

Petition for Writ of Mandamus Denied and Memorandum Opinion filed February 2, 2010



In The

Fourteenth Court of Appeals

NO. 14-09-00654-CR

IN RE GEORGE JOHNSON, Relator

ORIGINAL PROCEEDING
WRIT OF MANDAMUS

MEMORANDUM OPINION

On July 23, 2009, relator, George Johnson, filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. §22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator he complains that the Honorable Margaret Harris, presiding judge of County Criminal Court at Law No. 5 of Harris County, has not ruled on his “writ of habeas corpus action.” Relator states that he is “[a]ppearing before this court, *with court appointed counsel of record . . .*”¹

¹ Emphasis added.

It is well-settled that a defendant is not entitled to hybrid representation. *Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007); *Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). As a consequence, the trial court has no legal duty to rule on a pro se motion filed in a proceeding in which the accused is represented by counsel. *Robinson*, 240 S.W.3d at 922. Therefore, the trial court has no duty to rule on relator’s pro se “writ of habeas corpus action.”

Relator has not established his entitlement to the extraordinary relief of a writ of mandamus. Accordingly, we deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.

Do Not Publish—Tex. R. App. P. 47.2(b).