

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**DEBRA ANN LIVINGSTON**  
CHIEF JUDGE

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

Date: August 24, 2023  
Docket #: 23-6964  
Short Title: United States of America v. Wenke

DC Docket #: 1:22-cr-35-1  
DC Court: W.D.N.Y.  
(BUFFALO)  
DC Judge: Trial Judge - John L.  
Sinatra  
Magistrate Judge - H. Kenneth  
Schroeder

**DOCKETING NOTICE**

An appeal in the above-referenced case has been docketed under number: 23-6964. This number must appear on all documents related to this case that are filed in this Court. Appellate counsel of record either represented the appellant before the district court, filed the notice of appeal, or acted as counsel for appellee in the district court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

**YOUR CORRECT CONTACT INFORMATION:** Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

**CHANGE IN CONTACT INFORMATION:** An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in ACMS must notify the Court of a change to the user's mailing address, business address, telephone

number, or e-mail. To update contact information, a Filing User must access PACER's Manage My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether petitioner is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8551.

**Criminal Notice of Appeal - Form A**

**NOTICE OF APPEAL**

**United States District Court**

Western District of New York

Caption:

UNITED STATES

v.

LUKE MARSHALL WENKE

Docket No.: 22-CR-35(JLS)

Hon. John L. Sinatra, Jr.

(District Court Judge)

Notice is hereby given that Luke Marshall Wenke appeals to the United States Court of

Appeals for the Second Circuit from the judgment ☒ other

(specify)

entered in this action on August 14, 2023  
(date)

This appeal concerns: Conviction only ☐ Sentence only ☐ Conviction & Sentence ☒ Other ☐

Defendant found guilty by plea ☐ trial ☐ N/A ☒

Offense occurred after November 1, 1987? Yes ☒ No ☐ N/A ☐

Date of sentence: August 3, 2023 N/A ☐

Bail/Jail Disposition: Committed ☒ Not committed ☐ N/A ☐

Appellant is represented by counsel? Yes ☒ No ☐ If yes, provide the following information:

Defendant's Counsel: Jay S. Ovsioitch

Counsel's Address: Federal Public Defender's Office, W.D.N.Y.

28 E. Main St., Ste. 400, Rochester, NY 14614

Counsel's Phone: 585-263-6201

Assistant U.S. Attorney: Tiffany H. Lee

AUSA's Address: United States Attorney's Office

138 Delaware Ave., Buffalo, NY 14202

AUSA's Phone: 585-399-3951

/S/Jay Ovsioitch

Signature

**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**  
***Internal Use Only***

Case title: USA v. Wenke

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

Date Filed: 03/15/2022

Date Terminated: 08/18/2022

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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 **Alexander J. Anzalone**  
Federal Public Defender  
300 Pearl Street  
Suite 200  
Buffalo, NY 14202  
716-551-3341  
Fax: 716-551-3346  
Email: [alexander\\_anzalone@fd.org](mailto:alexander_anzalone@fd.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender Appointment*

**Marianne Mariano**  
Federal Public Defender  
300 Pearl Street  
Suite 200  
Buffalo, NY 14202  
(716) 551-3341  
Fax: 716-551-3346  
Email: [marianne\\_mariano@fd.org](mailto:marianne_mariano@fd.org)  
**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

**Disposition**

Dismissed

(2)

**Highest Offense Level**  
**(Terminated)**

Felony

**Complaints**18:875C.F – INTERSTATE  
COMMUNICATIONS –  
THREATS**Disposition****Plaintiff**

USA

represented by **David J. Rudroff**  
 U.S. Attorney's Office – Buffalo  
 Federal Centre  
 138 Delaware Avenue  
 Buffalo, NY 14202  
 716-551-5806  
 Fax: 716-551-3052  
 Email: [David.Rudroff@usdoj.gov](mailto:David.Rudroff@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: government attorney*

Date Filed	#	Docket Text
01/27/2022	<u>1</u>	COMPLAINT as to Luke Marshal Wenke (1). (LMG) [1:22-mj-00036-HKS] (Entered: 01/28/2022)
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 AFPD 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; AFPD Alexander Anzalone with defendant; USPO Brian Mamizuka. (LMG) [1:22-mj-00036-HKS] (Entered: 01/29/2022)</p>
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)

01/31/2022	<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)
01/31/2022		<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; AFD Alexander Anzalone with defendant; USPO Brian Mamizuka. (LMG) [1:22–mj–00036–HKS] (Entered: 01/31/2022)</p>
01/31/2022	<u>4</u>	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)
01/31/2022	<u>5</u>	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)
02/23/2022	<u>6</u>	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)
02/23/2022	<u>7</u>	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)
03/15/2022	<u>8</u>	INDICTMENT as to Luke Marshall Wenke (1) count(s) 1, 2. (SG) (Entered: 03/16/2022)
03/15/2022	<u>9</u>	Sealed Unredacted Document as to Luke Marshall Wenke filed pursuant to FRCrP 49.1. (SG) (Entered: 03/16/2022)
03/15/2022	<u>10</u>	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)
03/17/2022		<p>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.</p> <p>Defendant waived reading of Indictment and entered plea of not guilty to charges set forth therein.</p> <p>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 incarceration so defendant can receive out-patient mental health treatment. Counsel for government opposed motion. Court denied defendant's motion and remanded him</p>

		<p>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>
03/17/2022	<u>11</u>	<p>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)</p>
03/17/2022	12	<p>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)</p>
03/21/2022	<u>13</u>	<p>NOTICE OF ATTORNEY APPEARANCE: Marianne Mariano appearing for Luke Marshall Wenke (Mariano, Marianne) (Entered: 03/21/2022)</p>
03/21/2022	14	<p>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.</p> <p>Appearances. For government: David Rudroff and Charles Kruly. For defendant: Alexander Anzalone. Defendant Present. (Court Reporter Bonnie Weber) (KLH) (Entered: 03/21/2022)</p>
03/21/2022	<u>15</u>	<p>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)</p>
03/23/2022	<u>16</u>	<p>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)</p>
03/30/2022	<u>17</u>	<p>MOTION to Adjourn Deadline for Initial Pretrial Submissions <i>Ten Days (Unopposed)</i> by Luke Marshall Wenke. (Anzalone, Alexander) (Entered: 03/30/2022)</p>
03/31/2022	18	<p>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)</p>
03/31/2022	<u>19</u>	<p>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</p>

		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)
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)
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)
04/11/2022	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)
04/18/2022	<u>23</u>	PLEA AGREEMENT as to Luke Marshall Wenke. (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>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	<u>26</u>	SENTENCING SUBMISSION DEADLINES as to Luke Marshall Wenke. <b>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.</b> 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)
04/19/2022		Terminate hearings as to Luke Marshall Wenke (final pretrial conference and final status conference). (KLH) (Entered: 04/19/2022)
06/28/2022	<u>27</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Luke Marshall Wenke. (Schrack, Joette) (Entered: 06/28/2022)
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)
07/21/2022	<u>29</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Luke Marshall Wenke (Anzalone, Alexander) (Entered: 07/21/2022)
07/21/2022	<u>30</u>	SENTENCING MEMORANDUM by Luke Marshall Wenke (Attachments: # <u>1</u> Exhibit A)(Anzalone, Alexander) (Entered: 07/21/2022)
07/27/2022	<u>31</u>	CONTINUATION OF EXHIBITS by Luke Marshall Wenke <i>Additional Character Letter</i> (Anzalone, Alexander) (Entered: 07/27/2022)
07/28/2022	<u>32</u>	SENTENCING MEMORANDUM by USA as to Luke Marshall Wenke (Rudroff, David) (Entered: 07/28/2022)

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)
08/03/2022	<u>34</u>	REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Luke Marshall Wenke. (Myers, Mary) (Entered: 08/03/2022)
08/03/2022	<u>35</u>	RECOMMENDATION (Sealed) as to Luke Marshall Wenke. (Myers, Mary) (Entered: 08/03/2022)
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)
08/17/2022	<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)
08/17/2022	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>38</u>	REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Luke Marshall Wenke. (Schrack, Joette) (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>40</u>	Sealed Document–Victim Impact Statement as to Luke Wenke. (SG) (Entered: 08/17/2022)
08/18/2022	41	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.  Appearances. For government: David Rudroff. For defendant: Alexander Anzalone. For probation: Ashley McNeal. Defendant present. (Court Reporter Bonnie Weber) (JLV) (Entered: 08/18/2022)
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	<u>43</u>	Sealed Document (Statement of Reasons) as to Luke Marshall Wenke. (CGJ) (Entered: 08/19/2022)
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)
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.  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.  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>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	<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)
06/06/2023	46	<p>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.</p> <p>Appearances. For government: David Rudroff. For defendant: Alexander Anzalone. For probation: Janelle Dzina. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 06/06/2023)</p>
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)
06/20/2023	48	<p>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.</p> <p>Appearances. For government: David Rudroff. For defendant: Alexander Anzalone. For probation: Matthew Zenger. Defendant present. (Court Reporter Bonnie Weber) (KLH) (Entered: 06/20/2023)</p>
06/20/2023	<u>49</u>	WITNESS LIST by USA as to Luke Marshall Wenke (Rudroff, David) (Entered: 06/20/2023)
06/20/2023	<u>50</u>	EXHIBIT LIST by USA as to Luke Marshall Wenke (Rudroff, David) (Entered: 06/20/2023)
06/21/2023	51	<p>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.</p> <p>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)</p>
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)

06/22/2023	<u>53</u>	MEMORANDUM/BRIEF <i>Post-Revocation Hearing Brief</i> by Luke Marshall Wenke (Anzalone, Alexander) (Entered: 06/22/2023)
06/23/2023	54	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.  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)
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)
06/26/2023	<u>56</u>	ARREST Warrant Returned Executed on 5/17/23 in case as to Luke Marshall Wenke. (SG) (Entered: 06/27/2023)
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)
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)
07/28/2023	<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)
07/28/2023	<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	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>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)
07/31/2023	<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)
07/31/2023	<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)
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)
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

		<p>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. 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>
08/10/2023	<u>67</u>	<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>
08/14/2023	<u>68</u>	<p>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)</p>
08/14/2023	<u>69</u>	<p>Letter from Luke Wenke, dated 8/11/23, to Judge Sinatra (SG) (Entered: 08/14/2023)</p>
08/22/2023	<u>70</u>	<p>NOTICE OF APPEAL. (Ovsiovitch, Jay) (Entered: 08/22/2023)</p>