

Received

JAN 27 2026

COUNTY OF NIAGARA  
TOWN OF WHEATFIELD COURT

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.

### **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.

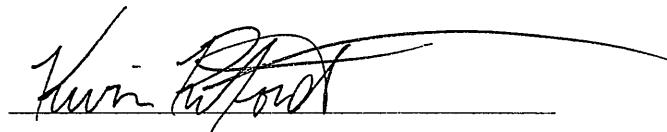
### **SANCTIONS ARE WARRANTED UNDER CPL § 245.80**

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



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

# EXHIBIT A

## AFFIDAVIT OF SERVICE

State of New York )  
County of Erie )

REC'D. 7-1-2024  
DEC 09 2024  
MAY 12 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.

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

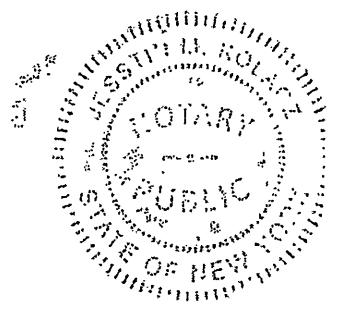
Joanne Riford  
Printed Name

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

day of December, 2024

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.

- 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.

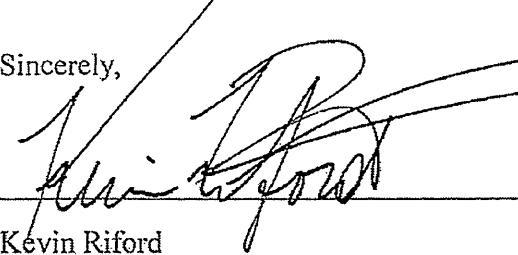
**17. Prior Convictions or Criminal History of Witnesses**

- 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,

  
\_\_\_\_\_  
Kevin Riford

# EXHIBIT B

County of Niagara  
Town of Wheatfield Court

MAY 13 2025

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

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 DEFENDANT'S 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.

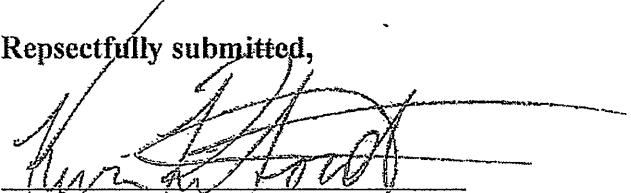
5. As such, I respectfully request that the Court:

- **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