

386 U. S.

March 13, 1967.

ERB *v.* CALIFORNIA.ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF CALIFORNIA.

No. 23, Misc. Decided March 13, 1967.

Certiorari granted; vacated and remanded.

William A. Dougherty for petitioner.*Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *David B. Stanton*, Deputy 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 vacated and the case remanded for further consideration in light of *Chapman v. California, ante*, p. 18.

MR. JUSTICE STEWART would grant certiorari and reverse the judgment for the reasons stated in his opinion concurring in the result in *Chapman v. California, ante*, at 42.