

Judgment rendered March 26, 2025.

No. 56,357-KA

COURT OF APPEAL  
SECOND CIRCUIT  
STATE OF LOUISIANA

\* \* \* \* \*

STATE OF LOUISIANA

Appellee

versus

RICHARD REFUND SPENCER

Appellant

\* \* \* \* \*

Appealed from the  
First Judicial District Court for the  
Parish of Caddo, Louisiana  
Trial Court No. 397,087

Honorable Michael Pitman, Judge

\* \* \* \* \*

LOUISIANA APPELLATE PROJECT  
By: Douglas Lee Harville

Counsel for Appellant

JAMES E. STEWART, SR.  
District Attorney

Counsel for Appellee

WILLIAM JACOB EDWARDS  
Assistant District Attorney

\* \* \* \* \*

Before COX, HUNTER and ELLENDER, JJ.

NOT DESIGNATED FOR PUBLICATION  
Rule 2-16.3, Uniform Rules, Courts of Appeal

**PER CURIAM.**

This appeal arises from the defendant's conviction and sentence for second-degree murder. Defendant's appellate counsel has filed a "Motion to Vacate and to Set Aside Sentence and To Remand," requesting that the sentence be vacated and set aside and remanded for further proceedings. A review of the appellate record reveals that the trial court failed to rule on the defendant's motion for post-verdict judgment of acquittal prior to sentencing the defendant, in accordance with La. C. Cr. P. art. 821.

Accordingly, the motion is granted and defendant's sentence is hereby vacated, the appeal is dismissed, and the matter is remanded to the trial court for further proceedings. The defendant may then appeal including any adverse rulings or any sentence subsequently imposed. *State v. Whitaker*, 51,632 (La. App. 2 Cir. 5/25/17), 225 So. 3d 524; *State v. Jackson*, 614 So. 2d 783 (La. App. 2 Cir. 1993).