

DEL HOYO *v.* NEW YORK.

ON PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE
DIVISION, SUPREME COURT OF NEW YORK, FIRST
JUDICIAL DEPARTMENT.

No. 893, Misc. Decided June 22, 1964.

Certiorari granted; judgment vacated; and case remanded.

Leon B. Polsky and *Edward A. Miller* for petitioner.

Isidore Dollinger and *Irving Anolik* 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 Appellate Division of the Supreme Court of New York, First Judicial Department, 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*.