

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D28308
W/prt

_____AD3d_____

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
HOWARD MILLER
ARIEL E. BELEN, JJ.

2010-04242

DECISION & JUDGMENT

People ex rel. Brian Crow, on behalf of Eric
Fleischer, petitioner, v Warden, Anna M. Kross
Detention Ctr., respondent.

Steven Banks, New York, N.Y. (Brian Crow, pro se, of counsel), for petitioner.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Jodi L.
Mandel, and Darryl Austin of counsel), for respondent.

Writ of habeas corpus in the nature of an application pursuant to CPL 170.70 to
release the defendant in a criminal action entitled *People v Fleischer*, pending in the Criminal Court,
Kings County, under Indictment No. 32575/10.

ADJUDGED that the writ is dismissed as academic, without costs or disbursements.

This Court declines to review the petitioner's arguments, which he concedes have been
rendered academic by the plea of guilty entered by the detainee on whose behalf he commenced this
proceeding. As such, the detainee is not entitled to be released from custody, and the courts are
prohibited from rendering purely advisory opinions absent an exception to the mootness doctrine (*see
Matter of Town of Riverhead v Central Pine Barrens Joint Planning & Policy Commn.*, 71 AD3d
679; *Matter of Paraskevopoulos v Stavropoulos*, 65 AD3d 1153; *Funderburke v New York State
Dept. of Civ. Serv.*, 49 AD3d 809).

MASTRO, J.P., FLORIO, MILLER and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 17, 2010

PEOPLE EX REL. CROW, on behalf of FLEISCHER v
WARDEN, ANNA M. KROSS DETENTION CTR.