

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
INDEPENDENT TESTING OF
EVIDENCE AND FOR A
RULING

Docket No.: 24100028

Defendant, Kevin Riford, appearing pro se, respectfully moves this Court, before the Town Justice Rodney Giove, for an Order:

1. Permitting the Defendant to have the evidence in this case submitted to an independent laboratory of Defendant's choosing for testing and analysis, under appropriate safeguards; and/or
2. Issuing a formal ruling granting or denying Defendant's request so the issue is preserved for the record.

FACTUAL BACKGROUND

I, Kevin Riford, state the following:

1. I am the Defendant in the above-captioned criminal action.
2. On the record, Defendant requested on December 9, 2025, once again the opportunity to test the evidence in this case, as he has requested on the record before.
3. On December 9, 2025, the Niagara County District Attorney Murphy stated on the record inside the Town of Wheatfield Court that there were unspecified "safety issues" with Defendant testing the evidence, but provided no factual basis, legal authority, or explanation in support of that claim.
4. Defendant Kevin Riford further stated on the record that merely labeling Defendant a "safety issue" is not a legal basis to deny independent testing and clarified that Defendant

was requesting that the evidence be submitted to an independent laboratory of Defendant's choosing, not that Defendant personally handle the evidence. That's akin to labeling someone a domestic terrorist who is peacefully protesting.

5. Since that time, the Court has not ruled on Defendant's request and has remained silent on the issue as it has in the past.
6. The ability to independently test physical evidence is a fundamental component of the right to prepare a defense, challenge the People's proof, and ensure reliability of the evidence to be offered at trial. See, e.g., CPL § 240.20 / Article 245 (discovery and inspection) and constitutional due process principles.
7. Defendant is willing to comply with any reasonable order or protocol the Court deems necessary to address chain of custody, transport, laboratory accreditation, and safety procedures.
8. The continued absence of a ruling prejudices Defendant's ability to investigate the case, prepare motions, consult experts, and preserve issues for appellate review.

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

- a. Permitting the evidence to be released, under appropriate safeguards, to an independent laboratory selected by Defendant for testing and analysis; or, at minimum,
- b. Issuing a formal ruling granting or denying Defendant's request, stating the grounds therefor; 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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