

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

LUKE MARSHAL WENKE,

Defendant.

22-MJ-36-HKS

NOTICE OF MOTION

MOTION BY: Alexander J. Anzalone, Assistant Federal Public Defender

DATE, TIME & PLACE: Before the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Court Judge, Robert H. Jackson United States Courthouse, 2 Niagara Square, Buffalo, New York, **on the papers submitted.**

SUPPORTING PAPERS: Affirmation of Assistant Federal Public Defender Alexander J. Anzalone, dated February 23, 2022.

RELIEF REQUESTED: To set a Rule 48(b) date for March 15, 2022.

DATED: Buffalo, New York, February 23, 2022.

Respectfully submitted,

/s/ Alexander J. Anzalone

Alexander J. Anzalone
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Counsel for Defendant Luke Marshal Wenke

TO: David J. Rudroff, Assistant United States Attorney
Charles M. Kruly, Assistant United States Attorney

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AFFIRMATION

ALEXANDER J. ANZALONE, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and I represent the defendant, Luke Marshal Wenke, in the instant matter.

2. The instant motion respectfully requests the Court to set a Rule 48(b) dismissal date for March 15, 2022.

3. The parties have been in productive discussions about a possible pre-indictment resolution, which would include a substantial charge bargain and would pave the way for a lower Guidelines range for Mr. Wenke, an individual with a highly limited criminal history. The brief nature of this adjournment will ensure that Mr. Wenke's right to a prompt indictment is not substantially harmed, should the proposed disposition fall through.

4. The defense agrees to the exclusion of time under the Speedy Trial Act, pursuant to Title 18 United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(b)(iv) and Federal Rule

of Criminal Procedure 5.1, in that the ends of justice are served by such an adjournment and outweigh the best interests of the public and the defendant in a speedy trial.

5. I have discussed this request with Assistant United States Attorneys David J. Rudroff and Charles M. Kruly, and they have no objection to an adjournment, and agree to join in this motion for relief.

WHEREFORE, on behalf of both parties, it is respectfully requested that the Court set a Rule 48(b) dismissal date for March 15, 2022.

DATED: Buffalo, New York, February 23, 2022.

Respectfully submitted,

/s/ Alexander J. Anzalone

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