

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-MJ-36

LUKE MARSHAL WENKE,

Defendant.

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.

HONORABLE H. KENNETH SHCROEDER JR.
United States Magistrate Judge