

Petition for Writ of Mandamus Denied and Memorandum Opinion filed April 6, 2010



In The

Fourteenth Court of Appeals

NO. 14-10-00257-CR

NO. 14-10-00258-CR

NO. 14-10-00259-CR

IN RE ANTONIO SEPEDA, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

On March 24, 2010, relator, Antonio Sepeda, 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 asks this Court to compel the Honorable C. G. Dibrell, III, presiding judge of County Court at Law No 2 of Galveston County, to “show cause why the petitioner continues to be detained, in direct violation of Texas statute [sic].”

Relator complains that he has been “awaiting since October 2009 on a trial by jury. Those demands for jury trial have been voiced and expressed to the state prosecutor and the trial court through myself and attorney.”

According to relator’s petition, he is represented by counsel in the underlying criminal proceeding. A criminal 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). The issues relator raises in his *pro se* petition for writ of mandamus relate directly to a criminal proceeding in which he is presented by counsel. Therefore, in the absence of a right to hybrid representation, relator has presented nothing for this Court’s consideration. *See Patrick*, 906 S.W.2d at 498. .

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.

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