

HARVEY, ALIAS McCARGO, *v.* SMYTH, PENITENTIARY SUPERINTENDENT.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF APPEALS OF VIRGINIA.

No. 7, Misc. Decided March 19, 1962.

Certiorari granted; judgment reversed.

Petitioner *pro se*.

*Reno S. Harp III*, Assistant Attorney General of Virginia, for respondent.

PER CURIAM.

The motion to substitute W. K. Cunningham, Jr., in the place of W. Frank Smyth, Jr., as the party respondent is granted. The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are also granted. The judgment is reversed. *Chewing v. Cunningham*, 368 U. S. 443.

MR. JUSTICE WHITTAKER took no part in the consideration or decision of this case.