

June 10, 1967.

392 U. S.

McCARTY ET AL. v. KANSAS.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF KANSAS.

No. 548, Misc. Decided June 10, 1968.

199 Kan. 116, 427 P. 2d 616; certiorari granted with respect to petitioner Boyd, judgment vacated and remanded; certiorari denied with respect to petitioner McCarty.

Robert C. Londerholm, Attorney General of Kansas, and *J. Richard Foth*, *Richard E. Oxandale*, and *Daniel D. Metz*, Assistant Attorneys General, for respondent.

PER CURIAM.

The motion to proceed *in forma pauperis* and the petition for a writ of certiorari are granted with respect to petitioner Boyd. The judgment of the Kansas Supreme Court is vacated and the case is remanded for further consideration in light of *Bruton v. United States*, 391 U. S. 123. See *Roberts v. Russell*, *ante*, p. 293. The petition for a writ of certiorari with respect to petitioner McCarty is denied.

MR. JUSTICE HARLAN and MR. JUSTICE WHITE dissent for the reasons stated in MR. JUSTICE WHITE's dissenting opinion in *Bruton v. United States*, 391 U. S. 123, 138 (1968).