

RECORD IMPOUNDED

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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION DOCKET NO. A-1341-22

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

GREGORY J. ALBAMATA,

Defendant-Appellant.

Submitted March 21, 2023 – Decided April 12, 2023

Before Judges Messano, Gilson and Rose.

On appeal from an interlocutory order of the Superior Court of New Jersey, Law Division, Bergen County, Indictment No. 20-02-0197.

Joseph E. Krakora, Public Defender, attorney for appellant (Elizabeth C. Jarit, Deputy Public Defender, of counsel and on the brief).

Mark Musella, Bergen County Prosecutor, attorney for respondent (Jaimee M. Chasmer, Assistant Prosecutor, of counsel and on the brief).

PER CURIAM

On leave granted, defendant Gregory Albamata appeals from a December 5, 2022 order revoking his release and detaining him pretrial under the Criminal Justice Reform Act, N.J.S.A. 2A:162-15 to -26. Subsequently, defendant pled guilty to fourth-degree obstruction, N.J.S.A. 2C:29-1(a), and was sentenced to time served. The other State charges against defendant were dismissed, he was released from State custody, and returned to the custody of federal immigration authorities. Defendant was born in the Dominican Republic, and it is anticipated that he will be removed from the United States and returned to his country of origin.

Given defendant's guilty plea, sentence, and release from State custody, all issues related to his appeal of the order detaining him pretrial are moot. See State v. Mercedes, 233 N.J. 152, 169 (2018); State v. Harvey, 176 N.J. 522, 528 (2003). Moreover, defendant's circumstances are unique. He was originally arrested, charged, and released pretrial. Thereafter, he was taken into custody by the United States Immigration and Customs Enforcement (ICE) and removed to the Dominican Republic. He returned to the United States illegally and was apprehended and detained by ICE. ICE turned defendant over to the Bergen County Prosecutor's Office in accordance with a writ of habeas corpus. Now that defendant has pled guilty to, and been sentenced on, the State charges, he

has been released from the Bergen County jail and turned back over to ICE. Those unique circumstances are unlikely to be repeated and are unlikely to evade review. Consequently, this is not the type of case where we should address those moot issues. See Mercedes, 233 N.J. at 169; State v. Robertson, 228 N.J. 138, 147 (2017). Defendant's appeal is, therefore, dismissed as moot.

Dismissed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION