

FEDERAL PUBLIC DEFENDER'S OFFICE
WESTERN DISTRICT OF NEW YORK

MARIANNE MARIANO
FEDERAL PUBLIC DEFENDER
marianne_mariano@fd.org

300 PEARL STREET, SUITE 200
BUFFALO, NEW YORK 14202

716-551-3341
FAX: 716-551-3346

ROCHESTER OFFICE
28 EAST MAIN STREET
FIRST FEDERAL PLAZA, SUITE 400
ROCHESTER, NEW YORK 14614
585-263-6201
585-263-5871-FAX

TIM MURPHY
ASSISTANT FEDERAL PUBLIC DEFENDER
Timothy_murphy@fd.org

REPLY TO: BUFFALO

October 15, 2025

Hon. Catherine O'Hagan Wolf
Clerk of Court
United States Court of Appeals
for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: United States v. Luke M. Wenke, No. 25-1165-cr

Dear Ms. O'Hagan Wolf,

This correspondence is respectfully submitted in response to this Court's order, issued on October 14, 2025 (*see* Dkt. No. 42.1), requiring that both parties file a supplemental letter addressing whether the appellant's release from custody renders the instant appeal moot. We believe that it does.

Appellant was released from BOP custody on October 7th because he finished serving the maximum time in prison authorized for a violation of supervised release (which in his case is two years). *See* 18 U.S.C. § 3583(e)(3). While appellant is still potentially subject to further time on supervised release, the April 23, 2025, Decision and Order of Commitment (*see* Appendix, pp. 435-445), which is the subject of the instant appeal, only addressed the length of appellant's "provisional sentence of imprisonment" pursuant to 18 U.S.C. § 4244 (*id.* at 444) and did not address any potential terms of supervision. Accordingly, the instant appeal is now moot.

Thank you.

Very truly yours,

/s/ Tim Murphy
Tim Murphy
Assistant Federal Public Defender

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