

AO 91 (Rev. 02/09) Criminal Complaint

# United States District Court

for the  
Western District of New York

**United States of America**

v.

**Case No. 22-mj-36**

**LUKE MARSHAL WENKE**

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about January 23, 2022 and on or about January 24, 2022, in the County of Cattaraugus, in the Western District of New York, the defendant did knowingly transmit in interstate or foreign commerce communications containing threats to injure a person, that is, Victim 1, in violation of Title 18, United States Code, Section 875(c).

This Criminal Complaint is based on these facts:

Continued on the attached sheet.



*Complainant's signature*

ANDREW CLARK  
SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION

*Printed name and title*

Sworn to before me and signed telephonically

Date: January 27, 2022



*Judge's signature*

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.  
UNITED STATES MAGISTRATE JUDGE

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT**

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )

**INTRODUCTION**

I, ANDREW CLARK, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, having been duly sworn, states as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). As such, I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States empowered by law to conduct investigations of and to execute search and seizure warrants for offenses enumerated in Title 18, United States Code, Section 2516.

2. I have been so employed as a Special Agent (SA) of the FBI since March of 2018 and am currently assigned to the Joint Terrorism Task Force “(FBI JTTF)” in Buffalo, New York. With the FBI, my responsibilities include investigating potential criminal violations of federal law. This includes investigating suspected violations of Title 18, United States Code, Sections 875 and others. As a federal agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute search and seizure warrants issued under the authority of the United States. I have participated in numerous investigations of criminal activity to include interstate

communication of threats. My investigative experience detailed herein, and the experience of other law enforcement agents who are participating in this investigation as well, serve as the basis for the opinions and conclusions set forth herein.

3. I make this affidavit in support of an application for issuance of a criminal complaint and arrest warrant for LUKE MARSHAL WENKE (hereinafter "WENKE"), for Interstate Communication of a Threat, in violation of Title 18, United States Code, Section 875(c). This affidavit does not include all facts known to me, but rather contains facts sufficient to support the issuance of the complaint and arrest warrant.

#### **BACKGROUND OF THE INVESTIGATION**

4. On September 03, 2020, Benjamin Ryan Teeter (hereinafter "Teeter") was arrested by the FBI in Minneapolis, Minnesota and charged with Title 18, United States Code, Section 2339(B) - Conspiracy to Provide Material Support and Resources, namely property, services and weapons, to Hamas, a designated foreign terrorist organization. Teeter's Defense Attorney, who lives in Minnesota, is herein referred to as "Victim 1". Based on my investigation, I know that WENKE professes to have a possibly-romantic obsession with Teeter.

5. On or about September 22, 2020, WENKE began sending Victim 1 communications electronically. Many of WENKE's communications concern Teeter and/or WENKE's perception that Victim 1 is not appropriately representing Teeter.

6. On or about December 18, 2020 at approximately 8:20PM, WENKE emailed Victim 1 from lukewenke@yahoo.com<sup>1</sup>. In the email, WENKE wrote that he was in South Carolina spending time with Ryan Teeter's friends. WENKE included in the email a picture of himself sitting with a friend of Teeter.

7. On or about December 21, 2020 at approximately 1:06PM, WENKE sent this statement in an email to Victim 1, "My friend Amos Krause back home, when he got out of jail several years ago he was not himself at all. Now that I DO have experience in, dealing with released former inmates. Ryan [Teeter] will come out of this environment totally distraught, he is obviously not having a good time in that county jail. I am prepared to go easy and respect him and slowly ease the two of us back into that unconditional loyalty he and I had with each other before. Plenty of faith for Ryan [Teeter] and I."

8. Victim 1 asked WENKE to stop emailing or contacting him several times from November 2020 to January 2022. For instance, on or about November 08, 2020 at approximately 10:51AM, Victim 1 emailed lukewenke@yahoo.com the following: "Luke-For attorney/client privilege reasons, I am politely asking that you not continue to email me."

9. On approximately January 24, 2021, WENKE sent the following Tweet on the social networking platform known as Twitter using the name "Luke Marshal Wenke" with moniker "@WenkeLuke": "I think I'll just go to Minneapolis Monday and scare the shit out

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<sup>1</sup> All emails from WENKE described in this affidavit are from email account lukewenke@yahoo.com.

of the lawyer right in his office.” As a result of WENKE’s tweet, Victim 1’s staff was scared and Victim 1 sent the staff home as a precaution.

10. WENKE continued to contact Victim 1 throughout January, February and March of 2021 via email and telephone calls to Victim 1’s law office. WENKE continued to contact Victim 1 in July, August, November of 2021 and January 2022.

11. On or about July 29, 2021, WENKE attempted to visit Victim 1’s law office in Minneapolis, Minnesota but was turned away by security. On the same day, WENKE was contacted by an FBI Special Agent via telephone number 716-257-2645 and was told that his actions were making people nervous. The FBI Special Agent asked WENKE to abide by Victim 1’s wishes and cease contact.

12. WENKE, using the email account lukewenke@yahoo.com, has sent Victim 1 approximately 76 emails between September 22, 2020 and January 24, 2022. Approximately 65 of those emails were sent after Victim 1 asked WENKE to stop contacting him. In addition, WENKE has:

- a. Left Victim 1 one voicemail;
- b. Made two phone calls to Victim 1’s law firm; and
- c. Made one in-person visit to Victim 1’s law firm in Minnesota

13. On or about August 18, 2021, in response to Victim 1 asking WENKE to stop contacting him, WENKE sent Victim 1 an email from lukewenke@yahoo.com stating the

following: "I don't take orders from kikes, sorry. Do a better job for your client Jewboy." WENKE also wrote: "Minnesota's top ranking criminal defense lawyer is nothing more than a for-pay Jew. Very proud of myself for being a dead end distraction for your FBI friends to pay attention to."

14. On or about August 18, 2021, a person identified as "Luke Wenke" left a one-star review about Victim 1 on Google business review and emailed Victim 1 from email address lukewenke@yahoo.com threatening to get more people to leave a one-star rating because his client, Teeter, had been in jail a year. Victim 1 replied to WENKE through email on or about August 18, 2021 at approximately 8:27AM telling WENKE that he has a wife and kids to support and that WENKE was ruining Victim 1's reputation online despite how hard he is working for his client.

15. On or about September 03, 2021, WENKE purchased an Anderson Manufacturing stripped lower receiver and upper receiver combo from a local Federal Firearm Licensee (FFL) in the Buffalo, New York area.

16. On or about November 03, 2021, WENKE purchased a polymer stripped lower receiver from the same local FFL. WENKE told employees that he was trying to build an "AR".

17. On November 05, 2021 at approximately 2:53PM, WENKE emailed Victim 1 "I am going to Ohio right now to get my TOY I paid for myself months ago. Maybe it's a

good thing I can only deposit so much on my Robinhood card right now otherwise I may have an excess of stock in this stuff. I'll just use this little bit to practice. PRACTICE. Complete with red circles. Is [Judge 1]<sup>2</sup> truly your friend? I am so sad for Ryan once again but not a tear drop. If Ryan has to be stuck in jail for yet another Christmas then nobody in my life is getting a Christmas present from me this year. Americans are way too materialistic. Kyle Rittenhouse roams free. You are a good person with me still. I also think with logic logic logic before doing ANYTHING. Do not worry about me please. No more misunderstandings between me and you. I can work anywhere and any time I want. I need to be available for anything when duty calls, even simple things like taking my blind mother shopping. Keeping my promise for Mr Ryan Teeter and being there for him no matter what and no matter how much time passes in this awful case which is of absolutely no fault of your's. Maybe if corporations weren't legally considered people taking up space on the court calendar, maybe that Ryan Teeter real human being could be out by now. Time to go to Ohio and get my toy. Seeing a free Kyle Rittenhouse just became the last dangling thread on my end. Luke Wenke 716-257-2645". On or about July 29, 2021, WENKE was interviewed by the FBI wherein WENKE provided his cellular telephone number to be 716-257-2645. The FBI later established contact with WENKE using 716-257-2645.

18. On or about November 15, 2021 at approximately 5:53PM, WENKE emailed Victim 1, "I will email you all I want. Nothing illegal Here." The email also contained statements expressing WENKE's political views. Victim 1 responded to a November 17, 2021 email from WENKE and asked him to stop emailing him, to leave him alone and that Ryan

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<sup>2</sup> Based on my investigation, I know that the person identified as "Judge 1" in this affidavit is a Magistrate Judge for the District of Minnesota who is presiding over Teeter's case.

Teeter has no interest in communicating with WENKE. On the same day, WENKE emailed Victim 1 back, "Ok I was being playful somewhat but now I'm mad". WENKE continued on ranting about the perceived injustices he believed Teeter was experiencing.

19. On or about January 10, 2022 at approximately 4:40PM, Victim 1 received a text message from the phone number 585-252-6970. Although the investigation has not yet attributed this phone number to WENKE, I submit that the content of the message provides probable cause to believe that it was sent by WENKE. The text contained the statement, "Unlike John McCain I am the one who was NOT captured".

20. On or about January 12, 2022, Victim 1 received a handwritten letter<sup>3</sup> at his home purporting to be from "Carl Paladino<sup>4</sup>". This letter is believed to have been sent by WENKE and it states, "Hi [Victim 1], I am your biggest fan. Sometime. Sometimes I hate you. Now I have your address." The letter also stated, "unlike John McCain, I've never been captured."

21. On or about January 13, 2022, Victim 1 received a text message from 585-252-6970 believed to be from WENKE stating, "The justice department does not exist to serve justice, it exists to maintain power over the smaller people...who are capable of burning this all down at any moment. MS<sup>5</sup>'s sentencing wiped off the calendar last minute. They don't

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<sup>3</sup> This letter was collected as evidence by the FBI and has been submitted for forensic examination to identify, among other things, fingerprints and other potentially-identifying information. As of the date of this affidavit, results of those tests are pending.

<sup>4</sup> Carl Paladino is a former local politician of the Buffalo, New York area.

<sup>5</sup> Based on my knowledge of the investigation, I believe that "MS" refers to Michael Solomon who was arrested with Ryan Teeter in 2020.

think I'm watching. They don't know what I can get away with. Unlike John McCain I've never been captured.”

### **PROBABLE CAUSE**

22. On January 23, 2022 at approximately 8:09PM (CST), Victim 1 received an email from lukewenke@yahoo.com with subject line, “Fake google accounts tanking your business reviews” stating: “But you don’t care about things like that. What you WILL care about is this. First of all I have all kinds of time tomorrow to make a bunch of Minneapolis based phone calls. The White Pages are so so easy to use, children like you should try it some time. I’ve decided you are not an old man, you are a child all of the older more experienced lawyers pat on the head and say here ya go kid you are the future and they let you do the paperwork for all the state’s criminal defense lawyers for one calendar year while you get to wear a paper Burger King crown. After I make all of these phone calls, who you are and where you are will be known to a certain group of people out there so I don’t have to drive all that way to do anything... not yet at least. Key point: I’m not John McCain, I don’t get captured. That is my first anti-[Victim 1] chess move up my sleeve and it won’t take very long. Secondly, something I have fantasized about doing for a long time it looks like I just figured out how to do over McDonalds wifi. This will take many many hours but I have the time of day tomorrow and it looks like the digital procedures needed to completely tank your Google business reviews have been figured out. My leveraging against you will never end until you just forfeit already and do a better job according to MY standards”. Later in the email WENKE writes “I finally figured out how to create a ton of fake Google accounts all at once and seesaw that business rating of your’s down the toilet, THAT is what matters right

now. My Minneapolis phone calls I need to make tomorrow, that's too easy. They say men respect each other after a fight. I will gladly take a steel chair to your face until I get what I want here. You don't respect me... but you will. I am the dom and you are the bitch right now. Two very simple demands need to be met to finally change course from this perpetual bullshit largely incited by your miscalculations. Love, Luke Marshal Wenke”.

23. On January 23, 2022 at approximately 8:48PM (CST), Victim 1 responded to WENKE's email writing, “You are a weak human being” and said that if WENKE wanted to fight then he could go to Minneapolis and meet Victim 1 in person. At approximately 9:50PM, WENKE responded with an email expressing excitement that Victim 1 acted “volatile” and “This fight will happen, do not fear and do not worry. Do not cross certain lines. Oh boy do I have work to do tomorrow. Love, Luke PS — you're the bitch now, not me!! Enjoy this picture of the guy who will call you soon enough!!!” The email then contained a photo of a person whom I recognize to be WENKE dressed in leather holding a ball gag.

24. On January 24, 2022 at approximately 12:56AM, Victim 1 received an email from lukewenke@yahoo.com, copying the FBI Special Agent handling Teeter's case, stating: “BAM BAM POW POW [Victim 1] THE COMIC BOOK LAWYER WANTS TO FIGHT LUKE WENKE!! 🗡️👊🗡️ 🤘🤘🤘” and “Fake Facebooks, fake Twitters, fake Topix usernames, burner phone numbers from burner apps available on Apple iPhone store, fake Google accounts. Using fake Google accounts to Google search slander and libel laws. “Fraud” deals with insurance, welfare, and tax issues, not Dulap Nelson the fake Facebook

profile getting more votes than Luke Wenke did for Libertarian National Chairman in 2020.” And “. I am emailing you from an iPhone right now. This IP address is used so frequently and yet nothing incriminating comes from it. Even when you got me detained at the Canadian border in August, my phone was right there unlocked in the open for them to look through. Nothing. Search warrants take a while to get, too. Get a search warrant and search my phone... still nothing.” This email included a screen shot of an ariel view of Victim 1’s personal residence on a map with a drive time of “13 hours 52 minutes”.

25. On Monday, January 24, 2022, Victim 1 received a handwritten letter<sup>6</sup> at his law firm post marked January 19, 2022, purporting to be from “Carl Paladino”. This letter is believed to have been sent by WENKE and it states, “Hello [Victim 1]’s legal offices, I am fully aware Luke Wenke has been a massive pain in the ass for your client, Benjamin Ryan Teeter.”...”I understand he [referring to Luke Wenke] has a gay thing for your client, Mr. Teeter.”...”Do not sue Mr. Wenke over a freakin burner number...if that was him.”...”Yes, I the great, Carl Paladino do personally know Mr. Wenke. Don’t make me come out there and finish this all myself. NY, we can purchase lower receivers here too ya know...LOL Just chilly ok?? Signed, Carl Paladino”...”P.S. up here-[Victim 1]’s home address is o the white pages, easy to find”. WENKE included with the letter a picture of himself and a friend with the caption, “[name redacted] and Luke Wenke NYC June 2014, both real people”.

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<sup>6</sup> This letter was also collected as evidence by the FBI and has been submitted for forensic examination to identify, among other things, fingerprints and other potentially-identifying information. As of the date of this affidavit, results of those tests are pending.

**REQUEST FOR SEALING**

26. Further, because of the sensitive nature of the information contained in this affidavit, it is respectfully requested that the complaint and supporting affidavit remain sealed until the defendant is arrested. Premature disclosure of the contents of this affidavit may alert the defendant to existence of the complaint before he can be located and arrested, and would potentially allow him to destroy valuable evidence or flee from prosecution.

**CONCLUSION**

27. Based on the aforementioned information, your Affiant respectfully submits that there is probable cause to believe that LUKE MARSHAL WENKE, transmitted in interstate or foreign commerce a communication containing a threat to injure Victim 1, all in violation of Title 18, United States Code, Section 875(c).



ANDREW CLARK  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed telephonically

this 27<sup>th</sup> day of January, 2022.

  
HONORABLE H. KENNETH SCHROEDER, JR.  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

22-MJ-36

LUKE MARSHAL WENKE,

Defendant.

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**SPEEDY TRIAL ORDER**

(January 29, 2022 through January 31, 2022)

On January 29, 2022, the parties appeared before the Court for an Initial Appearance. Assistant United States Attorney David J. Rudroff appeared on behalf of the government; the defendant appeared personally and by attorney AFPD Alexander Anzalone.

At that time, the government moved for the detention of the defendant and the defendant requested an adjournment to prepare for the detention hearing.

On the basis of the representations of the parties, the Court scheduled a detention hearing in this action for January 31, 2022. With the consent of counsel for the defendant, the Court further excluded the time in this action from and including January 29, 2022, to and including January 31, 2022, as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

Specifically, and for the reasons set forth above, the Court determines that the defendant's interest in securing the effective assistance of counsel/continuity of counsel in the course of preparing for the scheduled detention hearing outweighs the interest of the defendant in a speedy trial.

**NOW**, it is hereby

**ORDERED**, for the reasons set forth above, that the scheduled detention hearing is hereby adjourned until January 31, 2022; and it is further

**ORDERED**, that the time in this action from and including January 29, 2022, to and including January 31, 2022, is properly excluded from the time within which the defendant should be indicted or otherwise charged, in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Sections 3161(h)(1)(D) (pretrial motion pending), 3161(h)(7)(A) (interest of justice) and 3161(h)(7)(B)(iv) (effective assistance of counsel), and Rule 5.1 of the Federal Rules of Criminal Procedure.

The Court further finds that, as of January 31, 2022, zero (0) days of Speedy Trial Act time will have elapsed in this action and 30 days remain in the period within which defendant must be indicted.

DATED: Buffalo, New York, January 31, 2022.

*S/ H. Kenneth Schroeder, Jr.*  
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HONORABLE H. KENNETH SHCROEDER JR.  
United States Magistrate Judge

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**DOCKET NO. 22-MJ-36**

**v.**

**LUKE MARSHAL WENKE,**

**Defendant.**

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**ORDER OF DETENTION PENDING TRIAL**

The government seeks to have the defendant detained pending trial in this case. In accordance with the Bail Reform Act, 18 U.S.C. Section 3142(f), a detention hearing was held on January 31, 2022. For the reasons set forth below and in accordance with 18 U.S.C. Sections 3142(e) and (g), the defendant is hereby ordered detained pending trial in this case.

**CHARGES AGAINST DEFENDANT**

In summary, the defendant is charged by way of Criminal Complaint with violating Title 18 U.S.C. § 875(c).

**DISCUSSION**

Pursuant to 18 U.S.C. Section 3142(g), the factors to be considered in the determination of a detention request are:

- (1) the nature and circumstances of the offense charged;
- (2) the weight of the evidence against the person;
- (3) the history and characteristics of the person, including
  - (A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and
  - (B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal or completion of sentence for an offense under Federal, state or local law; and
- (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

### **FINDINGS AND CONCLUSIONS**

I want to begin by emphasizing the presumption of innocence to which the defendant is entitled both under the Constitution of the United States as well as in the Bail Reform Act of 1984 as amended. My role in addressing the government's motion to have the defendant detained and the defendant's application to be released on bail

with terms and conditions is to consider all of the facts and circumstances known to the Court at this time in their totality.

I have taken into account and consideration that which has been proffered by the government in support of its motion. I have also taken into account and have considered what has been proffered on behalf of the defendant in rebutting or objecting to the government's motion and in support of the defendant's application for bail. Lastly, I have taken into account the sworn information set forth in the affidavit upon which the Criminal Complaint is based as well as what is contained in the Pretrial Services Report. In considering all of that information in its totality, while recognizing the presumption of innocence to which the defendant is entitled both under the Constitution of the United States as well as in the Bail Reform Act of 1984, I conclude that there are no reasonable terms and conditions that I could impose that would reasonably assure the safety of the community or the safety of individuals in the community. Therefore, I am granting the government's motion and hereby order the defendant detained and remand him to the custody of the U.S. Marshals Service until further order of the Court. It is hereby

ORDERED that the following DIRECTIONS REGARDING DETENTION be implemented:

1. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility, separate,

to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal, pending trial of the charges herein against him;

2. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel;

3. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED.**

***S/ H. Kenneth Schroeder, Jr.***  
**H. KENNETH SCHROEDER, Jr.**  
**United States Magistrate Judge**

**DATED: January 31, 2022**  
**Buffalo, New York**