

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KK-00593

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 0146;

June 26, 2023

Writ application granted. See per curiam.

PDG
JDH
SJC
JBM

Weimer, C.J., would grant for reasons assigned by Chief Judge John Michael Guidry.

Genovese, J., would grant for reasons assigned by Chief Judge John Michael Guidry.

Crain, J., recused.

Supreme Court of Louisiana
June 26, 2023

Katie Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KK-00593

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. In *State v. Spicer*, 2023-0570 (La.), — So.3d —, this Court reversed the trial court’s denial of the defendant’s motion to recuse Judge Lobello. Under the unique circumstances presented in this first degree murder prosecution, which seeks the death penalty, we reverse Judge Lobello’s denial of defendant’s “Motion to Quash Aggravating Felony of ‘Assault By Drive-By Shooting’ Supporting Count I.” Without commenting on the merits of the motion, but acting out of an abundance of caution in this capital murder prosecution, we remand this matter to be reconsidered by the reassigned judge. This decision applies only to the motion to quash described above.

REVERSED AND REMANDED.