

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.