

384 U. S.

May 23, 1966.

GREER v. BETO, CORRECTIONS DIRECTOR.

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF
CRIMINAL APPEALS OF TEXAS.

No. 720, Misc. Decided May 23, 1966.

Certiorari granted; reversed.

William E. Gray for petitioner.

Waggoner Carr, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender*, Assistant Attorney General, 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 is reversed. *Gideon v. Wainwright*, 372 U. S. 335; *Doughty v. Maxwell*, 376 U. S. 202; see *Garner v. Pennsylvania*, 372 U. S. 768; *United States ex rel. Durocher v. LaVallee*, 330 F. 2d 303 (C. A. 2d Cir.).

MR. JUSTICE HARLAN would set the case for argument, believing that the retroactivity of *Gideon v. Wainwright*, 372 U. S. 335, as applied in a recidivist case, presents problems of its own that are deserving of plenary consideration.