

October 17, 1966.

385 U.S.

PHELPER *v.* DECKER, SHERIFF.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

No. 374. Decided October 17, 1966.

Certiorari granted; order reversed.

Charles W. Tessmer and *Emmett Colvin, Jr.*, for petitioner.

PER CURIAM.

The petition for a writ of certiorari is granted. The order of May 5, 1966, denying the motion for a certificate of probable cause is reversed.

MR. JUSTICE STEWART concurs for the reasons stated in his separate memorandum in *Mapp v. Ohio*, 367 U. S. 643, 672.

MR. JUSTICE CLARK, MR. JUSTICE HARLAN and MR. JUSTICE WHITE dissent and would deny the petition for a writ of certiorari.