

364 U. S.

Per Curiam.

BANDY *v.* UNITED STATES.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

No. 171, Misc. Decided December 5, 1960.

Certiorari granted; judgment vacated; and cause remanded to Court of Appeals for a hearing of the appeal.

Reported below: 278 F. 2d 214.

Petitioner *pro se*.

*Solicitor General Rankin, Assistant Attorney General Rice and Meyer Rothwacks* for the United States.

PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. In light of the circumstances pointed out by the Government surrounding the alleged inability of the petitioner to secure the services of his own handwriting expert, the error which occurred in the "Agreed Statement of the Case" and which was repeated by the Government in its brief and the Court of Appeals in its opinion, the failure to subpoena witnesses with respect to petitioner's alibi, and the dispute which arose with respect to representation of petitioner by his appointed counsel on appeal, the judgment is vacated and the cause is remanded to the Court of Appeals for a hearing of the appeal.