

COUNTY OF NIAGARA
TOWN OF WHEATFIELD COURT

Received

JAN 27 2026

Town of Wheatfield Court

PEOPLE OF THE STATE OF NEW
YORK,

-against-

KEVIN RIFORD,

Defendant.

**MOTION TO COMPEL FILING
AND DISCLOURE OF
AFFIDAVITS OF SERVICE**

Docket No.: 24100028

Defendant, Kevin Riford, appearing pro se, respectfully moves this Court, before the Town Justice Rodney Giove, for an Order directing the People to file and provide copies of any affidavits or certificates of service relating to documents purportedly served upon Defendant by the Niagara County District Attorney's Office, and for such other and further relief as this Court deems just and proper.

FACTUAL BACKGROUND

1. I am the Defendant in the above-captioned criminal action pending before this Court.
2. Defendant has previously requested in open court on the record that the Court provide copies of any affidavits or certificates of service related to documents filed and/or served by the Niagara County District Attorney's Office in this matter.
3. On the record, the Court stated that affidavits of service do not need to be filed by the District Attorney according to Town Justice Rodney Giove. Upon information and belief affidavits do need to be filed by the District Attorney and failing to do so is considered sewer service – something commonly done by shady debt collectors.
4. Defendant respectfully submits that this is incorrect as a matter of law where service is required to be made and proof of service is necessary to establish that service was properly completed.
5. Under CPL § 245.50(1), the People are required to file a Certificate of Compliance and to serve it upon the Defendant. Under CPL § 245.50(3) and CPL § 245.35, 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.

6. Similarly, motions, notices, discovery materials, and other papers that the People claim were served must be supported by proof of service to establish when and whether service was properly made.
7. Without affidavits or certificates of service filed with the Court, there is no reliable record establishing what was served, when it was served, or how it was served, which directly impacts Defendant's statutory deadlines, discovery rights, and ability to prepare motions.
8. Defendant is therefore requesting an Order compelling the People to file with the Court and provide to Defendant copies of all affidavits or certificates of service relating to documents the People claim to have served in this case.

WHEREFORE, Defendant respectfully requests that this Court issue an Order:

- a. Directing the People to file and serve copies of all affidavits and/or certificates of service relating to documents served in this matter;
- b. Requiring that future service by the People include filed proof of service; and
- c. Granting such other and further relief as this Court deems just and proper.

Dated: January 27, 2026



Kevin Riford, Defendant Pro Se
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