seal (KLH). (Entered: 07/28/2022)
07/28/2022	<u>32</u>	SENTENCING MEMORANDUM by USA as to Luke Marshall Wenke (Rudroff, David) (Entered: 07/28/2022)
07/27/2022	<u>31</u>	CONTINUATION OF EXHIBITS by Luke Marshall Wenke <i>Additional Character Letter</i> (Anzalone, Alexander) (Entered: 07/27/2022)
07/21/2022	<u>30</u>	SENTENCING MEMORANDUM by Luke Marshall Wenke (Attachments: # <u>1</u> Exhibit A)(Anzalone, Alexander) (Entered: 07/21/2022)
07/21/2022	<u>29</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Luke Marshall Wenke (Anzalone, Alexander) (Entered: 07/21/2022)
07/19/2022	<u>28</u>	STATEMENT WITH RESPECT TO SENTENCING FACTORS by USA as to Luke Marshall Wenke (Rudroff, David) (Entered: 07/19/2022)
06/28/2022	<u>27</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Luke Marshall Wenke. (Schrack, Joette) (Entered: 06/28/2022)
04/19/2022		Terminate hearings as to Luke Marshall Wenke (final pretrial conference and final status conference). (KLH) (Entered: 04/19/2022)
04/18/2022	<u>26</u>	SENTENCING SUBMISSION DEADLINES as to Luke Marshall Wenke. Please note: This docket entry does not contain every detail of the attached schedule. It is your responsibility to review and download the pdf to this document for reference. Failure to comply with this schedule may result in adjournment of sentencing. Presentence Report to Parties due by 7/5/2022. Presentence Report to the Court due by 8/4/2022. (KLH) (Entered: 04/18/2022)
04/18/2022	<u>25</u>	BRADY DISCLOSURE ORDER as to Luke Marshall Wenke. Signed by Hon. John L. Sinatra, Jr. on 4/18/2022. (KLH) (Entered: 04/18/2022)
04/18/2022	24	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Plea Hearing as to Luke Marshall Wenke held on 4/18/2022. Defendant sworn and advised of rights. Court issues Brady Disclosure Order. Plea entered by Luke Marshall Wenke: Guilty Count 1 of the Indictment. Court accepts defendant's guilty plea and the defendant is adjudged guilty of Count 1. The Court defers acceptance of the plea agreement. Sentencing set for 8/18/2022 at 10:00 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. John L. Sinatra, Jr. Defendant remanded. Appearances. For government: David Rudroff. For defendant: Alexander Anzalone. Defendant present. (Court Reporter Bonnie Weber) (KLH) -PROBATION NOTIFIED OF PLEA- (Entered: 04/18/2022)
04/18/2022	<u>23</u>	PLEA AGREEMENT as to Luke Marshall Wenke. (KLH) (Entered: 04/18/2022)
04/11/2022	22	TEXT ORDER as to Luke Marshall Wenke. A Plea Hearing is set for 4/18/2022 at 2:00 PM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. John L. Sinatra, Jr. Pursuant to the Defendant's request, the Court holds the deadlines in the <u>19</u> Amended Pretrial Order in abeyance. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 4/11/2022. (KLH) (Entered: 04/11/2022)
04/01/2022	21	TEXT ORDER granting <u>20</u> Motion to Adjourn Voluntary Discovery Deadline to 4/15/2022 as to Luke Marshall Wenke (1). SO ORDERED. Issued by the Hon. H. Kenneth Schroeder Jr. on 4/1/2022.(LMG) (Entered: 04/01/2022)
04/01/2022	<u>20</u>	MOTION to Adjourn DEADLINE FOR VOLUNTARY DISCOVERY by USA as to Luke Marshall Wenke. (Rudroff, David) (Entered: 04/01/2022)
03/31/2022	<u>19</u>	AMENDED PRETRIAL ORDER as to Luke Marshall Wenke (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Pretrial Conference set for 4/25/2022 02:00 PM in US Courthouse, 2 Niagara Square, Buffalo,

		NY 14202–3350 before Hon. John L. Sinatra, Jr.. Status Conference set for 4/29/2022 02:00 PM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. John L. Sinatra, Jr.. Jury Selection set for 5/2/2022 09:30 AM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. John L. Sinatra, Jr.. Jury Trial set for 5/3/2022 09:00 AM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. John L. Sinatra, Jr... Signed by Hon. John L. Sinatra, Jr. on 3/31/22.(SG) (Entered: 03/31/2022)
03/31/2022	18	ORDER granting <u>17</u> Motion to Adjourn Deadline for Initial Pretrial Submissions. An Amended Pretrial Order to be issued. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 3/31/2022.(CJG) (Entered: 03/31/2022)
03/30/2022	<u>17</u>	MOTION to Adjourn Deadline for Initial Pretrial Submissions <i>Ten Days (Unopposed)</i> by Luke Marshall Wenke. (Anzalone, Alexander) (Entered: 03/30/2022)
03/23/2022	<u>16</u>	ORDER TO CONTINUE – Ends of Justice as to Luke Marshall Wenke Time excluded from 3/21/22 until 5/2/22. Signed by Hon. John L. Sinatra, Jr. on 3/23/22.(SG) (Entered: 03/23/2022)
03/21/2022	<u>15</u>	PRETRIAL ORDER as to Luke Marshall Wenke (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Final Pretrial Conference set for 4/25/2022 02:00 PM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. John L. Sinatra, Jr.. Final Status Conference set for 4/29/2022 02:00 PM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. John L. Sinatra, Jr.. Jury Selection set for 5/2/2022 09:30 AM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. John L. Sinatra, Jr.. Jury Trial set for 5/3/2022 09:00 AM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. John L. Sinatra, Jr... Signed by Hon. John L. Sinatra, Jr. on 3/21/22.(SG) (Entered: 03/22/2022)
03/21/2022	14	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference as to Luke Marshall Wenke held on 3/21/2022. Parties request a trial date as soon as possible. Court sets trial to commence with jury selection on 5/2/2022 at 9:30 AM. Final Pretrial Conference set for 4/25/2022 at 2:00 PM. Final Status Conference set for 4/29/2022 at 2:00 PM. Pretrial Order to follow. Government moves to exclude time from 3/21/2022 through 5/2/2022 for purposes of the Speedy Trial Act pursuant to Title 18 U.S.C. Sections 3161(h)(7)(A) and (h)(7)(B)(iv). Defendant is available for an earlier trial date and objects to the exclusion. Court grants the motion. Government to submit a proposed speedy trial order. Appearances. For government: David Rudroff and Charles Kruly. For defendant: Alexander Anzalone. Defendant Present. (Court Reporter Bonnie Weber) (KLH) (Entered: 03/21/2022)
03/21/2022	<u>13</u>	NOTICE OF ATTORNEY APPEARANCE: Marianne Mariano appearing for Luke Marshall Wenke (Mariano, Marianne) (Entered: 03/21/2022)
03/17/2022	12	NOTICE OF HEARING as to Luke Marshall Wenke: Status Conference set for 3/21/2022 at 9:00 AM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. John L. Sinatra, Jr. (KLH) (Entered: 03/17/2022)
03/17/2022	<u>11</u>	SCHEDULING ORDER as to Luke Marshall Wenke: Discovery completed by 4/1/2022; Motions due by 4/15/2022; Responses due by 4/29/2022; Oral Argument set for 5/10/2022 at 10:30 AM before the Hon. H. Kenneth Schroeder Jr. Signed by Hon. H. Kenneth Schroeder Jr. on 3/17/2022.(LMG) (Entered: 03/17/2022)
03/17/2022		Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Arraignment as to Luke Marshall Wenke (1) Count 1,2 held on 3/17/2022. Defendant waived reading of Indictment and entered plea of not guilty to charges set forth therein. Defense counsel advised the Court that there has been a change in circumstances that would warrant the Court's reconsideration of its prior Order of Detention. Defendant's Exhibits A and B handed up. Defense counsel moved for defendant's release to home

		<p>incarceration so defendant can receive out-patient mental health treatment. Counsel for government opposed motion. Court denied defendant's motion and remanded him to the custody of the U.S. Marshals Service.</p> <p>Defense counsel advised that defendant wishes to proceed to trial before the Hon. John L. Sinatra, Jr. immediately. Despite this, Court established dates for the issuance of a Scheduling Order to be followed in the event this case does not immediately proceed to trial. Court conditionally excluded the time from 3/17/2022 to 4/15/2022 for purposes of the Speedy Trial Act pursuant to Title 18 U.S.C. Sections 3161(h)(7)(A) and (h)(7)(B)(iv). Defense counsel noted his objection to the exclusion of time for the record.</p> <p>Appearances: AUSA Charles Kruly for the government; AFPD Alexander Anzalone with defendant. (Court Reporter FTR Gold.)(LMG) (Entered: 03/17/2022)</p>
03/15/2022	10	<p>TEXT ORDER OF REFERRAL Hon. H. Kenneth Schroeder Jr., United States Magistrate Judge, is hereby designated to act in this case as follows: All pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including all pre-trial matters that a Magistrate Judge may hear and determine pursuant to 28 U.S.C. Section 636(b)(1)(A), and those which a Magistrate Judge may hear and thereafter file a report and recommendation for disposition pursuant to Section 636(b)(1)(B). All procedural aspects of matters properly before the Magistrate Judge under this Order, including scheduling and the filing of briefs or other supporting material, shall be determined by the Magistrate Judge. All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. IT IS SO ORDERED.. Signed by Hon. John L. Sinatra, Jr. on 3/15/22.(SG) (Entered: 03/17/2022)</p>
03/15/2022	<u>9</u>	<p>Sealed Unredacted Document as to Luke Marshall Wenke filed pursuant to FRCrP 49.1. (SG) (Entered: 03/16/2022)</p>
03/15/2022	<u>8</u>	<p>INDICTMENT as to Luke Marshall Wenke (1) count(s) 1, 2. (SG) (Entered: 03/16/2022)</p>
02/23/2022	7	<p>TEXT ORDER granting <u>6</u> Motion to Set Rule 48(b) Dismissal Date as to Luke Marshal Wenke (1). The Criminal Complaint herein shall be dismissed without prejudice pursuant to Rule 48(b) of the Fed. R. Crim. P. effective 3/15/2022. The time from 2/23/2022 to 3/15/2022 is excluded for purposes of the Speedy Trial Act and Rule 5.1 of the Fed. R. Crim. P. pursuant to Title 18 U.S.C. Sections 3161(h)(7)(A) and (h)(7)(B)(iv). SO ORDERED. Issued by the Hon. H. Kenneth Schroeder Jr. on 2/23/2022.(LMG)[1:22-mj-00036-HKS] (Entered: 02/23/2022)</p>
02/23/2022	<u>6</u>	<p>MOTION to Set a Rule 48(b) Dismissal Date of <i>March 15, 2022</i> by Luke Marshal Wenke. (Anzalone, Alexander) [1:22-mj-00036-HKS] (Entered: 02/23/2022)</p>
01/31/2022	<u>5</u>	<p>ORDER OF DETENTION as to Luke Marshal Wenke. Signed by Hon. H. Kenneth Schroeder Jr. on 1/31/22. Copies forwarded to U.S. Marshals Service and U.S. Pretrial Services.(LMG) [1:22-mj-00036-HKS] (Entered: 02/01/2022)</p>
01/31/2022	<u>4</u>	<p>ORDER regarding use of videoconferencing as to Luke Marshal Wenke. Signed by Hon. H. Kenneth Schroeder Jr. on 1/31/22.(LMG) [1:22-mj-00036-HKS] (Entered: 01/31/2022)</p>
01/31/2022		<p>Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Detention Hearing as to Luke Marshal Wenke held remotely by videoconference on 1/31/2022.</p> <p>Defendant consented to proceeding being held remotely by videoconference via Zoom for Government.</p> <p>After hearing government's proffer and response by defense counsel, Court granted government's motion, ordered defendant detained and remanded him to the custody of the U.S. Marshals Service. Defendant waived preliminary hearing.</p> <p>Appearances: AUSA David Rudroff for the government; AFPD Alexander Anzalone with defendant; USPO Brian Mamizuka. (LMG) [1:22-mj-00036-HKS] (Entered: 01/31/2022)</p>

01/31/2022	<u>3</u>	ORDER TO CONTINUE – Ends of Justice as to Luke Marshal Wenke. Time excluded from 1/29/22 until 1/31/22. Signed by Hon. H. Kenneth Schroeder Jr. on 1/31/22.(LMG) [1:22–mj–00036–HKS] (Entered: 01/31/2022)
01/29/2022	<u>2</u>	ORDER regarding use of videoconferencing as to Luke Marshal Wenke. Signed by Hon. H. Kenneth Schroeder Jr. on 1/29/22.(LMG) [1:22–mj–00036–HKS] (Entered: 01/29/2022)
01/29/2022		<p>Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Initial Appearance as to Luke Marshal Wenke held remotely by videoconference on 1/29/2022.</p> <p>Defendant consented to proceeding being held remotely by videoconference via Zoom for Government.</p> <p>Court advised defendant of charges set forth in Criminal Complaint and entered plea of not guilty on his behalf. Court advised defendant of his rights, including the right to counsel.</p> <p>Defendant requested assigned counsel at this time but may attempt to retain counsel in the future. Court assigned AFD Alexander Anzalone to represent defendant.</p> <p>Government moved for detention. Detention Hearing set for 1/31/2022 at 03:00 PM before the Hon. H. Kenneth Schroeder Jr. The proceeding will be held remotely by videoconference. Instructions on how to connect to the proceeding will be e-mailed to counsel. Public access may be obtained by contacting Judge Schroeder's chambers at 716–551–1870.</p> <p>Time from 1/29/2022 to 1/31/2022 excluded for purposes of the Speedy Trial Act, Bail Reform Act, Rule 5.1 of the Fed. R. Crim. P. pursuant to Title 18 U.S.C. Sections 3161(h)(7)(A), (h)(7)(B)(iv) and (h)(1)(D). Defendant remanded to the custody of the U.S. Marshals Service.</p> <p>Appearances: AUSA David Rudroff for the government; AFD Alexander Anzalone with defendant; USPO Brian Mamizuka. (LMG) [1:22–mj–00036–HKS] (Entered: 01/29/2022)</p>
01/27/2022	<u>1</u>	COMPLAINT as to Luke Marshal Wenke (1). (LMG) [1:22–mj–00036–HKS] (Entered: 01/28/2022)