

LATHAN *v.* NEW YORK.

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF
APPEALS OF NEW YORK.

No. 298, Misc. Decided June 22, 1964.

Certiorari granted; judgment vacated; and case remanded.

Reported below: 12 N. Y. 2d 822, 187 N. E. 2d 359.

Murray A. Gordon for petitioner.

Isidore Dollinger and *Bertram R. Gelfand* for
respondent.

PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment of the Court of Appeals of the State of New York is vacated and the case is remanded for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, *ante*, p. 368.

MR. JUSTICE BLACK, MR. JUSTICE CLARK, MR. JUSTICE HARLAN and MR. JUSTICE STEWART dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*, *supra*.