

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

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_____AD3d_____

MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
HECTOR D. LASALLE
VALERIE BRATHWAITE NELSON, JJ.

2017-11408

DECISION, ORDER & JUDGMENT

People ex rel. Christopher Booth, on behalf of
Dwayne Blackwood, petitioner, v Warden, Otis
Bantum Correctional Center, etc., respondent.

Christopher Booth, New York, NY, petitioner pro se.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove 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 Blackwood*, pending in the Supreme
Court, Kings County, under Indictment No. 8422/17, and application by the petitioner for leave to
prosecute the proceeding as a poor person.

ORDERED that the application for leave to prosecute the proceeding as a poor person
is granted to the extent that the filing fee imposed by CPLR 8022(b) is waived, and the application
is otherwise denied as academic; and it is further,

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

The issues raised on this writ of habeas corpus are academic, as the detainee has been
indicted (*see People ex rel. Scoralick*, 140 AD2d 658). Under the circumstances of this case, review
of the issues raised is not warranted under any exception to the mootness doctrine (*see e.g. Matter*

January 10, 2018

Page 1.

PEOPLE EX REL. BOOTH, on behalf of BLACKWOOD v
WARDEN, OTIS BANTUM CORRECTIONAL CENTER

of Hearst Corp. v Clyne, 50 NY2d 707, 714-715; *People ex rel. Kneitel v Warden, Rikers Is. Corr. Facility*, 120 AD3d 1274; *People ex rel. Crow v Warden, Anna M. Kross Detention Ctr.*, 76 AD3d 646). Accordingly, we dismiss the writ as academic.

DILLON, J.P., LEVENTHAL, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court