

October 19, 1970

400 U. S.

COLOMBO *v.* NEW YORKON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF  
APPEALS OF NEW YORK

No. 175. Decided October 19, 1970

Certiorari granted; 25 N. Y. 2d 641, 254 N. E. 2d 340, vacated  
and remanded.

## PER CURIAM.

The petition for a writ of certiorari 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 *Waller v. Florida*, 397 U. S. 387.

MR. JUSTICE BLACK is of the opinion that certiorari should be granted and the judgment reversed on the ground that the state prosecution is barred by the Double Jeopardy Clause of the Fifth Amendment of the Constitution.