

Petition for Writ of Mandamus Denied and Memorandum Opinion filed April 1, 2010



In The

Fourteenth Court of Appeals

NO. 14-10-00264-CR

NO. 14-10-00265-CR

IN RE FABIAN RODRIGUEZ, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

March 25, 2010, relator, Fabian Rodriguez, 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 Susan Criss, presiding judge of the 212th District Court of Galveston County to “show cause why the petitioner continues to be detained, in direct violation of Texas statue [sic].”

Relator complains that he has been “awaiting trial by jury since May 2008. Those demands for trial by jury have been voiced and expressed to the state prosecutor and the trial court through petitioner and his 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 Justices Yates, Seymore, and Brown.

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