

Per Curiam.

378 U. S.

FRIED *v.* NEW YORK.APPEAL FROM THE APPELLATE DIVISION, SUPREME COURT  
OF NEW YORK, FIRST JUDICIAL DEPARTMENT.

No. 330. Decided June 22, 1964.

Appeal dismissed and certiorari denied.

Reported below: 18 App. Div. 2d 996, 238 N. Y. S. 2d 742.

*Herbert Monte Levy* for appellant.*Frank S. Hogan* and *H. Richard Uviller* for appellee.

## PER CURIAM.

The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS and MR. JUSTICE STEWART are of the opinion that probable jurisdiction should be noted and the judgment reversed.