

375 U. S.

Per Curiam.

SMITH *v.* CALIFORNIA.CERTIORARI TO THE APPELLATE DEPARTMENT, SUPERIOR
COURT OF CALIFORNIA, COUNTY OF LOS ANGELES.

No. 72. Decided December 16, 1963.

Judgment vacated and case remanded.

Stanley Fleishman and Sam Rosenwein for petitioner.*Roger Arnebergh, Philip E. Grey and Wm. E. Doran*
for respondent.Briefs of *amici curiae*, urging reversal, were filed by *Edward de Grazia* for *Allen et al.*; by *Thomas M. Thomas* for *American Library Association*, and by *Nathan L. Schoichet, A. L. Wirin and Fred Okrand* for *American Civil Liberties Union of Southern California*.*Charles H. Keating, Jr.* for *Citizens for Decent Literature, Inc., et al.*, as *amici curiae*, in support of respondent.

PER CURIAM.

The motion of *Citizens for Decent Literature, Inc., et al.*, for leave to file a brief, as *amici curiae*, is granted. The judgment is vacated and the case is remanded to the Appellate Department of the Superior Court of California, County of Los Angeles, for further consideration in light of the decision of the Supreme Court of California in *Zeitlin v. Arnebergh*, 59 Cal. 2d 901, 383 P. 2d 152.