

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

22-CR-35-JLS

LUKE WENKE,

AMENDED ORDER

Defendant.

The defendant, Luke Wenke, pled guilty to Cyberstalking, in violation of 18 U.S.C. §§ 2261A(2)(A) and A(2)(B), whereupon he was sentenced to a term of imprisonment of eighteen (18) months followed by three (3) years of supervised release. The defendant subsequently violated supervised release and was sentenced to a term of imprisonment of time served (85 days in custody) followed by an additional thirty-four (34) months of supervised release. The defendant again violated supervised release, and his sentencing is pending. For the reasons discussed on the record (Dkts. 95, 98, 99, 101, 102, 105, 108, and 109), this Court concludes, under 18 U.S.C. § 3552, that there is a compelling reason for an additional study of the defendant to develop the basis for the defendant's sentence.

Accordingly, it is **ORDERED** that:

(1) Under the provisions of § 3552(c), and in accordance with 5 U.S.C. § 3109 as authorized by § 520.10 of the *Guide to Judiciary Policy*, Vol. 14, Ch. 5, the United States Marshal for this district, in coordination with Probation and Pretrial Services, shall make arrangements for an appropriate and professionally licensed

psychiatrist from the local community, namely Dr. Corey M. Leidenfrost, PhD., to conduct a presentence examination of the defendant.

(2) The United States Probation Office may release and/or disclose the following documents to Dr. Leidenfrost as part of the psychiatric examination:

- a. The Pre-Sentence Report prepared by U.S. Probation for the defendant.
- b. The psychological examination conducted by Dr. Michael Rutter on July 26, 2023.
- c. The Behavioral Threat Assessment produced by the Buffalo Police Department on December 5, 2023.
- d. Various written and social media materials produced by the defendant that encompass the nature of the violations pending before this Court.
- e. Written correspondence received from the victim(s) of the defendant's conduct.

(3) Within thirty days of the date of this Amended Order, Dr. Leindenfrost shall prepare and file a report with this Court with copies provided to the counsel for the defendant and to the attorney for the Government, which shall include:

- a. The defendant's history and present symptoms, including whether the defendant suffers from any mental impairments, diseases, or disorders;
- b. A description of the psychiatric, psychological, and medical tests that were employed and their results;
- c. The examiner's opinions as to diagnosis and prognosis;

d. Findings and recommendations regarding the extent to which the defendant is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another;

e. Whether the defendant suffers from a mental condition that places him at a risk for adverse outcomes if he is incarcerated; whether incarceration would risk the defendant's psychological deterioration; and, if so, the extent of that risk;

f. Whether an alternative to incarceration tailored to the defendant's mental condition and needs is appropriate, and, if so, an identification of any such available alternative to incarceration; and

g. Any other recommendation the examiner may have as to how the mental condition of the defendant should affect his sentence.

SO ORDERED.

DATED: February 14, 2024
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE