

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KK-00570

VS.

MARK E. SPICER, JR.

IN RE: Mark E. Spicer, Jr. - Applicant Defendant; Applying For Supervisory Writ, Parish of St. Tammany, 22nd Judicial District Court Number(s) 3932-F-2019, Court of Appeal, First Circuit, Number(s) 2023 KW 0002;

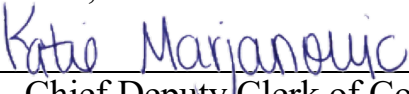
June 26, 2023

Writ application granted. See per curiam.

PDG
JLW
JDH
SJC
JTG
JBM

Crain, J., recused.

Supreme Court of Louisiana
June 26, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KK-00570

STATE OF LOUISIANA

VS.

MARK E. SPICER, JR.

On Supervisory Writ to the 22nd Judicial District Court, Parish of St. Tammany

PER CURIAM

Writ granted. Under the unique circumstances presented in this first degree murder prosecution, which seeks the death penalty, we reverse the trial court’s denial of defendant’s motion to recuse Judge Lobello. The decedent was a Mandeville Police Officer. The judge attended the funeral of the decedent. The judge’s former law partner represented the defendant’s father in a case in which the defendant, Mark E. Spicer, Jr., was the alleged victim. An attorney who worked at the judge’s former law office is the brother of a Mandeville Police Officer who provided first aid to one of the victims and participated in the collection of some of the evidence in this case. We find, based on an objective evaluation of the totality of these circumstances, it can be reasonably and substantially expected the judge would be unable to conduct the proceedings in a fair and impartial manner. Considering these unique facts, the interests of justice and Code of Criminal Procedure art. 671(B) require recusal. We remand for reallocation.

REVERSED AND REMANDED.