

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-08-00451-CR

**IN RE Marquel CLEMONS**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Catherine Stone, Justice  
Santee Bryan Marion, Justice  
Rebecca Simmons, Justice

Delivered and filed: July 16, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

On June 25, 2008, relator filed a petition for writ of mandamus, complaining that the respondent has not ruled on his motion for a speedy trial. Counsel has been appointed to represent relator in the trial court. We conclude that appointed counsel for relator is also his counsel for an original proceeding on the issues presented. Relator is not entitled to hybrid representation. *See Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). The absence of a right to hybrid representation means relator's *pro se* petition for writ of mandamus will be treated as presenting nothing for this court's consideration. *See id.*; *see also Gray v. Shipley*, 877 S.W.2d 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding). Consequently, this court has determined that

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<sup>1</sup> This proceeding arises out of Cause No. 2008-CR-3731, styled *The State of Texas v. Marquel Clemons*, pending in the 379th Judicial Court, Bexar County, Texas.

relator is not entitled to the relief sought. Therefore, the petition is DENIED. TEX. R. APP. P. 52.8(a).

PER CURIAM

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