

STATE OF NEW YORK  
TOWN OF WHEATFIELD COURT: COUNTY OF NIAGARA

THE PEOPLE OF THE STATE OF NEW YORK

-against-

KEVIN RIFORD

Defendant.

REPLY AFFIRMATION IN  
FURTHER SUPPORT OF  
DEFENDANT'S MOTION  
TO COMPEL

Docket No: 24100028

1. I am the Defendant in the above-captioned matter and make this affirmation based upon my personal knowledge, information, and belief.
2. I submit this affirmation in support of my renewed motion to compel discovery, to invalidate the Certificate of Compliance, and for sanctions pursuant to CPL § 245.80, filed on January 27, 2026, with the Town of Wheatfield Court. **SEE EXHIBIT A**

**POINT I - DEFENDANT RECEIVED DISCOVERY IN DECEMBER 2024,  
BUT DISCLOSURE WAS INCOMPLETE**

3. The People assert that they satisfied their discovery obligations early in the proceedings.
4. Defendant appeared in the Town of Wheatfield Court in December 2024, at which time a web link containing discovery was provided by Niagara County District Attorney Allison Contrera.
5. The Niagara County District Attorney's Notice of Disclosure, dated December 10, 2024, states that the People "hereby disclose" discovery materials to Defendant; however, it further provides that "any of the witnesses or law enforcement officers discussed in the discovery materials... may be called at trial." **SEE EXHIBIT B**
6. This vague and open-ended language fails to identify any specific witnesses by name and does not satisfy the People's obligations under CPL §

245.20. See *People v. Soto*, 72 Misc. 3d 1153 (Sup Ct, Bronx County 2021) (holding that general or vague disclosures do not satisfy the People's discovery obligations under CPL Article 245).

7. The provision of a discovery link, without complete and specific disclosure, does not establish compliance with CPL Article 245. See *People v. Lustig*, 68 Misc. 3d 234 (Sup Ct, Queens County 2020).

8. At the time discovery was provided, and continuing thereafter, material discovery remained outstanding.

9. The People failed to provide complete disclosure of required materials, including but not limited to witness identification, 911 recordings, dispatch logs, and other relevant evidence.

10. In addition, the Niagara County District Attorney's Office Affirmation in Opposition to Defendant's motion to dismiss dated June 9, 2025, states in part "that any and all witnesses named in discovery could be called as witnesses" in paragraph eleven. **SEE EXHIBIT C**

11. Accordingly, the People's claim of compliance is misleading, as disclosure was incomplete.

**POINT II - THE PEOPLE FAILED TO PROVIDE TIMELY AND COMPLETE DISCOVERY**

12. Pursuant to CPL § 245.20, the People are required to disclose all known material and information subject to discovery.

13. Defendant submitted a written request dated December 7, 2024, addressed to Niagara County District Attorney Allison Contrera for additional discovery, specifically requesting, among other things: **SEE EXHIBIT D**

- (a) Identification of witnesses;
- (b) 911 recordings and dispatch logs;
- (c) Police reports and related documentation;
- (d) Any exculpatory material.

14. Despite these specific requests, the People failed to fully disclose the requested materials (discovery).

15. Defendant subsequently filed a renewed motion dated January 27, 2026, to compel discovery, to invalidate certificate of compliance, and for sanctions pursuant to CPL § 245.20. **SEE EXHIBIT A**

16. On January 27, 2026, in open court, The Town of Wheatfield Court granted The People two weeks to respond to Defendants motion dated January 27, 2026, to compel discovery, to invalidate certificate of compliance, and for sanctions pursuant to CPL § 245.20. Court was adjourned and arguments were scheduled to be heard on February 10, 2026.

17. Defendants mother passed away, due to this Defendant requested an adjournment via email submitted to the Town of Wheatfield Court Clerk. **SEE EXHIBIT E**

18. Defendant's adjournment request was granted via email, and the court date was adjourned and rescheduled from February 10, 2026, to March 24, 2026. **SEE EXHIBIT F**

19. Defendant appeared at the Town of Wheatfield court on March 10, 2026, and confirmed on the record that Defendant received The Peoples reply to his renewed motion to compel. Defendant requested an additional adjournment to respond to The Peoples lengthy reply motion. Defendant's adjournment request was granted in open court by the Honorable Rodney Giove, Town Justice. Arguments to argue motions were then scheduled to be heard on April 14, 2026. **SEE EXHIBIT G**

20. In the People's Answering Affirmation dated February 23, 2026, the People assert that they intend to call only police witnesses; however, they fail to identify any specific individuals by name. The People's Affirmation does not provide a witness list or identify the officers they intend to call. **SEE EXHIBIT H**

21. A general reference to "police" does not satisfy the People's obligations under CPL § 245.20, which requires disclosure of the names and adequate

contact information of all persons known to have relevant evidence. See *People v. Adrovic*, 69 Misc. 3d 563 (Crim Ct, Kings County 2020).

22. The People have also failed to confirm whether certain requested materials exist, including 911 recordings and dispatch communications.

23. CPL Article 245 requires actual and complete disclosure. Partial disclosure or failure to respond to specific discovery demands does not constitute compliance. See *People v. Randolph*, 69 Misc. 3d 770 (Sup Ct, Suffolk County 2020).

24. The People's failure to provide complete discovery demonstrates a lack of due diligence and ongoing noncompliance with their statutory obligations.

**POINT III - THE CERTIFICATE OF COMPLIANCE IS INVALID AND ILLUSORY**

25. The People filed a Certificate of Compliance on or about December 10, 2024. **SEE EXHIBIT I**

26. Pursuant to CPL § 245.50, the People may file a Certificate of Compliance only after exercising due diligence and making all required discovery disclosures.

27. A Certificate of Compliance is not valid where the People have failed to provide all required discovery. See *People v. Bay*, 41 N.Y.3d 200 (2023).

28. As demonstrated above, at the time the People filed their Certificate of Compliance, discovery was incomplete.

29. The People's own Notice of Disclosure, dated December 10, 2024, fails to identify any specific witnesses and instead provides only vague references to potential witnesses. **SEE EXHIBIT B**

30. Where discovery remains outstanding, a Certificate of Compliance is illusory and invalid. See *People v. Adrovic*, 69 Misc. 3d 563 (Crim Ct, Kings County 2020).

31. Accordingly, because material discovery remained outstanding at the time of filing, the Certificate of Compliance in this case is invalid as a matter of law.

32. Additionally, Defendant received a discovery package sheet dated February 25, 2025, which includes the names of two individuals, Nicholas Ross and Guy Fratello, however, makes no reference to them as potential witnesses.

**SEE EXHIBIT J**

33. This disclosure occurred after the People had already filed their Certificate of Compliance on December 10, 2024.

34. The identification of additional discovery material discovery under CPL § 245.20 and should have been disclosed prior to the filing of a valid Certificate of Compliance.

35. The People's post-certification disclosure of discovery material further demonstrates that discovery was incomplete at the time the Certificate of Compliance was filed, rendering it invalid.

**POINT IV - DEFENDANT HAS BEEN PREJUDICED BY THE PEOPLE'S  
NONCOMPLIANCE**

36. The Niagara County District Attorney's Office failure to provide timely and complete discovery has substantially prejudiced Defendant Pro Se, Kevin Riford.

37. Without proper disclosure of witness identities, Defendant is unable to adequately investigate the case or prepare for trial.

38. The absence of 911 recordings, dispatch logs, and other requested materials further impairs Defendant's ability to prepare a defense.

39. The People's noncompliance has required Defendant to file two motions to obtain discovery that should have been provided as a matter of course.

**POINT V - THE PEOPLE'S CLAIMS OF DELAY AND FRIVOLOUS  
MOTIONS ARE WITHOUT MERIT**

40. The People assert that Defendant has engaged in delay and has filed frivolous and repetitive motions. This assertion is without merit.

41. Defendant's motions have been necessitated by the People's failure to provide complete discovery as required under CPL Article 245.

42. The People themselves acknowledge that no new discovery has been provided since February 25, 2025. Specifically, in paragraph 27 of the People's Answering Affirmation dated February 23, 2026, the People state that "there has been no new discovery shared by the People since February 25, 2025." This admission demonstrates that discovery has remained incomplete despite Defendant's prior requests. **SEE EXHIBIT H**

43. Defendant's motions are not frivolous but instead seek to compel disclosure of discovery material that the People are statutorily required to provide under NYS law.

44. Where discovery remains outstanding, a defendant has a continuing right to seek relief from the Court. See *People v. Bay*, 41 N.Y.3d 200 (2023).

45. The People's attempt to characterize Defendant's motions as dilatory is misplaced. Defendant has acted to enforce his statutory rights and to obtain discovery necessary to prepare a defense.

46. To the extent the People argue that Defendant's motions are untimely, such argument fails where the underlying discovery violations are ongoing. See CPL § 245.80.

47. The People's reliance on cases addressing pro se litigants is inapposite. Defendant does not seek special treatment, but rather enforcement of the People's statutory discovery obligations.

48. Accordingly, the People's arguments regarding delay, frivolous motion practice, and lack of good cause should be rejected.

49. While a pro se litigant is held to the same standards as counsel, courts must still ensure fundamental fairness in the proceedings. See *People v. McIntyre*, 36 N.Y.2d 10 (1974) (recognizing the right of a defendant to proceed pro se while preserving fairness in the judicial process).

50. The Court of Appeals has made clear that the People must exercise due diligence and provide full discovery prior to filing a valid Certificate of Compliance. See *People v. Bay*, 41 N.Y.3d 200 (2023)

51. Accordingly, Defendant's pro se status does not excuse the People's failure to comply with their statutory discovery obligations, nor does it diminish Defendant's right to seek relief where such violations occur.

**POINT V-A: THE PEOPLE'S CHARACTERIZATION OF THE  
PROCEDURAL HISTORY IS MISLEADING**

52. The People provide a recitation of the procedural history in an attempt to suggest that Defendant is responsible for delay.

53. Defendant does not dispute that adjournments occurred; however, such adjournments were based on legitimate circumstances, including physical illness, a family death, and the need to address ongoing legal issues. Adjournments in this matter were also granted at the request of the People on at least one occasion.

54. The People's characterization omits that Defendant's motions were necessitated by the People's failure to provide complete discovery as required under CPL Article 245.

55. The existence of adjournments or motion practice does not relieve the People of their statutory discovery obligations.

56. To the extent the People rely on the procedural history to argue delay or lack of good cause, such argument is misplaced, as Defendant's motions arise directly from the People's ongoing noncompliance with discovery requirements.

**POINT V-B: DEFENDANT TIMELY RAISED DISCOVERY ISSUES  
AND HAS CONTINUOUSLY SOUGHT DISCLOSURE**

57. The People argue that Defendant's motions are untimely because they were filed beyond the forty-five day period set forth in CPL § 255.20.

58. This argument is misleading.

59. Defendant formally requested additional discovery materials in a written submission dated December 7, 2024, shortly after arraignment. **SEE EXHIBIT D**

60. Defendant filed an affidavit of service dated December 7, 2024, regarding the request for additional discovery materials which was stamped as received by the Town of Wheatfield Court on December 9, 2024. **SEE EXHIBIT K**

61. In that request, Defendant specifically sought witness identification, 911 recordings, police reports, exculpatory evidence, and other materials required under CPL Article 245.

62. The People failed to fully respond to these requests, resulting in ongoing discovery deficiencies.

63. Defendant's subsequent motions are therefore based upon continuing violations and incomplete disclosure, constituting good cause under CPL § 255.20(3).

64. Accordingly, Defendant's motions are not untimely but rather arise from the People's failure to comply with their ongoing discovery obligations.

**POINT VI - THE PEOPLE'S CLAIM OF MOOTNESS DOES NOT  
RESOLVE DEFENDANT'S DISCOVERY CLAIMS**

65. The People argue that Defendant's motion to compel independent testing of evidence is moot based on the Court's prior suppression ruling.

66. To the extent the Court has suppressed the physical evidence and the People do not intend to introduce such evidence at trial, Defendant does not dispute that the issue of independent testing may be rendered moot.

67. However, the People's argument does not address the broader discovery violations raised by Defendant, including incomplete disclosure, failure to identify witnesses, and the invalidity of the Certificate of Compliance.

68. These issues remain unresolved and are independent of the suppressed evidence.

69. Accordingly, the People's claim of mootness does not defeat Defendant's remaining motions or the relief requested herein.

**POINT VII - DEFENDANT IS ENTITLED TO VERIFICATION THAT DISCOVERY AND OTHER MATERIALS WERE PROPERLY SERVED**

70. Defendant seeks verification that discovery and other materials were actually served in a legally sufficient manner.

71. The People rely on their alleged service of discovery and other documents to establish compliance with CPL Article 245 and to support their claims of readiness.

72. However, the People have not provided sufficient verification demonstrating what materials were served, when they were served, and how they were made available to Defendant.

73. Defendant further notes that the Compliance Report referenced by the People in their February 23, 2026, answering affirmation consists of multiple pages; however, Defendant did not receive all pages of this document, including the final page relied upon by the People. Specifically, the people's exhibit 4, page 29. **SEE EXHIBIT L**

74. The People's reliance on materials that were not actually provided to Defendant further demonstrates that discovery was incomplete and that service was not properly effectuated.

75. CPL Article 245 requires actual and complete disclosure of materials to the Defendant. The People cannot rely on documents that were not disclosed in full to establish compliance.

76. Without such verification, Defendant is unable to determine whether all required materials have been disclosed in a legal manner and whether the People have fulfilled their statutory obligations.

77. Defendant does not seek to impose unnecessary procedural requirements upon the People, but rather to ensure that service and disclosure are complete, accurate, and verifiable.

78. Courts have recognized that discovery obligations require actual disclosure and due diligence, not merely conclusory assertions that materials were provided. See *People v. Bay*, 41 N.Y.3d 200 (2023).

79. Where the People rely on service of materials to establish compliance and readiness, there must be a verifiable record demonstrating that such materials were disclosed to the Defendant.

80. Accordingly, Defendant respectfully requests that the Court require the People to provide verification of service sufficient to demonstrate compliance with their discovery obligations.

**POINT VIII - THE PEOPLE HAVE FAILED TO PROPERLY IDENTIFY  
WITNESSES AS REQUIRED BY CPL § 245.20**

81. The People argue that they have satisfied their discovery obligations by stating that they intend to call only law enforcement personnel as witnesses in their Answering Affirmation dated February 23, 2026.

82. While CPL § 245.20(1)(c) applies to non-law enforcement witnesses, CPL § 245.20(1)(d) separately requires the People to disclose the name and work affiliation of all law enforcement personnel known to have relevant evidence or information.

83. The People have failed to identify specific law enforcement witnesses by name and instead rely on general and vague references to “law enforcement personnel.”

84. Such generalized disclosure does not satisfy the requirements of CPL § 245.20, which mandates identification of individuals known to have relevant information.

85. Additionally, the People's assertion that they intend to call only law enforcement witnesses does not relieve them of their obligation to disclose all persons known to have relevant evidence, including non-law enforcement individuals.

86. The alleged existence of a 911 call, complainants, or other individuals involved in the incident necessarily indicates that non-law enforcement witnesses may exist.

87. The People have failed to disclose whether such individuals exist or to identify them as required under CPL § 245.20(1)(c).

88. Courts have recognized that discovery obligations under CPL Article 245 require meaningful and specific disclosure, not vague or conclusory statements. See *People v. Bay*, 41 N.Y.3d 200 (2023).

89. Accordingly, the People's failure to properly identify witnesses further demonstrates that discovery remains incomplete and that the Certificate of Compliance is invalid.

**POINT IX - THE PEOPLE HAVE FAILED TO DISCLOSE 911  
RECORDINGS AND RELATED MATERIALS**

90. The People assert that they are in compliance with CPL § 245.20(g) and that 911 calls and related records were disclosed to Defendant on December 10, 2024, as Exhibit two.

91. This assertion is incorrect.

92. Defendant did not receive the materials identified by the People as Exhibit 2, including any 911 recordings, dispatch audio, or related records.

93. The People have not provided any verification or proof demonstrating that such materials were actually disclosed to Defendant.

94. A conclusory assertion that materials were "shared" does not establish that disclosure occurred, particularly where Defendant did not receive the materials.

95. CPL Article 245 requires actual disclosure of discoverable material. See *People v. Bay*, 41 N.Y.3d 200 (2023).

96. Where materials are not actually provided to the Defendant, the People have not satisfied their discovery obligations.

97. Accordingly, the People's failure to disclose 911 recordings and related materials further demonstrates that discovery remains incomplete and that the Certificate of Compliance is invalid.

**POINT X - THE PEOPLE'S MOOTNESS ARGUMENT DOES NOT APPLY  
TO PHOTOGRAPHS AND RELATED EVIDENCE**

98. The People argue that Defendant's requests concerning chain of custody and evidence are moot due to the suppression of physical evidence.

99. While the Court may have suppressed certain physical items, this does not render all related discovery issues moot.

100. Upon information and belief, the Niagara County Sheriff's Department took photographs of the inside of Defendant's residence, which constitute separate and independent evidence. **SEE EXHIBIT M**

101. Such photographs, reports, and related documentation are not rendered moot by the suppression of physical evidence and may still be relied upon by the People at trial.

102. Accordingly, Defendant is entitled to discovery relating to the creation, handling, and preservation of such evidence, including any documentation necessary to establish authenticity and reliability.

103. The People's reliance on a Property Management Form concerning a single item does not address or resolve Defendant's broader discovery requests.

104. CPL Article 245 requires disclosure of all relevant evidence and related documentation, including materials necessary to understand how evidence was created, collected, and maintained. See *People v. Bay*, 41 N.Y.3d 200 (2023).

105. Accordingly, the People's claim of mootness is misplaced and does not relieve them of their obligation to provide complete discovery relating to photographs and other evidence in this case.

**POINT XI - THE PEOPLE HAVE FAILED TO PROVIDE REQUIRED  
IMPEACHMENT AND CREDIBILITY MATERIAL**

106. The People argue that Defendant cited the incorrect subsection of CPL § 245.20 regarding disclosure of prior convictions or criminal history of witnesses.

107. Defendant does not dispute that CPL § 245.20(p) and (q) govern certain aspects of such disclosure; however, the People's argument does not address their broader disclosure obligations.

108. Regardless of subsection designation, the People are required to disclose material relevant to the credibility and impeachment of witnesses, including law enforcement personnel.

109. Where the People intend to call law enforcement witnesses, they are required to provide impeachment material, including disciplinary records and other information bearing on credibility.

110. The People's reliance on subsection distinctions does not relieve them of their obligation to provide complete and meaningful disclosure.

111. Additionally, the People have not established that no non-law enforcement witnesses exist in this matter.

112. To the extent that any civilian witnesses, complainants, or other individuals possess relevant information, the People are required to disclose their identities and any related impeachment material.

113. CPL Article 245 requires full and complete disclosure of all material relevant to the case, including information affecting the credibility of witnesses. See *People v. Bay*, 41 N.Y.3d 200 (2023).

114. Accordingly, the People have failed to demonstrate full compliance with their discovery obligations with respect to witness credibility and impeachment material.

**POINT XII - THE PEOPLE'S RELIANCE ON CASE LAW REGARDING  
DISCIPLINARY RECORDS AND RECIPROCAL DISCOVERY IS  
MISPLACED**

115. The People argue that they are not required to obtain police disciplinary records not in their possession. Defendant does not dispute that the People are not required to obtain materials beyond their control.

116. However, the People remain obligated to disclose all materials within their possession, custody, or control, as well as those available to them through due diligence. See *People v. Bay*, 41 N.Y.3d 200 (2023).

117. The issue in this case is not merely whether the People must obtain additional materials, but whether they have demonstrated full disclosure of materials already within their control.

118. The People have failed to establish that all discoverable material in their possession has been disclosed, including witness identification, 911 recordings, and other requested evidence.

119. Accordingly, their reliance on case law concerning materials not in their possession does not resolve the discovery deficiencies identified by Defendant.

120. The People further assert that their Certificate of Compliance is valid. However, as demonstrated throughout this motion, discovery remains incomplete.

121. A Certificate of Compliance is not valid where the People have failed to provide all required discovery. See *People v. Bay*, 41 N.Y.3d 200 (2023); *People v. Adrovic*, 69 Misc. 3d 563 (Crim Ct, Kings County 2020).

122. The People's conclusory assertion of compliance is insufficient where specific categories of discovery remain outstanding.

123. Accordingly, the Certificate of Compliance filed by the People is invalid.

124. The People also argue that Defendant has failed to comply with reciprocal discovery obligations pursuant to CPL Article 245.

125. Defendant does not dispute that reciprocal discovery obligations exist; however, such obligations are triggered only after the People have complied with their initial discovery requirements.

126. Where the People have failed to provide complete discovery, Defendant cannot be deemed in violation of reciprocal discovery obligations.

127. Additionally, Defendant has not withheld any discoverable material intended for use at trial and will comply with all reciprocal obligations as required by law.

128. The People's attempt to shift the focus to Defendant's obligations is premature and does not cure their own discovery deficiencies.

129. Accordingly, the People's request to compel reciprocal discovery should be denied.

**POINT XIII - THE PEOPLE'S ARGUMENTS REGARDING SANCTIONS, PREJUDICE, AND COMPETENCY ARE WITHOUT MERIT**

130. The People assert that Defendant has suffered no prejudice and that sanctions pursuant to CPL § 245.80 are unwarranted. This assertion is incorrect.

131. The People's failure to provide complete discovery, including witness identification, 911 recordings, and other requested materials, has substantially prejudiced Defendant's ability to prepare a defense.

132. Without full disclosure, Defendant is unable to investigate the entire case, evaluate the credibility of witnesses, or make informed decisions regarding trial strategy.

133. CPL § 245.80 authorizes the Court to impose remedies where discovery violations occur, including where the People fail to exercise due diligence or provide complete disclosure.

134. Accordingly, sanctions and appropriate relief are warranted in this matter.

135. The People further argue that Defendant's motions are untimely and without merit. However, as set forth above, Defendant has demonstrated ongoing discovery violations, which constitute good cause for the Court to consider the instant motions.

136. The People's assertion that Defendant's claims are unsupported by law and fact is contradicted by the record and the People's own admissions regarding the scope of discovery provided.

137. The People's request for a competency examination pursuant to CPL § 730 is unfounded and unsupported by any factual basis.

138. Defendant was arraigned in October 2024 and has appeared in court proceedings since that time without any prior concerns raised regarding competency.

139. Defendant has actively and coherently litigated this matter, filed detailed motions, and demonstrated a clear understanding of the legal and factual issues involved.

140. The People have provided no evidence suggesting that Defendant lacks the capacity to understand the proceedings or assist in his defense.

141. A request for a CPL § 730 examination must be supported by legitimate concerns regarding a defendant's capacity, not mere disagreement with the Defendant's legal arguments or motion practice.

142. Accordingly, the People's request for a competency examination should be denied.

143. For all of the foregoing reasons, Defendant respectfully requests that the Court grant the relief sought in his motion and deny the People's opposition in its entirety.

144. Defendant Pro Se has annexed an exhibit list for the convenience of the Honorable Town of Wheatfield Justice Rodney Giove. **SEE EXHIBIT N**

**RELIEF REQUESTED**

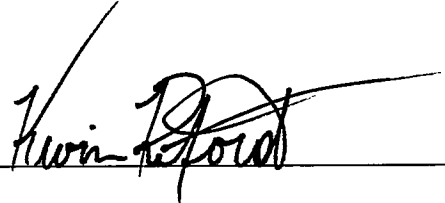
145. Where the People fail to comply with their discovery obligations, the Court is authorized to impose appropriate remedies pursuant to CPL § 245.80.

146. Accordingly, Defendant respectfully requests that this Court:

- (a) Compel the People to provide full and complete discovery;
- (b) Invalidate the People's Certificate of Compliance;
- (c) Deem the People's statement of readiness illusory and invalid;
- (d) Preclude the People from introducing any undisclosed evidence;
- (e) Impose appropriate sanctions;
- (f) Deny the People's request for a competency examination pursuant to CPL § 730; and
- (g) Grant such other and further relief as the Court deems just and proper.

147. I affirm under penalty of perjury under the laws of the State of New York that the foregoing is true to the best of my knowledge, information, and belief.

Dated: April 4, 2026



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Kevin Riford, Defendant Pro Se  
3038 Michael Drive  
North Tonawanda, NY 14210

# **EXHIBIT A**

Defendant's renewed motion to compel discovery, to invalidate the Certificate of Compliance, and for sanctions pursuant to CPL § 245.80

COUNTY OF NIAGARA  
TOWN OF WHEATFIELD COURT

Received

JAN 27 2026

PEOPLE OF THE STATE OF NEW  
YORK,

-against-

KEVIN RIFORD,  
Defendant.

Town of Wheatfield Court  
RENEWED MOTION TO COMPEL  
DISCOVERY,  
TO INVALIDATE CERTIFICATE OF  
COMPLIANCE,  
AND FOR SANCTIONS PURSUANT  
TO CPL § 245.80.

Docket No.: 24100028

I, Kevin Riford, appearing pro se, respectfully move this Court for an Order compelling discovery, invalidating the People's Certificate of Compliance, and imposing sanctions under CPL § 245.80.

**PRELIMINARY STATEMENT**

This is a renewed motion based upon the People's continued and willful failure to comply with New York's automatic discovery law. The defendant previously filed a formal motion to compel discovery and has raised these violations before Justice Giove. Despite this, the prosecution remains out of compliance.

The People have responded in writing to the defendant's discovery requests by asserting that they "may call anyone as a potential witness," while refusing to identify any witnesses by name. They have also failed entirely to respond regarding the existence or disclosure of police dispatch audio and 911 communications and dispatch logs.

This position is contrary to CPL § 245.20, renders the Certificate of Compliance illusory, and substantially prejudices the defendant's ability to prepare a defense.

**PROCEDURAL HISTORY**

1. On or about December 7, 2024, defendant served a written discovery demand pursuant to CPL § 245.20. **SEE EXHIBIT A**
2. On May 13, 2025, defendant filed a Motion to Compel Discovery and for relief under CPL §§ 245.20, 245.50, and 245.80. **SEE EXHIBIT B**
3. Defendant has raised the People's continued noncompliance before Justice Giove.
4. The District Attorney responded in writing that the People "may call anyone as a potential witness," but provided no witness names or identifying information.
5. The People did not respond regarding police dispatch recordings, 911 audio, or related communications.
6. The People did not provide the chain of custody logs requested by Defendant
7. As of the date of this motion, the People have not cured these violations.

**THE PEOPLE'S POSITION REGARDING WITNESSES VIOLATES CPL § 245.20**

CPL § 245.20(1)(c) requires the disclosure of the names and adequate contact information for persons known to have evidence or information relevant to the case. The People's refusal to identify witnesses violates the statute and prevents meaningful defense preparation.

**FAILURE TO DISCLOSE POLICE DISPATCH AUDIO AND 911 RECORDINGS**

CPL § 245.20(1)(d) requires disclosure of recorded or memorialized statements, including 911 calls, radio transmissions, and dispatch logs. The People have not produced or addressed these materials.

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**FAILURE TO PRODUCE CHAIN OF CUSTODY DOCUMENTATION**

In addition, CPL § 245.20(1)(e) requires disclosure of all tangible property and documentation relating to the collection, storage, and handling of evidence. The People have failed to provide required chain of custody records for physical evidence in this case. This includes documentation identifying when evidence was collected, by whom, how it was stored, and whether it was altered or transferred.

The failure to disclose both recorded police communications and chain of custody documentation constitutes an ongoing discovery violation and substantially prejudices the defendant's ability to investigate the facts, challenge the admissibility of evidence, and prepare a defense.

**FAILURE TO PROVIDE PRIOR CONVICTIONS OR CRIMINAL HISTORY OF WITNESSES**

The prosecution has not provided any information regarding prior convictions, criminal history, or pending charges of its intended or potential witnesses. This material is mandatory discovery under CPL § 245.20(1)(k) and includes all impeachment evidence known to the People. The People's failure to disclose this information constitutes a continuing discovery violation and deprives the defendant of the ability to investigate credibility, prepare cross-examination, and make informed pretrial motions.

**THE CERTIFICATE OF COMPLIANCE IS INVALID**

Because discovery remains outstanding, the People's Certificate of Compliance is inaccurate and invalid under CPL § 245.50.

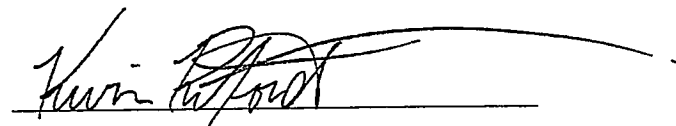
**SANCTIONS ARE WARRANTED UNDER CPL § 245.80**

The violations are ongoing, prejudicial, and have continued despite prior motions and court notice. Sanctions are necessary to enforce compliance and protect the defendant's right to a fair trial.

**WHEREFORE**, defendant respectfully requests that this Court issue an Order:

1. Compelling immediate disclosure of all outstanding discovery;
2. Declaring the Certificate of Compliance invalid;
3. Deeming the People not ready for trial;
4. Imposing sanctions pursuant to CPL § 245.80, including preclusion of undisclosed witnesses or evidence;
5. Granting such other relief as the Court deems just and proper.

Dated: January 27, 2026

A handwritten signature in black ink, appearing to read "Kevin Riford", is written over a horizontal line. The signature is stylized and cursive.

Kevin Riford, Defendant Pro Se

3038 Michael Drive

North Tonawanda, NY 14120

# EXHIBIT A

AFFIDAVIT OF SERVICE

State of New York )  
County of Erie )

DEC 09 2024

The undersigned being duly sworn, deposes and says:

Joanne Riford is not a party to the action, is over  
(name of person serving papers)

18 years of age and resides at 3038 Michael Drive, North Tonawanda, NY 14120

(complete address of person serving papers)

That on December 7, 2024, deponent served the within  
(date of service)  
motion to dismiss resisting arrest, obstructing admin., & criminal mischief, request for discovery  
(name of document[s] served)

upon Allison Contrera located at  
(name of person/corporation served)

Niagara Falls Municipal Bldg., 1925 Main St., Niagara Falls, NY 14305  
(complete address where other party/corporation served)

(Select method of service)

     Personal Service: by delivering a true copy of the aforesaid documents personally; deponent knew said person/corporation so served to be the person/corporation described.

X Service by Mail: by depositing a true copy of the aforesaid documents in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Joanne Riford  
Signature of person serving papers

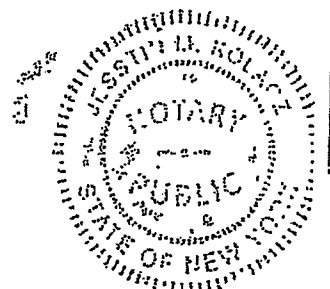
Joanne Riford  
Printed Name

Sworn to before me this 7<sup>th</sup>

day of December, 2024

[Signature]  
Notary Public

Jesslin M. Kolacz  
Notary Public, State of New York  
Reg. #01KO6441625  
Qualified in Niagara County  
Commission Expires 09/26/2026



Kevin Riford  
3038 Michael Drive  
North Tonawanda, NY 14120

DEC 09 2024

December 7, 2024

Allison Contrera  
Niagara Falls Municipal Bldg.,  
1925 Main St.  
Niagara Falls, NY 14305

**Re: Request for Additional Discovery Materials**  
Case No. 24100028

Dear Ms. Contrera,

I am writing to formally request additional discovery materials related to the above-referenced case. I believe that there are several items that have not yet been provided to me, and I respectfully request that they be disclosed as required under New York State law.

The following materials are specifically requested to ensure that I can properly prepare my defense:

**1. Expert Testimony and Reports**

- Any expert reports or summaries of testimony that the prosecution intends to use in this case, including but not limited to forensic experts, use-of-force experts, and psychiatric or psychological evaluations.

**2. Exculpatory Evidence (Brady Material)**

- Any evidence that may be favorable to my defense, including statements or documents indicating that I was not involved in the alleged offense or evidence that may undermine the prosecution's case.

**3. Police Training and Use-of-Force Policies**

- Any training materials provided to officers involved in my arrest, specifically regarding arrest procedures, use-of-force policies, and the handling of suspects.
- Documentation regarding the department's policies on the use of force.

**4. Internal Affairs Investigations**

- Any Internal Affairs reports or records relating to the officers involved in my arrest, including prior complaints or disciplinary actions.
- Any internal review reports concerning the use of force or the handling of this case by the officers involved.

**5. Chain of Custody Documentation**

- Complete chain of custody records for any evidence collected in my case, including any property seized during my arrest.

- PA F 024
- A list or inventory of all items seized from me during my arrest or subsequent detention.
- 6. Additional Surveillance Footage or Audio/Video Records**

- Copies of any additional surveillance footage or audio from nearby cameras or other police officers, including dashcam footage or any video from other sources relevant to the case.
- Any 911 call recordings or dispatch logs relevant to the incident.

**7. Witness Statements**

- Copies of all statements made by witnesses, including statements from bystanders, police officers, or any other individuals involved in or who observed the events surrounding my arrest.

**8. Jail or Detention Facility Records**

- Any records from the detention facility where I was held after my arrest, including interactions with jail staff and any medical records from the time of my detention.

**9. Prosecutor's Notes and Correspondence**

- Any notes, memoranda, or internal communications from the prosecution team relating to the case.
- Any correspondence between the prosecutor's office and law enforcement that may contain relevant information.

**10. Plea Bargain Offers or Negotiations**

- Any documentation relating to plea offers or discussions related to the possibility of a plea bargain in this case.

**11. GPS Data, Time Logs, and Officer Shift Records**

- Any GPS data, time logs, or shift records for the officers involved to verify their timeline and locations during the incident.

**12. Witness List**

- A complete list of all witnesses the prosecution intends to call in this case, including the names and contact information of any individuals who may have witnessed the events surrounding my arrest or the alleged offense.

**13. Forensic Evidence**

- Any forensic evidence related to the case, including but not limited to fingerprint analysis, DNA evidence, or any other physical evidence collected during the investigation or subsequent to the alleged offense.

15. Police Officer Personnel Files

- Relevant personnel files of the officers involved in my arrest, particularly those indicating prior complaints or misconduct.

16. Body-Worn Camera Footage from Other Officers

- Body-worn camera footage from additional officers involved in the incident, or any other recordings relevant to my case.

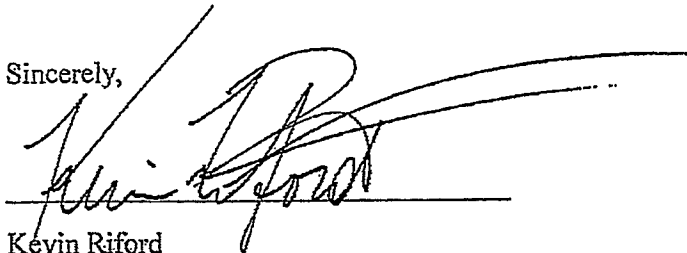
17. Prior Convictions or Criminal History of Witnesses

- Criminal history or prior convictions of witnesses to assess their credibility.

I request that these materials be provided as soon as possible to allow me sufficient time to review them. Should any of the requested materials be unavailable, I kindly ask that you inform me of their unavailability and provide an explanation for why they cannot be disclosed.

Thank you for your attention to this matter. I look forward to receiving these documents promptly. Please feel free to contact me if you require further clarification or if there are any issues in fulfilling this request.

Sincerely,



A handwritten signature in black ink, appearing to read "Kevin Riford", is written over a horizontal line. The signature is stylized and cursive.

Kevin Riford

# EXHIBIT B

MAY 13 2025

County of Niagara  
Town of Wheatfield Court

People of the State of New York	)	<b>MOTION TO COMPEL DISCOVERY &amp;</b>
	)	<b>FOR RELIEF UNDER CPL §§ 245.20,</b>
-vs-	)	<b>245.50, AND 245.80</b>
	)	
Kevin Riford	)	<b>Docket No.: 24100028</b>

I, Kevin Riford, respectfully move this Court for an order compelling the People to provide discovery materials required under CPL § 245.20 and for further relief based on the prosecution's failure to comply with their statutory discovery obligations. In support of this motion, I state the following:

1. On **December 7, 2024**, I served a written discovery demand on the Niagara County District Attorney's Office pursuant to **CPL § 245.20(1)**, requesting a comprehensive list of material required under the law. **SEE EXHIBIT A (AFFIDAVIT OF SERVICE) & EXHIBIT B (REQUEST FOR ADDITIONAL DISCOVERY MATERIALS)**
2. Despite the District Attorney's alleged filing of a Certificate of Compliance pursuant to **CPL § 245.50(1)**, the following **mandatory discovery items** have not been provided:
  - o **Witness list** – The prosecution has failed to disclose a list of all persons it intends to call as witnesses at trial, in violation of **CPL § 245.20(1)(c)**.
  - o **Prior convictions or criminal history of witnesses** – The prosecution has not provided any information regarding prior convictions, criminal history, or pending charges of its intended witnesses, which are required under **CPL § 245.20(1)(k)**.
  - o **Use-of-force policies and officer training materials** – No records or manuals concerning the use of force or training of the involved officers have been disclosed, as required under **CPL § 245.20(1)(h)**.
  - o **Chain of custody documentation** – I have not received documentation tracing the handling and storage of all evidence collected, as required by **CPL § 245.20(1)(e)**.

Defendant requests complete chain of custody records for all evidence collected in this case, including any property seized at the time of arrest or afterward.

Of particular concern is a knife that was photographed on the defendant's porch by law enforcement on his date of arrest and included in the district attorney's discovery file yet was not collected at the time of the arrest. **SEE EXHIBIT C (PHOTO OF KNIFE PROVIDED BY NIAGARA COUNTY DA)**

The knife remained unsecured at defendant's residence on defendant's porch for a significant period and was later moved or taken by the Niagara County Sheriff's Office the following day after defendant's arrest without any known documentation or explanation. **SEE EXHIBIT D (PHOTO OF NIAGARA COUNTY SHERIFF'S OFFICER MOVING KNIFE THE FOLLOWING DAY AFTER DEFENDANTS ARREST)**

The defense respectfully demands disclosure of:

- The date and time the knife was collected;
- The identity of the officer(s) who retrieved it;
- All evidence collection and property records related to the knife; and
- An explanation for the delay in collection.

This item's evidentiary integrity may be compromised, and the defendant reserves the right to file a motion to suppress or preclude the item based on the People's response.

- **911 call recordings and dispatch logs** – Audio recordings or transcripts of emergency calls and dispatch communications relating to the incident have not been turned over, in violation of CPL § 245.20(1)(d).
  - **Witness statements** – Statements from any witnesses, including police officers and bystanders, have not been provided, despite being mandated under CPL § 245.20(1)(c).
  - **Jail or detention facility records** – Records relating to my confinement, including medical interactions, have not been produced, in violation of CPL § 245.20(1)(m).
  - **Prosecutor's notes and correspondence with law enforcement** – No communications, memos, or notes from the prosecution team about the case have been provided, as required under CPL § 245.20(1)(n).
  - **Forensic evidence** – There has been no disclosure of any forensic test results or reports (e.g., DNA, fingerprints), as required under CPL § 245.20(1)(j).
3. The People's assertion that they "may call any potential witness" does not excuse their failure to provide a witness list or criminal histories. These are **statutory requirements** under CPL § 245.20(1)(c), (k), and (l) and must be disclosed before trial.
  4. The prosecution's failure to provide these materials renders the Certificate of Compliance **inaccurate, incomplete, and invalid** under CPL § 245.50(1) and prejudices my right to a fair trial.

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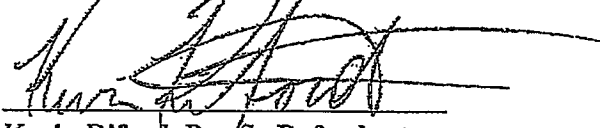
5. As such, I respectfully request that the Court:

- **Compel the People to immediately provide all outstanding discovery materials listed above;**
- **Declare the Certificate of Compliance invalid;**
- **Deem the People not ready for trial under CPL § 30.30;**
- **And issue any appropriate relief under CPL § 245.80, including possible preclusion or sanctions.**
- Any other relief deemed just and proper

**WHEREFORE**, I respectfully ask that the Court grant this motion to compel, invalidate the Certificate of Compliance, and provide such other and further relief as may be just and proper.

I affirm under penalty of perjury that the foregoing is true and correct.  
Executed on May 13, 2025

Respectfully submitted,



Kevin Riford, Pro/Se Defendant  
3038 Michael Drive  
North Tonawanda, NY 14120

# **EXHIBIT B**

Niagara County District Attorney's Notice of Disclosure, dated December 10, 2024

STATE OF NEW YORK  
TOWN OF WHEATFIELD JUSTICE COURT: COUNTY OF NIAGARA

THE PEOPLE OF THE STATE OF NEW YORK

-against-

NOTICE OF  
DISCLOSURE  
Docket No. TBD

KEVIN M. RIFORD,

Defendant.

The People of the State of New York hereby disclose to defendant(s) the following information pertaining to the above-captioned case:

SEE ATTACHED:

- CPL ARTICLE 245 DIGITAL EVIDENCE MANAGEMENT SYSTEM [DEMS] COMPLIANCE REPORT
- CPL ARTICLE 245 "CASE DISCOVERY CHECKLIST", AND ALL DOCUMENTS INDICATED THEREIN
- NEW YORK STATE POLICE "GENL-118 CASE DISCOVERY CHECKLIST", AND ALL DOCUMENTS INDICATED THEREIN
- NOTICE OF REDACTION OR WITHHOLDING
- DESCRIPTION OF ADDITIONAL MATERIALS INCLUDED, IF ANY:

Any of the witnesses or law enforcement officers discussed in the discovery materials forwarded to defense counsel may be called at trial. Summaries of law enforcement disciplinary files for officers who have been designated by the People as trial witnesses are available [See CPL §245.20(1)(d) and CPL §245.20(1)(k)(iv)]. Please see ADA assigned to review or receive digital copy.

For DWI Discovery Resources, please see the Niagara County District Attorney's Office official county website at [NiagaraCounty.com](http://NiagaraCounty.com).

Dated: December 10, 2024  
Lockport, New York

*/s/ Allison Contrera*  
Allison Contrera  
Assistant District Attorney

# EXHIBIT C

Niagara County District Attorney's Office Affirmation in Opposition to Defendant's  
motion to dismiss dated June 9, 2025

STATE OF NEW YORK: COUNTY OF NIAGARA  
TOWN OF WHEATFIELD COURT

---

THE PEOPLE OF THE STATE OF NEW YORK

-against-

AFFIRMATION IN OPPOSITION  
TO DEFENDANT'S MOTION  
TO DISMISS

**KEVIN RIFORD,**

Defendant.

Docket No. 24100028

---

STATE OF NEW YORK    }  
                                  } SS.:  
COUNTY OF NIAGARA    }

Mattie E.L. Davis, an attorney admitted to practice before the Courts of this State, affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the Niagara County District Attorney's Office.
2. I am assigned to the prosecution of the above-captioned case, and as such I am familiar with the factual and procedural history of this case.
3. This affirmation contains facts known to be true based on my personal knowledge and upon information and belief, the sources and basis of which are the files maintained by the District Attorney's office pertaining to this matter, police paperwork, and the preliminary investigative work conducted by the People and law enforcement about this case.
4. This affirmation is submitted in response to Defendant's Motion to Dismiss.

#### DISCOVERY

5. The People contend that their Certificate of Compliance and Statement of Readiness were valid as of DATE, when the People were deemed ready for trial. The People are ready for trial when they have "done all that is required of them to bring the case to a point where it may be tried," (*People v England*, 84 NY2d 1, 4 [1994]). Such a statement of readiness is

presumed by the Court to be truthful and accurate (*People v Brown*, 28 NY3d 392, 399 [2016]). The presumption can only be rebutted by a defendant's demonstration that the People were not ready for trial at the time the statement was filed (*id.* at 399-400).

Defendant "then bears the ultimate burden of demonstrating, based on the People's proffered reasons and other relevant circumstances, that the prior statement of readiness was illusory" (*id.* at 400).

6. Defendant's argument that the People's statement of readiness was illusory due to the recent disclosure of additional materials is meritless. CPL §§245.30, 245.35, 245.55, and 245.60 "all contemplate disclosure of materials and evidence after the filing of the initial certificate of compliance and certificate of readiness" (*People v Nelson*, 67 Misc 3d 313, 317 [NY Co Ct 2020]).
7. "Delayed disclosure does not, alone, require the striking of a certificate of readiness, especially where the defense has not alleged any prejudice" (*id.*). Even if this Court finds that defendant was prejudiced by the delay, "the Court has other, less extreme, remedies available, such as giving the defense additional time to respond to the new material (*id.* at 317-8; CPL §245.80). The striking of a certificate of readiness is "a drastic remedy which should be used both sparingly and judiciously" (*id.* at 318). Rather, "[n]o adverse consequence to the prosecution or prosecutor shall result from the filing of a certificate of compliance in good faith and reasonable under the circumstances; but the court may grant a remedy or sanction for a discovery violation as provided in section 245.80 of this article" (CPL §245.50[1]).
8. Here, there has not been a trial date even and if there was outstanding discovery defendant would then have additional time to review the materials before going to trial.

9. "Nowhere within CPL [§]245 nor within CPL [§]30.30(5) is there a requirement that the People disclose every discovery item under CPL [§]245.20(1) prior to the valid filing of a certificate of compliance" (*People v Bruni*, 71 Misc 3d 913, 917 [Albany Co Ct 2021]). Rather, both CPL §245 and CPL §30.30(5) present a "theme emphasizing the importance of good faith efforts by the People, and reasonableness under the circumstances, as it relates to discovery compliance" (*id.*). CPL §30.30(5) specifically states that any statement of trial readiness must be "accompanied or preceded by a certification of *good faith* compliance" with the disclosure requirements of CPL §245.20 (*id.*). The People must make "*reasonable inquiries* of all police officers and other persons who have participated in investigating or evaluating the case" (*id.*; CPL §245.35[3], emphasis added). "Requiring the People make "reasonable inquiries" stands for the proposition that the assigned prosecutor is not required to review the personnel file of a law enforcement witness" (*id.*). "Rather, the People have a duty to inquire" (*id.*).
10. In preparing the case, the People have obtained from Law Enforcement the discovery materials.
11. The People's Certificate of Compliance indicated that any and all witnesses named in the discovery could be called as witnesses and thus the People have fulfilled their obligation.
12. Use of force nor officer training manuals are not discoverable and thus not required to be turned over by the People. The section the defendant cites to in their papers relates to photographic evidence.
13. The People have turned over any and all 911 recordings in their possession on December 10, 2024.
14. The People have turned over any and all witness statements in their possession.

15. Jail or detention facility records of the defendant are not related to the subject matter of the case nor relevant to the charges and are thus not discoverable.
16. Prosecution notes and or correspondence with Law Enforcement are not discoverable unless Rosario or Brady materials is contained with them. At this time, none exist and we acknowledge our ongoing duty to disclose. Further, the section the defendant cites relates to search warrants. Upon information and belief, there were no search warrants in this case.
17. Upon information and belief, no forensic testing has been done as it relates to this case and therefore there is nothing to disclose.
18. Upon information and belief, no records relating to chain of custody of the knife exist. Chain of custody goes to the weight of evidence and not the admissibility. Further, any questions regarding who touched the knife are subject for cross-examination or voir dire if the People were to seek to move the knife into evidence. Lastly, there has been no testing performed on the knife recovered from the scene.
19. Defendant has demonstrated no actual prejudice that would require the invalidation of the Certificate of Compliance.
20. The People are aware that the burden is on us to provide all discovery, however, defendant may not lie in wait to make claims of outstanding discovery after the CPL §30.30 clock has run. Other courts have found that a motion challenging the Certificate of Compliance is a pretrial motion to be made within 45 days of arraignment (*People v Clanton*, 2022 NY Slip Op 50401(U) [Suffolk County Ct 5/3/22]). Some courts have elected to charge the People with only the reasonable amount of time granted to defendant to review the materials (which varies by case) after finding the Certificate of Compliance to be insufficient (*People v Barralaga*, 2021 NY Slip Op 21248 [NYC Crim Ct, NY County 9/10/21]). This case has

been pending since October 8, 2024 and defendant never disputed the discovery or indicated that anything was missing. Furthermore, defendant already filed motions in this case and these arguments should have been made in the original motions filed by the defendant.

21. **WHEREFORE**, it is respectfully submitted that Defendant's Motion be denied in all respects and for any and all relief which this Court deems just and proper. The people remain ready for trial.

Dated: June 9, 2025  
Lockport, NY

  
MATTIE E.L. DAVIS  
Assistant District Attorney

CC: Kevin Riford

# EXHIBIT D

Defendant written request dated December 7, 2024, addressed to Niagara County  
District Attorney Allison Contrera for additional discovery

Kevin Riford  
3038 Michael Drive  
North Tonawanda, NY 14120

DEC 09 2024

December 7, 2024

Allison Contrera  
Niagara Falls Municipal Bldg.,  
1925 Main St.  
Niagara Falls, NY 14305

**Re: Request for Additional Discovery Materials**  
Case No. 24100028

Dear Ms. Contrera,

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The following materials are specifically requested to ensure that I can properly prepare my defense:

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**2. Exculpatory Evidence (Brady Material)**

- Any evidence that may be favorable to my defense, including statements or documents indicating that I was not involved in the alleged offense or evidence that may undermine the prosecution's case.

**3. Police Training and Use-of-Force Policies**

- Any training materials provided to officers involved in my arrest, specifically regarding arrest procedures, use-of-force policies, and the handling of suspects.
- Documentation regarding the department's policies on the use of force.

**4. Internal Affairs Investigations**

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- Any internal review reports concerning the use of force or the handling of this case by the officers involved.

**5. Chain of Custody Documentation**

- Complete chain of custody records for any evidence collected in my case, including any property seized during my arrest.

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- Copies of any additional surveillance footage or audio from nearby cameras or other police officers, including dashcam footage or any video from other sources relevant to the case.
  - Any 911 call recordings or dispatch logs relevant to the incident.
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- Copies of all statements made by witnesses, including statements from bystanders, police officers, or any other individuals involved in or who observed the events surrounding my arrest.
- 8. Jail or Detention Facility Records**
- Any records from the detention facility where I was held after my arrest, including interactions with jail staff and any medical records from the time of my detention.
- 9. Prosecutor's Notes and Correspondence**
- Any notes, memoranda, or internal communications from the prosecution team relating to the case.
  - Any correspondence between the prosecutor's office and law enforcement that may contain relevant information.
- 10. Plea Bargain Offers or Negotiations**
- Any documentation relating to plea offers or discussions related to the possibility of a plea bargain in this case.
- 11. GPS Data, Time Logs, and Officer Shift Records**
- Any GPS data, time logs, or shift records for the officers involved to verify their timeline and locations during the incident.
- 12. Witness List**
- A complete list of all witnesses the prosecution intends to call in this case, including the names and contact information of any individuals who may have witnessed the events surrounding my arrest or the alleged offense.
- 13. Forensic Evidence**
- Any forensic evidence related to the case, including but not limited to fingerprint analysis, DNA evidence, or any other physical evidence collected during the investigation or subsequent to the alleged offense.

**15. Police Officer Personnel Files**

- Relevant personnel files of the officers involved in my arrest, particularly those indicating prior complaints or misconduct.

**16. Body-Worn Camera Footage from Other Officers**

- Body-worn camera footage from additional officers involved in the incident, or any other recordings relevant to my case.

**17. Prior Convictions or Criminal History of Witnesses**

- Criminal history or prior convictions of witnesses to assess their credibility.

I request that these materials be provided as soon as possible to allow me sufficient time to review them. Should any of the requested materials be unavailable, I kindly ask that you inform me of their unavailability and provide an explanation for why they cannot be disclosed.

Thank you for your attention to this matter. I look forward to receiving these documents promptly. Please feel free to contact me if you require further clarification or if there are any issues in fulfilling this request.

Sincerely,

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Kevin Riford

# **EXHIBIT E**

Defendant's Request for Adjournment submitted via email to the Town of  
Wheatfield Court Clerk on March 2, 2026

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**Request for Adjournment Due to Bereavement – Case No. 24100028 - Kevin Riford**

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**From** Kevin Riford <kevinriford@outlook.com>

**Date** Mon 3/2/2026 10:59 AM

**To** rgiove@nycourts.gov <rgiove@nycourts.gov>; Wheatfield Town Court <wheatfieldtowncourt@nycourts.gov>;  
Kathy Harrington <kathyh@wheatfield.ny.us>; cdonner@nycourts.gov <cdonner@nycourts.gov>

Dear Joelle Taylor, Court Clerk for Justice Rodney Giove,

I hope this message finds you well.

I am writing to respectfully request an adjournment of my court appearance scheduled for March 10, 2026, in Case Number 24100028.

Unfortunately, my mother recently passed away, and I am currently handling funeral arrangements and related family matters during this difficult time. Due to these circumstances, I am unable to attend court as scheduled.

I respectfully ask that the Court grant an adjournment and provide a new hearing date at its convenience.

Thank you for your understanding and consideration.

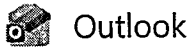
Sincerely,

Kevin Riford

Case No. 24100028

# EXHIBIT F

Town of Wheatfield Court e-mail granting defendant's adjournment request dated  
March 3, 2026, rescheduled for March 24, 2026



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**RE: Request for Adjournment Due to Bereavement – Case No. 24100028 - Kevin Riford**

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From Wheatfield Town Court <WheatfieldTownCourt@nycourts.gov>

Date Tue 3/3/2026 1:43 PM

To Kevin Riford <kevinriford@outlook.com>

Dear Mr. Riford,

Judge Giove has granted you a brief adjournment. Your new court date is March 24<sup>th</sup>, @3:00pm.

Thank you

Wheatfield Clerks

---

**From:** Kevin Riford <kevinriford@outlook.com>

**Sent:** Monday, March 2, 2026 10:59 AM

**To:** Hon. Rodney A. Giove <RGiove@nycourts.gov>; Wheatfield Town Court <WheatfieldTownCourt@nycourts.gov>; Kathy Harrington <kathyh@wheatfield.ny.us>; Cathy Donner <cdonner@nycourts.gov>

**Subject:** Request for Adjournment Due to Bereavement – Case No. 24100028 - Kevin Riford

Dear Joelle Taylor, Court Clerk for Justice Rodney Giove,

I hope this message finds you well.

I am writing to respectfully request an adjournment of my court appearance scheduled for March 10, 2026, in Case Number 24100028.

Unfortunately, my mother recently passed away, and I am currently handling funeral arrangements and related family matters during this difficult time. Due to these circumstances, I am unable to attend court as scheduled.

I respectfully ask that the Court grant an adjournment and provide a new hearing date at its convenience.

Thank you for your understanding and consideration.

Sincerely,

Kevin Riford

Case No. 24100028

Please be CAREFUL when clicking links or opening attachments from external senders.

# **EXHIBIT G**

Town of Wheatfield Court adjournment “receipt” dated March 24, 2026

694-6793 **Hon. Rodney Giove** PL  
V & T *Wheatfield Town Justice*  
2800 Church Road  
North Tonawanda, N.Y. 14120

Name: Kevin Riford  
Adjourned to: 4 / 14 / 20 Time 3 pm

Oral Arguments  
Todays Date: 3-24-20 Fine \$ \_\_\_\_\_

# **EXHIBIT H**

Niagara County District Attorney's Answering Affirmation dated February 23, 2026

**STATE OF NEW YORK  
TOWN OF WHEATFIELD COURT: COUNTY OF NIAGARA**

**THE PEOPLE OF THE STATE OF NEW YORK**

-against-

**KEVIN RIFORD,**

Defendant.

**ANSWERING  
AFFIRMATION**

Docket No.: 24100028

VICTORIA E. DAILEY, an attorney at law duly licensed to practice her profession in the Courts of the State of New York hereby affirms pursuant to CPLR § 2106 as follows:

1. Affirmant is a duly appointed Assistant District Attorney of Niagara County and has been assigned to the prosecution of the above-entitled action.
2. Affirmant makes this Affirmation upon her own personal knowledge as to those matters relating to the prosecution of this charge and upon information and belief as to those matters relating to the investigation which resulted in the charge(s); the sources of Affirmant's information and grounds for her belief being her review of information provided to her by the investigating officers.
3. Affirmant makes this Affirmation in response to the motions of the Defendant based upon a Motion to Compel Independent Testing of Evidence and for a Ruling; a Motion to Compel Filing and Disclosure of Affidavits of Service; a Motion Requesting that all Denied Motions be Reduced to Writing; and a Renewed Motion to Compel Discovery, to Invalidate Certificate of Compliance, and for Sanctions Pursuant to CPL 245.80, all dated January 27, 2026, and which motions are noticed for argument before the Court on March 10, 2026.

**I. CASE POSTURE**

4. Upon information and belief, the Defendant was arraigned on or about October 8, 2024, in front of the Honorable Hugh Gee for violating numerous sections of the New York State Penal Law including, Criminal Mischief in the Second Degree in violation of Penal Law § 145.10; Resisting Arrest in violation of Penal Law § 205.30; and Obstructing Governmental Administration in the Second Degree in violation of Penal Law § 195.05.
5. Upon information and belief, this matter was scheduled for a Preliminary Hearing on or about October 22, 2024. At that time the Defendant appeared *pro se* with the Assistant Public Defender as standby counsel. Upon further information and belief, on this date, the Defendant served the Assistant District Attorney with a Notice of Motion to Vacate Orders of Protection. Upon further information and belief, on this date, in the presence of the Defendant, the Assistant District Attorney assigned to the matter at the time sent a discovery link to the Defendant to access

discovery for the case. The matter was adjourned to November 12, 2024.

6. Upon information and belief, on or about November 12, 2024, the People reduced the charge of Criminal Mischief in the Second Degree in violation of Penal Law § 145.10, to Criminal Mischief in the 4<sup>th</sup> Degree in violation of Penal Law § 145.00. The matter was adjourned to December 10, 2024.

7. Upon information and belief, on or about December 6, 2024, the Assistant District Attorney assigned to the matter at the time emailed the Defendant containing a revocable plea offer, conditioned upon completion of Mental Health Court.

8. Upon information and belief, on or about December 10, 2024, the People filed a Certificate of Compliance and Statement of Readiness.

9. Upon information and belief, on or about December 10, 2024, the appearance for that date was adjourned to January 14, 2025, due to the Defendant's newly filed motion. Upon further information and belief, the People did not receive a motion or any notice of the motion from the Defendant. The People were only made aware of this motion from the court's email regarding the adjournment. The court subsequently provided a copy of the motion to the People.

10. Upon information and belief, the Pre-Trial Conference/Motion Argument, which was scheduled on January 14, 2025, was further adjourned to February 25, 2025, at the request of the Defendant due to him being sick.

11. Upon information and belief, at the February 25, 2025 court date, motions were argued. The matter was adjourned to April 8, 2025.

12. Upon information and belief, the April 8, 2025 Pre-Trial conference was held and the matter was adjourned to May 13, 2025.

13. Upon information and belief, on May 13, 2025, the revocable plea offer was withdrawn due to the Defendant's unwillingness to engage in Mental Health Court. A new plea offer was extended to the Defendant to plea to the A misdemeanor charge of Resisting Arrest, with the recommendation of probation in lieu of incarceration. At this court appearance, Your Honor committed to a conditional discharge if the Defendant were to take the plea; or in the alternative, if the plea was not acceptable to the Defendant, to rule on the motions and set the matter for trial. The Defendant did not enter into the plea, and the matter was further adjourned to July 8, 2025.

14. Upon information and belief, on July 8, 2025, motions were argued again. The Defendant argued that he should receive accommodations for his ADHD, including but not limited to CART transcription services. The Defendant's request for these accommodations were denied. The matter was adjourned by the Court to allow time for the argument of motions at the request of the Defendant.

15. On July 22, 2025, this matter was set for motion argument yet again. The matter was adjourned to August 12, 2025.

16. The August 12, 2025 appearance was adjourned to give the People time to respond to another new motion filed by the Defendant. A request was also made by the Defendant for transcripts and an emergency stay due to the Defendant's Article 78 petition with Supreme Court.

17. The September 23, 2025, Pre-Trial conference was further adjourned due to the Defendant filing more motions with the court requesting accommodations. Motion argument was set for October 14, 2025.

18. The October 14, 2025 motion argument date was adjourned at request of the Defendant because he was sick. Motion Argument was rescheduled for October 28, 2025.

19. The October 28, 2025 motion argument date was adjourned at request of the Defendant because he was in a car accident. Motion Argument was again rescheduled for December 9, 2025.

20. Motions were finally argued on December 9, 2025. At this time Your Honor reserved decision. Decision return date was set for January 13, 2026.

21. The January 13, 2026 decision return date was adjourned at request of the Defendant because he had the flu. The decision return date was rescheduled for January 27, 2026.

22. At the January 27, 2026 court date the Defendant's motion to suppress physical evidence was granted, and the balance of the Defendant's motions were denied. On this date, the Defendant filed four additional motions. A further motion argument date was set for March 10, 2026.

## II. TIMELINESS OF DEFENDANT'S MOTIONS

23. The Defendant has failed to raise any pretrial issues of law in a timely manner. All pre-trial motions must be filed within forty-five (45) days after arraignment with two limited exceptions: (1) "based upon grounds of which the defendant could not, with due diligence, have been previously aware, or which, for other good cause, could not reasonably have been raised" within forty-five days, CPL § 255.20(3), or (2) the court may, in its discretion, consider an untimely motion in the interest of just and good cause shown. CPL § 255.20.

24. Affirmant submits that neither of the listed exceptions are applicable to this matter.

25. Defendant was arraigned on October 8, 2024, these motions were filed on January 27, 2026, **476 days** after arraignment.

26. To be in compliance with CPL § 255.20 all pre-trial motions would have to have been filed by November 22, 2024 (45 days after arraignment). The Defendant's only motion that was filed timely was his Notice of Motion to Vacate Orders of Protection filed on October 22, 2024. All subsequent motions were untimely filed.

27. Upon information and belief, discovery has been available to the Defendant for well over a year. The Defendant has incessantly delayed court appearances and requested adjournments.

Despite there being no new discovery shared by the People since February 25, 2025, the Defendant has filed countless new motions since that time. It appears the Defendant has continuously filed frivolous and repetitive motions in an attempt to delay prosecution of this matter indefinitely.

28. The Defendant has not shown any basis, let alone a “good cause” basis, for the court to consider the untimely motions in the interest of justice.

29. While courts may afford a *pro se* litigant some latitude, a *pro se* litigant “acquires no greater right than any other litigant” and is “held to the same standards of proof as those who are represented by counsel” *Basmanov v. Shiwcharan*, 224 A.D.3d 435 (1st Dep’t 2024).

30. It is well settled that a defendant who elects to proceed *pro se* is not relieved of compliance with established procedural and substantive rules, and is held to the same standards as an attorney. *People v. Vivenzio*, 62 N.Y.2d 775, 776 (1984).

31. Based on the foregoing, Affirmant opposes Defendant’s application for relief herein, and submits that the Defendant’s motions must be denied in their entirety.

### **III. DEFENDANT’S MOTION TO COMPEL INDEPENDENT TESTING OF EVIDENCE AND FOR A RULING**

32. On January 27, 2026, Your Honor granted the Defendant’s motion to suppress physical evidence.

33. The People intend to abide by the Court’s ruling and will not be attempting to introduce anything relating to this physical evidence at trial.

34. Therefore, the issues the Defendant raises within this motion are moot and repetitive.

35. Based on the foregoing, Affirmant opposes Defendant’s application for relief herein.

### **IV. DEFENDANT’S MOTION TO COMPEL FILING AND DISCLOSURE OF AFFIDAVITS OF SERVICE**

36. The Defendant attempts to state that under CPL § 245.50(3) and CPL § 245.35, that “service must be made in a legally authorized manner, and proof of such service is necessary to establish readiness, trigger motion deadlines, and protect Defendant’s due process rights.” The Defendant’s Motion to Compel Filing and Discovery of Affidavits of Service ¶ 5.

37. The true and accurate section of the Criminal Procedure Law of the State of New York that the Defendant is attempting to cite is as follows:

“Trial readiness. Notwithstanding the provisions of any other law, absent an individualized finding of special circumstances in the instant case by the court before which the charge is pending, the prosecution shall not be deemed ready for trial for purposes of section 30.30

of this chapter until it has filed a valid certificate pursuant to subdivision one of this section. A court may deem the prosecution ready for trial pursuant to section 30.30 of this chapter where information that might be considered discoverable under this article cannot be disclosed because it has been lost, destroyed, or otherwise unavailable as provided by paragraph (b) of subdivision one of section 245.80 of this article, despite diligent and good faith efforts, reasonable under the circumstances. Provided, however, that the court may grant a remedy or sanction for a discovery violation as provided by section 245.80 of this article.” CPL § 245.50(3).

38. CPL § 245.35 sets forth Court ordered procedures to facilitate compliance with this article, and nowhere states that proof of service is necessary or required under this section.

39. Nowhere do these two sections of the Criminal Procedure Law of the State of New York state what the Defendant claims they state in his Motion.

40. Based on the foregoing, Affirmant opposes Defendant’s application for relief herein.

**V. DEFENDANT’S MOTION REQUESTING THAT ALL DENIED MOTIONS BE REDUCED TO WRITING**

41. Although it appears this motion is directed towards the Court in the regard that the relief sought is to be done by the Court, the People’s position is that the Defendant has provided no legal basis for this motion request.

42. The Defendant states that “Written decisions promote a clear and accurate record and ensure fairness and transparency in judicial proceeding.” The Defendant’s Motion Requesting that all Denied Motions be Reduced to Writing ¶ 4. This is simply the Defendant’s personal opinion, and has no standing in the Criminal Procedure Law of the State of New York.

43. Transcripts of all Court proceedings are available for the Defendant to obtain. Your Honor has put on the record numerous times that the Public Defender’s office can help facilitate the ordering of transcripts of a specific court date. The Defendant has rejected this help and has stated on the record that he will facilitate ordering the transcripts himself.

44. It is unknown whether or not the Defendant has ordered or attempted to order the transcripts of the record that he wants.

45. Transcripts of court proceedings, and Your Honor’s oral decisions promote the same clear and accurate record that the Defendant seeks.

46. Based on the foregoing, Affirmant opposes Defendant’s application for relief herein.

**VI. DEFENDANT’S RENEWED MOTION TO COMPEL DISCOVERY, TO INVALIDATE CERTIFICATE OF COMPLIANCE, AND FOR SANCTIONS PURSUANT TO CPL § 245.80**

47. Pursuant to CPL § 245.20(1), “[t]he People shall disclose to the defendant, and permit the defendant to discover, inspect, copy, photograph, and test, all items and information that relate to the subject matter of the case and are in possession, custody or control of the prosecution...” CPL § 245.20(1) (emphasis added).

48. The People reject the Defendant’s notion that the People are in noncompliance with the discovery statute.

**WITNESSES CPL § 245.20**

49. In the Defendant’s numerous motions, he continues to use fragments of statutes that appear to validate his position. The Defendant refers to CPL § 245.20(1)(c) stating that this section “requires the disclosure of the names and adequate contact information for persons known to have evidence or information relevant to the case,” and further stating that “The People’s refusal to identify witnesses violates the statute and prevents meaningful defense preparation.” The Defendant’s Renewed Motion to Compel Discovery, to Invalidate Certificate of Compliance, and for Sanctions Pursuant to CPL 245.80, Page 2.

50. Contrary to what the Defendant believes CPL § 245.20(1)(c) states, the actual relevant portion of this section of the Statute is as follows:

“The names and adequate contact information for all persons other than law enforcement personnel whom the prosecutor knows to have evidence or information relevant to any offense charged or to any potential defense thereto, including a designation by the prosecutor as to which of those persons may be called as witnesses” CPL § 245.20(1)(c) (emphasis added).

51. CPL § 245.20(d) requires that “the name and work affiliation of all law enforcement personnel whom the prosecutor knows to have evidence or information relevant to any offense charged or to any potential defense thereto, including a designation by the prosecutor as to which of those persons may be called as witnesses” shall be disclosed to the Defendant.

52. The only witnesses the People intend to call at trial are law enforcement personnel. The People properly provided law enforcement disciplinary records summaries, as well as law enforcement personnel’s work affiliation to the Defendant on February 25, 2025. *Exhibit 1.*

53. The People’s position pertaining to law enforcement personnel as trial witnesses is further discussed in the “Certificate of Compliance” subsection.

**POLICE DISPATCH AUDIO AND 911 RECORDINGS**

54. The Defendant asserts that CPL § 245.20(1)(d) requires disclosure of 911 calls. The correct section that requires disclosure of 911 calls is CPL § 245.20(g).

55. Although the Defendant cites the incorrect subsection, the People are in compliance with CPL § 245.20(g) as the 911 calls and related records were shared to the Defendant on December 10, 2024. *Exhibit 2.*

### **CHAIN OF CUSTODY DOCUMENTATION**

56. The Defendant asserts that CPL § 245.20(1)(e) “requires disclosure of all tangible property and documentation relating to the collection, storage, and handling of evidence.” The correct subsection that requires disclosure of this type of evidence is CPL § 245.20(m).

57. Although the Defendant cites the incorrect subsection, the People’s position remains unchanged that any motions or sections of motions pertaining to the use of any physical evidence are moot as this evidence has since been suppressed by Your Honor.

58. Additionally, even if these issues were not moot, the Property Management Form provided by the Niagara County Sheriff’s office indicates that the knife collected from the scene is categorized as “Safety Hold Only” and is not being held as Evidence for this case. *Exhibit 3*.

### **PRIOR CONVICTIONS OR CRIMINAL HISTORY OF WITNESSES**

59. The Defendant asserts that “any information regarding prior convictions, criminal history, or pending charges of intended or potential witnesses” are mandatory under CPL § 245.20(1)(k). The correct subsections that require disclosure of this type of information are CPL § 245.20(p) and § 245.20(q).

60. Both CPL § 245.20(p) and § 245.20(q) specify that this information is to be disclosed to the Defendant pursuant to paragraph (c) of this subdivision. As set forth previously this subdivision applies to all persons *other than law enforcement personnel* who may be called as witnesses. *See ¶ 50*.

61. The People’s position pertaining to law enforcement disciplinary records is further discussed in the “Certificate of Compliance” subsection.

### **CERTIFICATE OF COMPLIANCE**

62. “When determining whether the filing of a certificate of compliance is reasonable under the circumstances, this Court finds it important and relevant to consider whether the People substantially complied with their discovery obligations.” *People v. Bruni*, 71 Misc.3d 913, 922 (Albany County 2021).

63. Criminal Procedure Law § 245 “...indicates that the People do not necessarily need to physically obtain discovery material. Rather, the People must establish the existence of such discovery material and make it available for the defense to acquire.” *Id.* at 917.

64. “To hold...ongoing efforts against the People would be placing them in a catch-22: if they provide supplementary discovery material and status updates to defense counsel, then they will be accused of filing an invalid certificate of compliance; and if they do not, then they will be accused of attempting to conceal discovery material.” *Id.* at 924.

65. Pursuant to CPL § 245.20(1), “[t]he People shall disclose to the defendant, and permit the defendant to discover, inspect, copy, photograph, and test, all items and information that relate to the subject matter of the case and are in possession, custody or control of the prosecution...” CPL § 245.20(1) (emphasis added).

66. Upon information and belief, the People filed a Certificate of Compliance and Statement of Readiness on or about December 10, 2024, and a Supplemental Certificate of Compliance and Statement of Readiness on or about February 25, 2025. See Certificate of Compliance, Notice of Disclosure, and Statement of Readiness attached hereto as *Exhibit 4*.

67. The People’s Notice of Disclosure clearly states in bold writing, “Any of the witnesses or law enforcement officers discussed in the discovery materials forwarded to defense counsel may be called at trial. Summaries of law enforcement disciplinary files for officers who have been designated by the People as trial witnesses are available [See CPL §245.20(1)(d) and CPL §245.20(1)(k)(iv)]. Please see ADA assigned to review or receive digital copy.” *Id.*

68. Contrary to the Defendant’s assertion, law enforcement disciplinary records summaries pertaining to the officers that would be called as potential witnesses were provided to the Defendant on February 25, 2025. See *Exhibit 1*.

69. These materials were available for the Defendant to inspect, photocopy, and/or review at any time following commencement of this action.

70. In addition, the People submit that, when disclosing impeachment material of prosecution witnesses, a lead is all that is required, not the full file, record, or court transcript.

71. In *People v. Suprenant*, 69 Misc. 3d 685 (Glens Falls City Ct 2020), the court found that it was sufficient for the People to disclose the existence of an officer’s disciplinary records; it was not necessary for the People to turn over the records themselves. *Id.* at 693.

72. “There is no merit to the defendant’s contention, in effect, that CPL 245.20(1)(k) requires automatic disclosure of the entire disciplinary record for every law enforcement officer involved in his case.” *People v. Macaluso*, NYS3d, 2024 WL 4139190, 2024 Slip Op. 04400 (2<sup>nd</sup> Dept Sept. 11, 2024) (emphasis added). Niagara County Court has since ruled that summaries of disciplinary records for law enforcement personnel are sufficient.

73. In *People v. James*, Ind. No. 2022-435, slip op. at 9 (Niagara Cnty. Ct. Sept. 30, 2024) (Wojtaszek, J.), the court found that the Niagara County District Attorney’s Office’s process in requesting, receiving, and updating their discovery disclosures regarding the disciplinary files of their law enforcement witnesses is a reasonable and diligent one. The court concluded that providing summaries of law enforcement personnel’s disciplinary records exemplifies “good faith,” “reasonable inquiries,” and “due diligence” in complying with CPL 245. *People v. James*, slip op. at 10.

74. ““Other courts have similarly held that the prosecution is not obligated, under CPL Article 245, to obtain police disciplinary records specified in CPL § 245.20(1)(k) which are not in their

possession. *Knight, supra; Lustig, supra; People v. Davis*, 67 Misc. 3d 391, 120 N.Y.S.3d 740 (Crim Ct., Bronx County, 2020); *Suprenant, supra*. In *People v Gonzalez, supra*, the court held that, pursuant to CPL § 245.20(2), once the prosecution discloses the existence of police disciplinary records, they have satisfied their discovery obligations related thereto.” *People v Mauro*, 71 Misc 3d 548, 554 (Westchester Co Ct 2021).

75. The Defendant asserts that the People’s Certificate of Compliance is inaccurate and invalid due to discovery remaining outstanding.

76. It is the People’s position that the Certificate of Compliance filed December 10, 2024, and the Supplemental Certificate of Compliance filed February 25, 2025, are valid as all discovery requirements have been met by the People.

77. Pursuant to CPL § 245.20(4), the Defendant is subject to reciprocal discovery obligations. Upon receipt of the People’s automatic discovery, the Defendant must disclose any material and relevant evidence within the possession or control of the defense that is discoverable under the statute and that the Defendant intends to introduce at trial or at a pre-trial hearing. This includes, but is not limited to, the names, addresses, and birth dates of prospective defense witnesses (other than the Defendant), as well as any written, recorded, or summarized statements of those witnesses. The statute expressly requires disclosure of materials the defense intends to rely upon, subject only to constitutional limitations.

78. While impeachment-only witnesses need not be disclosed until after the relevant prosecution witness has testified, the Defendant nevertheless remains under a continuing duty to disclose discoverable material as it becomes available, pursuant to CPL § 245.60. Accordingly, reciprocal discovery is not optional, and the Defendant **must** comply with the ongoing obligations imposed by Article 245.

79. The Defendant remains obligated to comply with the reciprocal discovery requirements set forth in CPL Article 245 and to certify such compliance. The failure to serve a Certificate of Compliance, as required by CPL § 245.50(2), reflects that the Defendant has not demonstrated fulfillment of these statutory obligations. Until such time as the Defendant provides the required discovery and files a proper Certificate of Compliance, the defense cannot be deemed to have satisfied its duties under Article 245.

80. Accordingly, the People respectfully request that this Court issue an Order compelling the Defendant to comply with his reciprocal discovery obligations pursuant to CPL Article 245, including the prompt disclosure of all discoverable materials intended for use at trial and the service and filing of a proper Certificate of Compliance. The People further request that such compliance be directed within a date certain to ensure the orderly progression of this matter toward trial.

#### **SANCTIONS CPL § 245.80**

81. The requirements needed for any remedy or sanction set forth in CPL § 245.80 are wholly unrelated to the matter at hand.

82. The Defendant has in no way suffered any prejudicial effect in regard to the allegations he has made pertaining to the lack of disclosure of discovery.

83. The People have provided the Defendant with all of the discovery and information that they have in their control or possession that are relevant to the subject matter of this case.

84. Based on the foregoing, Affirmant opposes Defendant's application for relief herein.

## VII. CONCLUSION

85. It remains the People's position that the Defendant's motions are untimely and procedurally barred. The Defendant has failed to demonstrate good cause for the delay, and therefore the motions should be denied in their entirety on that basis alone.

86. In the alternative, should the Court determine that good cause exists to entertain the untimely motions, the People respectfully request that the Court nevertheless deny the Defendant's motions on the merits, as the claims raised are unsupported by law and fact.

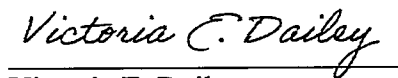
87. The People further request that, upon denial of the Defendant's motions, this matter be scheduled for a jury trial at the Court's earliest convenience.

88. Additionally, based upon the information before the Court raising concerns as to the Defendant's capacity to proceed, the People respectfully request that the Court order an examination pursuant to CPL § 730 to determine whether the Defendant is an incapacitated person within the meaning of the statute.

89. That Affirmant otherwise disputes each and every allegation contained in the affidavit(s) submitted in support of the Defendant's motions, and denies the requests for relief contained therein, except to the extent such allegations have been previously explicitly assented to above.

WHEREFORE, Affirmant respectfully prays for an Order denying the Defendant's motions herein and granting the People such other and further relief as to the Court may seem just and proper.

Dated: February 23, 2026  
Niagara Falls, New York

  
Victoria E. Dailey  
Assistant District Attorney

To: Honorable Rodney A. Giove  
Wheatfield Town Court  
2800 Church Road  
North Tonawanda, NY 14120

Kevin Riford  
Defendant, *pro se*  
3038 Michael Drive  
North Tonawanda, NY 14120

# *Exhibit 1*

Compliance Report for Discovery Package: 02/25/2025 12:24

Package Description:

Case Number: 2024-3975

Docket/Index Number: TBD

Defendant: Kevin Riford

Arrest Dates: 2024-10-07

Name	Size	Folder
Fratello Guy Summary.pdf	63.26 KB	
ROSS, NICHOLAS DISTRICT ATTORNEY ARTICLE 245 DISCLOSURE CHECKLIST.pdf	280.96 KB	

# *Exhibit 2*

Compliance Report for Discovery Package: 12/10/2024 01:51

Package Description:

Case Number: 2024-3975

Docket/Index Number: TBD

Defendant: Kevin Riford

Arrest Dates: 2024-10-07

Top Charge: PL 145.10 00 2 - Criminal Mischief -2nd Degree

Name	Size	Folder
20241007Riford CAD CDR CFS 331.pdf	561.68 KB	
20241007Riford(2) CAD CDR CFS 339.pdf	284.82 KB	
20241007Riford.distribution	8.96 MB	
245 Checklist 20241007Riford.pdf	474.08 KB	
NiceInformMediaPlayer.EXE	28.04 MB	

# *Exhibit 3*

PROPERTY MANAGEMENT FORM

Page 1 of 1

Niagara County Office of the Sheriff

Date 10/07/2024

RL# 24-45965

CR#

Officer(s) Stephenson

Badge # 10186

Division CSIU

Lab #

Log #

Indictment #

Type of Property (Check each one that applies)

Recovered

Evidence

Civil Hold

Found

Destruction

Safety Hold Only

Other

If the property is recovered stolen property, list the case number(s) that apply to each piece of property, such as the original burglary or larceny case, along with the property owners name. If found, where found?

ATTACH A COPY OF REPORT, LAB AND/OR CSIU REQUEST

Defendant's Name Kenn Riford <sup>DOB:</sup> 11/30/1989

Charges Criminal Mischief 2nd

Description (make, model, serial number and color, including bicycles)

ID Marks

<u>One Gerber black knife for safe keeping</u>	<u>SN: 08721</u>
<u>in black knife sheath</u>	

Kenn Riford  
Turned Over by/Signature

1  
Badge #

M. Stephenson  
Received by/Signature

10186  
Badge #

IT IS THE OBLIGATION OF THE PROPERTY OWNER TO OBTAIN ANY AND ALL LEGAL ORDER(S) BEFORE WEAPON(S) HELD (OTHER THAN EVIDENCE) CAN BE RELEASED. WEAPONS NOT CLAIMED OR TRANSFERRED TO A PERSON WHO IS LEGALLY ABLE TO POSSESS THEM WITHIN ONE (1) YEAR WILL BE DESTROYED WITHOUT FURTHER NOTICE. (Penal Law §400.05) ALL OTHER PROPERTY WILL BE HELD PURSUANT TO APPLICABLE LAW(S). \*\*\*SEE REVERSE FOR FURTHER DETAILS\*\*\*

Property Owners Signature \_\_\_\_\_ Date: 10/07/2024

Do not write below this line DO-NOT SEPARATE FORM Do not write below this line

Date Secured _____	Location _____	Bin _____	Custodian (Badge #) _____
Moved to date ____/____/20____	Location _____	Bin _____	Int. _____
Moved to date ____/____/20____	Location _____	Bin _____	Int. _____

White-NCSO  
Revised 9/14

Yellow-Office Copy

Pink-Person Property Received From

## PROPERTY RETENTION PERIODS

Property worth less than \$100 will be retained for three (3) months

Property worth between \$100 - \$500 will be retained for six (6) months

Property worth between \$500 - \$5,000 will be retained for one (1) year

Property worth more than \$5,000 will be retained for three (3) years

Anyone who has a reasonable interest in the property must make claim or give notice of rights to the property within the time periods listed above. If no claims have been made or the owner of the property has not been identified during the above time frame, the property will be destroyed or sold at auction.

## FIREARMS IN CUSTODY

The Office of the Sheriff will hold legally possessed firearms for one (1) years from the date of receipt before destruction. It is the gun owner's obligation to reclaim the firearm within the one (1) year period. If they do not do so, the firearm will be destroyed. Owners prohibited by law and/or Court Order to possess said firearm(s) must: Transfer the firearm to someone who can legally possess it; Transfer the firearm to or through a licensed firearm dealer; In either case, documentation of the transfer must be provided and signed by both the owner and the person receiving the firearm. Firearm(s) can only be released to individuals who are legally authorized to possess said firearm.

# *Exhibit 4*

STATE OF NEW YORK  
TOWN OF WHEATFIELD JUSTICE COURT : COUNTY OF NIAGARA

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THE PEOPLE OF THE STATE OF NEW YORK

vs.

**CERTIFICATE OF**  
**COMPLIANCE**  
**PURSUANT TO**  
**CPL 245.50 (1)**  
Docket No. TBD

KEVIN M. RIFORD,

Defendant.

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Allison Contrera, an attorney admitted to practice law in the State of New York and an Assistant District Attorney in Niagara County, hereby certifies that, having exercised due diligence and made reasonable inquiries to ascertain the existence of material and information subject to discovery under CPL 245.20 (1), the People have disclosed and made available to the defendant(s) in the above-captioned case all known material and information that is subject to discovery, excepting any items or information that are the subject of an order pursuant to CPL 245.70.

**SEE ANNEXED NOTICE OF DISCLOSURE AND ATTACHMENTS.**

I have reviewed the accusatory instrument(s) filed in this matter and hereby certify that the accusatory instruments meet the requirements of CPL 100.15 and 100.40 and that those counts not meeting the requirements of sections §100.15 and §100.40 have been dismissed.

In light of these disclosures and certifications, the People hereby announce that they are **READY FOR TRIAL** and request that this case be placed on the Court's calendar as soon as is convenient so that an inquiry may be made pursuant to CPL 30.30 (5).

*/s/ Allison Contrera*  
Allison Contrera  
Assistant District Attorney

Dated: December 10, 2024  
Lockport, New York

STATE OF NEW YORK  
TOWN OF WHEATFIELD JUSTICE COURT: COUNTY OF NIAGARA

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

NOTICE OF  
DISCLOSURE  
Docket No. TBD

KEVIN M. RIFORD,

Defendant.

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The People of the State of New York hereby disclose to defendant(s) the following information pertaining to the above-captioned case:

**SEE ATTACHED:**

- CPL ARTICLE 245 DIGITAL EVIDENCE MANAGEMENT SYSTEM [DEMS] COMPLIANCE REPORT
- CPL ARTICLE 245 "CASE DISCOVERY CHECKLIST", AND ALL DOCUMENTS INDICATED THEREIN
- NEW YORK STATE POLICE "GENL-118 CASE DISCOVERY CHECKLIST", AND ALL DOCUMENTS INDICATED THEREIN
- NOTICE OF REDACTION OR WITHHOLDING
- DESCRIPTION OF ADDITIONAL MATERIALS INCLUDED, IF ANY:

Any of the witnesses or law enforcement officers discussed in the discovery materials forwarded to defense counsel may be called at trial. Summaries of law enforcement disciplinary files for officers who have been designated by the People as trial witnesses are available [See CPL §245.20(1)(d) and CPL §245.20(1)(k)(iv)]. Please see ADA assigned to review or receive digital copy.

For DWI Discovery Resources, please see the Niagara County District Attorney's Office official county website at [NiagaraCounty.com](http://NiagaraCounty.com).

Dated: December 10, 2024  
Lockport, New York

*/s/ Allison Contrera*  
Allison Contrera  
Assistant District Attorney

STATE OF NEW YORK  
TOWN OF WHEATFIELD JUSTICE COURT : COUNTY OF NIAGARA

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THE PEOPLE OF THE STATE OF NEW YORK

vs.

STATEMENT  
OF READINESS  
CPL §245.50(3)  
CPL §30.30  
Docket No. TBD.

KEVIN M. RIFORD,

Defendant.

---

STATE OF NEW YORK  
COUNTY OF NIAGARA  
TOWN OF WHEATFIELD JUSTICE COURT,

Allison Contrera, Assistant District Attorney for Niagara County, New York, of counsel to Brian D. Seaman, District Attorney of Niagara County, New York, hereby states that the People announce for the record that the **PEOPLE ARE READY FOR TRIAL** on the above-captioned docket and by the filing with the Court of this statement and the attached Notice of Disclosure and Certificate of Compliance pursuant to CPL §245.50(3), the People so state.

Dated: December 10, 2024  
Lockport, New York

*/s/ Allison Contrera*  
Allison Contrera  
Assistant District Attorney

CC:

**NIAGARA COUNTY SHERIFF'S OFFICE  
COMMUNICATIONS DIVISION  
CRIMINAL PROCEDURE LAW ARTICLE 245  
DISCOVERY DISCLOSURE CHECKLIST**

Defendant: Kevin Riford

Case Number: NCSO 2024-45965  
Court with Jurisdiction:

*In furtherance of the flow of information maintained between the Niagara County Sheriff's Office and the Niagara County District Attorney's Office and the continuing duty to disclose all material and information pertinent to the above-referenced defendant and offense(s) charged under the above-referenced case number(s), the following supplemental information is attached [Check any that apply and describe]:*

- COMMUNICATIONS CENTER**
- CAD ABSTRACT / CALLS FOR SERVICE DETAIL REPORT
  - 911 / PHONE CALL RECORDINGS
  - RADIO DISPATCH RECORDINGS
  - DOMESTIC INCIDENT REPORT REPOSITORY SEARCH RESULTS
  - TOW/IMPOUND VEHICLE REPORT
- OTHER [SPECIFY]:** Click or tap here to enter text.
- NOTES:**

*I certify that, after exercising due diligence and making all reasonable inquiries to continue to ascertain the existence of material and information subject to discovery, I have disclosed and made available all known material and information subject to discovery under Article 245 of the Criminal Procedure Law.*

In lieu of my signature, by checking this box I affirm that the above-information is true, accurate.

Name: Jennifer A Ketch

Title: Dispatcher

Date: 11/14/2024

**NIAGARA COUNTY SHERIFF'S OFFICE CORRECTIONS DIVISION  
CRIMINAL PROCEDURE LAW ARTICLE 245  
DISCOVERY DISCLOSURE CHECKLIST**

**Defendant:** Kevin Riford

**Case Number:** 24-45965

**Court with Jurisdiction:** Town of Wheatfield

*In furtherance of the flow of information maintained between the Niagara County Sheriff's Office and the Niagara County District Attorney's Office and the continuing duty to disclose all material and information pertinent to the above-referenced defendant and offense(s) charged under the above-referenced case number(s), the following supplemental information is attached [Check any that apply and describe]:*



**CORRECTIONS DIVISION**

MEDICAL RELEASE(S)

BOOKING FORMS

CORRECTION INCIDENT REPORTS

**OTHER [SPECIFY]:**

**NOTES:**

*I certify that, after exercising due diligence and making all reasonable inquiries to continue to ascertain the existence of material and information subject to discovery, I have disclosed and made available all known material and information subject to discovery under Article 245 of the Criminal Procedure Law.*



**In lieu of my signature, by checking this box I affirm that the above-information is true, accurate.**

**Name:** Teresa Pilato

**Title:** Clerical

**Date:** 10/11/2024

Compliance Report for Discovery Package: 10/15/2024 04:41

Package Description:

Case Number: 2024-3975

Defendant: Kevin Riford

Arrest Dates: 2024-10-07

Top Charge: PL 145.10 00 2 - Criminal Mischief -2nd Degree

Name	Size	Folder
245 Corrections Checklist (1).pdf	512.28 KB	NCSO 2024-00045965
ADM.pdf	66.08 KB	NCSO 2024-00045965
Arraignment Packet.pdf	619.31 KB	Preliminary Paperwork
Arrest Paperwork.pdf	588.19 KB	NCSO 2024-00045965
Arrest Report.pdf	95.51 KB	Preliminary Paperwork
Arrest.pdf	115.96 KB	NCSO 2024-00045965
Axon Share File List-10-15-2024 0408.pdf	32.19 KB	Axon Share
DIR Case.pdf	1.12 MB	NCSO 2024-00045965
IMG_0001.JPG	7.52 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0002.JPG	5.18 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0003.JPG	5.3 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0004.JPG	5.98 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0005.JPG	6.48 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0006.JPG	3.87 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0007.JPG	6.15 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0008.JPG	3.93 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0009.JPG	7.31 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0010.JPG	8.15 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0011.JPG	8.66 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0012.JPG	9.47 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0013.JPG	9.14 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0014.JPG	9.79 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0015.JPG	9.74 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0016.JPG	7.85 MB	NCSO 2024-00045965/Crime Scene Photos

IMG_0017.JPG	9.76 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0018.JPG	9.55 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0019.JPG	6.98 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0020.JPG	7.57 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0021.JPG	7.65 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0022.JPG	7.85 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0023.JPG	7.25 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0024.JPG	7.99 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0025.JPG	7.73 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0026.JPG	8.19 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0027.JPG	6.89 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0028.JPG	6.87 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0029.JPG	7.54 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0030.JPG	8.54 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0031.JPG	7.86 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0032.JPG	8.58 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0033.JPG	8.97 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0034.JPG	7.81 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0035.JPG	8.87 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0036.JPG	8.19 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0037.JPG	8.72 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0038.JPG	10.59 MB	NCSO 2024-00045965/Crime Scene Photos
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IMG_0045.JPG	8.67 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0046.JPG	8.18 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0047.JPG	7.71 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0048.JPG	7.05 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0049.JPG	8.26 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0050.JPG	8.3 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0051.JPG	7.51 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0052.JPG	4.22 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0053.JPG	12.12 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0054.JPG	12.14 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0055.JPG	12.21 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0056.JPG	7.44 MB	NCSO 2024-00045965/Crime Scene Photos
Kevin Riford 24-45965 NCSO BWC ARTICLE 245 DISCLOSURE CHECKLIST.pdf	134.53 KB	NCSO 2024-00045965/Body Worn Camera Footage Compliance
Property Management Form.pdf	1.42 MB	NCSO 2024-00045965
Property.pdf	23.14 KB	NCSO 2024-00045965
Unredacted DIR.pdf	129.77 KB	Preliminary Paperwork

Compliance Report for Discovery Package: 12/10/2024 01:51

Package Description:

Case Number: 2024-3975

Docket/Index Number: TBD

Defendant: Kevin Riford

Arrest Dates: 2024-10-07

Top Charge: PL 145.10 00 2 - Criminal Mischief -2nd Degree

Name	Size	Folder
20241007Riford CAD CDR CFS 331.pdf	561.68 KB	
20241007Riford(2) CAD CDR CFS 339.pdf	284.82 KB	
20241007Riford.distribution	8.96 MB	
245 Checklist 20241007Riford.pdf	474.08 KB	
NiceInformMediaPlayer.EXE	28.04 MB	

# **EXHIBIT I**

Niagara County District Attorney's Certificate of Compliance dated December 10,  
2024

STATE OF NEW YORK  
TOWN OF WHEATFIELD JUSTICE COURT : COUNTY OF NIAGARA

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THE PEOPLE OF THE STATE OF NEW YORK

vs.

**CERTIFICATE OF**  
**COMPLIANCE**  
**PURSUANT TO**  
**CPL 245.50 (1)**  
**Docket No. TBD**

KEVIN M. RIFORD,

Defendant.

---

Allison Contrera, an attorney admitted to practice law in the State of New York and an Assistant District Attorney in Niagara County, hereby certifies that, having exercised due diligence and made reasonable inquiries to ascertain the existence of material and information subject to discovery under CPL 245.20 (1), the People have disclosed and made available to the defendant(s) in the above-captioned case all known material and information that is subject to discovery, excepting any items or information that are the subject of an order pursuant to CPL 245.70.

**SEE ANNEXED NOTICE OF DISCLOSURE AND ATTACHMENTS.**

I have reviewed the accusatory instrument(s) filed in this matter and hereby certify that the accusatory instruments meet the requirements of CPL 100.15 and 100.40 and that those counts not meeting the requirements of sections §100.15 and §100.40 have been dismissed.

In light of these disclosures and certifications, the People hereby announce that they are **READY FOR TRIAL** and request that this case be placed on the Court's calendar as soon as is convenient so that an inquiry may be made pursuant to CPL 30.30 (5).

*/s/ Allison Contrera*  
Allison Contrera  
Assistant District Attorney

Dated: December 10, 2024  
Lockport, New York

# EXHIBIT J

Niagara County District Attorney's Compliance Report for Discovery Package dated  
February 25, 2025

Compliance Report for Discovery Package: 02/25/2025 12:24

Package Description:

Case Number: 2024-3975

Docket/Index Number: TBD

Defendant: Kevin Riford

Arrest Dates: 2024-10-07

Name	Size	Folder
Fratello Guy Summary.pdf	63.26 KB	
ROSS, NICHOLAS DISTRICT ATTORNEY ARTICLE 245 DISCLOSURE CHECKLIST.pdf	280.96 KB	

# EXHIBIT K

Defendant affidavit of service dated December 7, 2024, regarding the request for additional discovery materials which was stamped as received by the Town of Wheatfield Court on December 9, 2024.

**AFFIDAVIT OF SERVICE**

State of New York )  
County of Erie )

RECEIVED  
DEC 09 2024  
Wheatfield Town Court

The undersigned being duly sworn, deposes and says:

Joanne Riford is not a party to the action, is over  
(name of person serving papers)

18 years of age and resides at 3038 Michael Drive, North Tonawanda, NY 14120

\_\_\_\_\_  
(complete address of person serving papers)

That on December 7, 2024, deponent served the within  
(date of service)  
motion to dismiss resisting arrest, obstructing admin., & criminal mischief, request for discovery  
(name of document[s] served)

upon Allison Contrera located at  
(name of person/corporation served)

Niagara Falls Municipal Bldg., 1925 Main St., Niagara Falls, NY 14305  
(complete address where other party/corporation served)

(Select method of service)

       Personal Service: by delivering a true copy of the aforesaid documents personally;  
deponent knew said person/corporation so served to be the person/corporation described.

  X   Service by Mail: by depositing a true copy of the aforesaid documents in a postpaid  
properly addressed envelope in a post office or official depository under the exclusive care  
and custody of the United States Postal Service.

Joanne Riford  
Signature of person serving papers

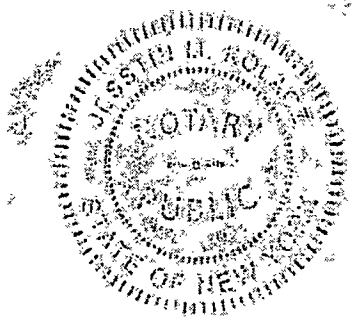
Joanne Riford  
Printed Name

Sworn to before me this 7<sup>th</sup>

day of December, 2024

[Signature]  
Notary Public

Jesstin M. Kolacz  
Notary Public, State of New York  
Reg. #01K06441625  
Qualified in Niagara County  
Commission Expires 09/26/2026



# **EXHIBIT L**

Niagara County District Attorney's Office Compliance Report for Discovery package  
dated December 10, 2024

Compliance Report for Discovery Package: 12/10/2024 01:51

Package Description:

Case Number: 2024-3975

Docket/Index Number: TBD

Defendant: Kevin Riford

Arrest Dates: 2024-10-07

Top Charge: PL 145.10 00 2 - Criminal Mischief -2nd Degree

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20241007Riford(2) CAD CDR CFS 339.pdf	284.82 KB	
20241007Riford.distribution	8.96 MB	
245 Checklist 20241007Riford.pdf	474.08 KB	
NiceInformMediaPlayer.EXE	28.04 MB	

# **EXHIBIT M**

Niagara County District Attorney October 15, 2024, Compliance Report

Compliance Report for Discovery Package: 10/15/2024 04:41

Package Description:

Case Number: 2024-3975

Defendant: Kevin Riford

Arrest Dates: 2024-10-07

Top Charge: PL 145.10 00 2 - Criminal Mischief -2nd Degree

Name	Size	Folder
245 Corrections Checklist (1).pdf	512.28 KB	NCSO 2024-00045965
ADM.pdf	66.08 KB	NCSO 2024-00045965
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IMG_0009.JPG	7.31 MB	NCSO 2024-00045965/Crime Scene Photos
IMG_0010.JPG	8.15 MB	NCSO 2024-00045965/Crime Scene Photos
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Property Management Form.pdf	1.42 MB	NCSO 2024-00045965
Property.pdf	23.14 KB	NCSO 2024-00045965
Unredacted DIR.pdf	129.77 KB	Preliminary Paperwork

# EXHIBIT N

Defendant exhibit list for the convenience of the Honorable Town of Wheatfield  
Justice Rodney Giove.

## **EXHIBIT LIST**

**Exhibit A** – Defendant’s renewed motion to compel discovery, to invalidate the Certificate of Compliance, and for sanctions pursuant to CPL § 245.80, filed on January 27, 2026

**Exhibit B** – Niagara County District Attorney’s Notice of Disclosure, dated December 10, 2024

**Exhibit C** – Niagara County District Attorney’s Office Affirmation in Opposition to Defendant’s motion to dismiss dated June 9, 2025

**Exhibit D** – Defendant’s written request dated December 7, 2024, addressed to Niagara County District Attorney Allison Contrera for additional discovery

**Exhibit E** – Defendant’s Request for Adjournment submitted via email to the Town of Wheatfield Court Clerk on March 2, 2026

**Exhibit F** – Town of Wheatfield Court e-mail granting defendant’s adjournment request dated March 3, 2026, rescheduled for March 10, 2026 .

**Exhibit G** – Town of Wheatfield Court adjournment “receipt” dated April 14, 2026

**Exhibit H** – Niagara County District Attorney’s Answering Affirmation dated February 23, 2026

**Exhibit I** – Niagara County District Attorney’s Certificate of Compliance dated December 10, 2024

**Exhibit J** – Niagara County District Attorney’s Compliance Report for Discovery Package dated February 25, 2025

**Exhibit K** – Defendant’s affidavit of service dated December 7, 2024, regarding the request for additional discovery materials which was stamped as received by the Town of Wheatfield Court on December 9, 2024.

**Exhibit L** – Niagara County District Attorney’s Office Compliance Report for Discovery package dated December 10, 2024

**Exhibit M** – Niagara County District Attorney’s October 15, 2025, Compliance Report

**Exhibit N** - Defendant exhibit list for the convenience of the Honorable Town of Wheatfield Justice Rodney Giove.