

PHILLIPS *v.* NEW YORK.

CERTIORARI TO THE COURT OF APPEALS OF NEW YORK.

No. 497. Argued April 18, 1960.—Decided April 25, 1960.

Certiorari dismissed as improvidently granted.

Reported below: 6 N. Y. 2d 788, 159 N. E. 2d 677.

Henry W. Schober argued the cause for petitioner. With him on the brief were *Anthony T. Antinozzi* and *Frank A. Fritz, Jr.*

Joseph I. Heneghan argued the cause for respondent. With him on the brief was *Manuel W. Levine*.

PER CURIAM.

After hearing oral argument and fully examining the record which was only partially set forth in the petition for certiorari, we conclude that the totality of circumstances as the record makes them manifest did not warrant bringing the case here. Accordingly, the writ is dismissed as improvidently granted.