

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. 25-mj-1421
(Filed Under Seal)

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 October 28, 2025 and on or about December 15, 2025, in the County of Cattaraugus, in the Western District of New York, the defendant, LUKE MARSHAL WENKE, with intent to harass and intimidate another person, that is, Victim 1, used an electronic communication system of interstate commerce and facility of interstate and foreign commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to Victim 1.

All in violation of Title 18, United States Code, Section 2261A(2)(B).

This Criminal Complaint is based on these facts:

Continued on the attached sheet.

Andrew Clark

Complainant's signature

ANDREW CLARK
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Printed name and title

Sworn to before me and signed telephonically

Date: December 16, 2025

Jeremiah J. McCarthy

Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. MCCARTHY
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 employed as a FBI Special Agent (SA) since March 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, Section 2261A 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 stalking. 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 Cyberstalking, in violation of Title 18, United States Code, Section 2261A(2)(B). 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

4. On January 28, 2022, WENKE was arrested by the FBI for violating Title 18, United States Code, Section 875(c) – Interstate Communication of a Threat, for threatening a Minnesota lawyer (herein referred to as “R.G.”) and was later charged with violating Title 18, United States Code, 2261A(2)(a) and 2261A(2)(b) - Cyberstalking. On April 18, 2022, WENKE pled guilty to Cyberstalking, and he was sentenced to eighteen months incarceration followed by three years of supervised released.

5. While on supervised release, WENKE mailed multiple letters to a known judicial officer’s (“Victim 1”) courthouse mailing address, where he detailed his erratic thoughts on a variety of matters. WENKE was later charged with violating the conditions of his release after he continued to have direct and indirect contact with R.G. as well as other individuals with whom WENKE received explicit notice not to contact.

6. As part of WENKE’s supervised release violation proceeding, WENKE was committed to the Bureau of Prisons for treatment pursuant to Title 18, United States Code, Section 4244 - Hospitalization of a convicted person suffering from mental disease or defect. When the commitment period ended, and after WENKE was found competent to proceed,

he was sentenced to time served on October 27, 2025, with no further term of supervised release imposed. WENKE was then released from Bureau of Prisons' custody.

7. On or about October 28, 2025, a day after his supervision period ended, WENKE started sending emails to Victim 1's court email address. WENKE sometimes sent multiple emails on the same day, where he wrote about a variety of subjects addressed to Victim 1. Some of the contents of the emails included WENKE claiming to be the target of a government conspiracy where his home was destroyed. WENKE also accused Victim 1 of cooperating with an individual with initials K.V. about posting information about WENKE on K.V.'s online blogpost. He also made additional unfounded complaints against Victim 1, and other misdeeds.

8. Given WENKE's conduct since his arrest in 2022, Victim 1 was concerned about WENKE's emails and online postings, which appeared to focus on and target Victim 1 for things Victim 1 never did.

PROBABLE CAUSE

9. Following WENKE's release in October 2025, WENKE utilized the email address: "officialauthoritylukewenke@yahoo.com" to send multiple harassing emails to Victim 1's chambers' email address on multiple occasions between October 28, 2025, and December 15, 2025. These emails are posted to the public docket by the Court.

10. On one occasion, WENKE addressed an email to Victim 1, wherein WENKE appeared to blame Victim 1 for information that was posted on K.V.'s online blogpost¹.

¹ K.V. is a private citizen who operates a blog called "lukewenkeonline" which reposts WENKE'S online activity. Because anything posted on WENKE's case docket with the Court is a matter of public record, it

WENKE also implied that Victim 1 is working with K.V. to violate WENKE's "HIPPA rights." Victim 1 has nothing do with K.V.'s posts, yet WENKE insisted, incorrectly, in his multiple emails sent to the Victim 1, that Victim 1 and K.V. are conspiring against him.

11. In an email dated November 8, 2025, with the subject line "I am pissed right the fuck off", WENKE's specific references to Victim 1 shows his persistence in continuing to send emails to Victim 1 to harass and or intimidate Victim 1. In this email WENKE explicitly stated "[Victim 1] if you can't accept me emailing you by now then go fuck yourself. If [Victim 1] can't accept me emailing him by now treating him like a public official then he can quit and replace himself with an 18 year old law student intern since all Judges do is play Battleship with the Sentencing Guidelines."

12. WENKE continued to send emails to Victim 1's email address throughout November 2025 and December 2025. In another email from December 14, 2025, WENKE sent an email to Victim 1 stating "I am putting the current environment on you. It doesn't end, it doesn't change. You are incapable of creating peace." WENKE further stated "Maybe I SHOULD do something to someone else's house. As if its not obvious that it's someone involved in the prior circumstances who did it to me."

13. WENKE not only sent multiple emails to Victim 1, he also used social media platforms such as X.com (formerly "Twitter") using username "Luke Wenke @KLukeIQ" to post about Victim 1 and others. For instance, on November 16, 2025, WENKE posted on X stating "[Victim 1's] fascist court. *That's how they're all going down.* Fuck all of them."

appears that each time something is posted on WENKE'S docket, K.V. copies this information over to their blogpost.

(emphasis added). On the same day, WENKE replied to his own post multiple times where he added the following about Victim 1: “What an uninspiring bureaucratic fuck, spending his working life sentencing everyone to incarceration. What an uninspiring tyrant. Boys and girls don’t aspire to grow up to become sentencing judges.”

14. WENKE continued to post about Victim 1 on X. On or about December 14, 2025, for instance, when WENKE emailed Victim 1 about “maybe doing something to someone else’s house”, WENKE also posted on X the following: “Emailing Buffalo lawyers about how everyone in the vicinity of [Victim 1] needs to be sued for \$500,000. Maybe lawyers would like to participate in a @lpnyofficial protest in front of his driveway until he admits his connections to Peter Gerace²?” WENKE also posted that same day, “Dear Abughanem family, [Victim 1] is on Google and here is what we found out about this public official³.” Significantly, both of these cases involved defendants charged with crimes of violence and kidnapping.

15. On or about December 14, 2025, WENKE also posted additional statements such as “none of them are capable of reaching out to me to apologize about my damaged house to try and help me get to the bottom of it. So fuck their expensive houses.” WENKE further posted “I will find ways to keep bullying those that I know are in the vicinity of Hamas of America. They wrecked my house, they damaged my life big time, and they gave me the

² Peter Gerace was a defendant who was convicted of Conspiracy, Bribery, Sex Trafficking, Narcotics Conspiracy, Witness Tampering and other narcotics related charges following a jury trial in December 2024. Victim 1 was initially assigned this case and handled preliminary matters. The trial was conducted before a different Court. Gerace has also since been indicted for Conspiracy to kill a federal witness.

³ Victim 1 presided over the jury trial of Khaled and Adham Abughanem in December 2024. The defendants were charged with and convicted of Conspiracy to Kidnap a Person in a Foreign Country after they kidnapped the victim and held her in Yemen.

most insulting personal situation ever. I too can kick people while they're down and enjoy watching them cry.”

16. In other posts on X, WENKE referenced that “new personal motivations have come to [him] out of those 45 months over a speech crime. Hidden people who more people should know about.” Upon information and belief, and my experience working on this case, I believe WENKE’S reference to a “speech crime” refers to the previous criminal case when he was charged with and convicted of Cyberstalking.

17. On or about December 15, 2025, after the mass shooting at Bondi Beach in Australia, WENKE reposted a video snippet of the shooter firing at innocent victims at the beach⁴. The video was posted by Kyle Rittenhouse⁵. WENKE stated the following in his post: “And now he is a Second Amendment activist as if we didn’t have any before. Great, *then I get to do what he did to the invaders on his home territory to everyone who destroyed my house while I was away.*” (emphasis added.)

18. Since on or about October 28, 2025, through on or about December 15, 2025, WENKE engaged in an online campaign of harassment and intimidation that caused or would reasonably be expected to cause substantial emotional distress to Victim 1. Specifically, WENKE, repeatedly and falsely blamed Victim 1 for conspiring against him, repeatedly and falsely blamed Victim for damaging his reputation, and repeatedly and falsely suggested that

⁴ On December 14, 2025, a terrorist mass shooting occurred at Archer Park, Bondi Beach, in Sydney Australia. At least 15 people were killed, and multiple victims were hospitalized. The shooters used assault style weapons to carry out the mass shooting.

⁵ Kyle Rittenhouse shot and killed two men and wounded another in Wisconsin in 2020 using an assault rifle. He was acquitted following a jury trial in 2021. Rittenhouse is now active in politics and has a podcast.

he should “do something to someone else’s house.” WENKE also suggested that he knew where Victim 1 lived and invited violent convicted felons to have that information. In Addition, WENKE also made references to several violent attacks perpetrated with assault weapons, including sending a reference to a mass shooting which occurred on the very same day WENKE sent the message. All of this online activity directed at Victim 1 was intended to injure, harass, or intimate Victim 1, placed him in reasonable fear of death or serious bodily injury, and caused or would reasonably cause substantial emotional distress to Victim 1.

REQUEST FOR SEALING

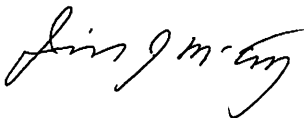
19. Further, because of the sensitive nature of the information contained in this application and affidavit it is respectfully requested that such application and affidavit remain sealed until further order of the Court, except that working copies should be made available to the United States Attorney’s Office, the Federal Bureau of Investigation, and any other law enforcement agency designated by the United States Attorney’s Office.

CONCLUSION

20. Based on the aforementioned information, your Affiant respectfully submits that there is probable cause to believe that LUKE MARSHAL WENKE, has exhibited behavior and conducted activities to harass and or intimidate Victim 1 all in violation of Title 18, United States Code, Section 2261A(2)(B). I swear under penalty of perjury that the foregoing is true.

Andrew Clark
ANDREW CLARK
Special Agent
Federal Bureau of Investigation

Sworn and attested to me by Applicant by telephone on this 16th day of December, 2025, in Buffalo, New York, pursuant to Fed. R. Crim. P. 4(d) and 4.1.



HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE