

397 U. S.

April 20, 1970

RICHARD S. *v.* CITY OF NEW YORK

APPEAL FROM THE COURT OF APPEALS OF NEW YORK

No. 1478, Misc. Decided April 20, 1970

Vacated and remanded.

Jonathan A. Weiss for appellant.*J. Lee Rankin, Stanley Buchsbaum, and Robert T. Hartmann* for appellee.

PER CURIAM.

The motion for leave to proceed *in forma pauperis* is granted. The judgment is vacated and the case is remanded to the Court of Appeals of New York for further consideration in light of *In re Winship, ante*, p. 358.

THE CHIEF JUSTICE and MR. JUSTICE STEWART dissent for the reasons set forth in the dissenting opinion of THE CHIEF JUSTICE in *In re Winship, ante*, p. 375. MR. JUSTICE BLACK dissents for the reasons set forth in his dissenting opinion in *In re Winship, ante*, p. 377.