

AVENT ET AL. *v.* NORTH CAROLINA.

CERTIORARI TO THE SUPREME COURT OF NORTH CAROLINA.

No. 11. Argued November 5, 7, 1962.—Decided May 20, 1963.

In Durham, N. C., which has an ordinance requiring racial segregation in public eating places, five Negro students and two white students were convicted of criminal trespass for sitting at a lunch counter where only white people customarily were served and refusing to leave when requested by the manager. *Held:* A judgment affirming their conviction is vacated and the case is remanded to the Supreme Court of North Carolina for consideration in the light of *Peterson v. City of Greenville*, *ante*, p. 244.

Reported below: 253 N. C. 580, 118 S. E. 2d 47.

Jack Greenberg argued the cause for petitioners. With him on the brief were *Constance Baker Motley, James M. Nabrit III, William A. Marsh, Jr., F. B. McKissick, C. O. Pearson, W. G. Pearson, M. Hugh Thompson, William T. Coleman, Jr., William R. Ming, Jr., Louis H. Pollak, Joseph L. Rauh and Herbert O. Reid*.

Ralph Moody, Assistant Attorney General of North Carolina, argued the cause for respondent. With him on the brief was *T. W. Bruton*, Attorney General.

Solicitor General Cox, by special leave of Court, argued the cause for the United States, as *amicus curiae*, urging reversal. With him on the brief were *Assistant Attorney General Marshall, Ralph S. Spritzer, Louis F. Claiborne, Harold H. Greene, Howard A. Glickstein and Richard K. Berg*.

PER CURIAM.

The judgment is vacated and the case is remanded to the Supreme Court of North Carolina for consideration in the light of *Peterson v. City of Greenville*, *ante*, p. 244. *Patterson v. Alabama*, 294 U. S. 600.

[For opinion of MR. JUSTICE HARLAN, see *ante*, p. 248.]