

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



**MEMORANDUM OPINION**

No. 04-08-00484-CR

**IN RE Martin A. CASAREZ**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Alma L. López, Chief Justice  
Catherine Stone, Justice  
Steven C. Hilbig, Justice

Delivered and Filed: July 23, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

In this original mandamus proceeding, relator Martin A. Casarez has filed a pro se petition for a writ of mandamus seeking to compel the trial court to rule on and grant his pro se request for a speedy trial in the underlying criminal matter. Counsel has been appointed to represent Casarez in the trial court cause. To obtain mandamus relief in a criminal matter, the relator must establish the act sought to be compelled is ministerial rather than discretionary in nature, and there is no other adequate remedy at law. *Dickens v. Second Court of Appeals*, 727 S.W.2d 542, 548 (Tex. Crim. App. 1987). Although a trial court has the discretion to permit hybrid representation, it is not required to do so. *See Scarbrough v. State*, 777 S.W.2d 83, 92 (Tex. Crim. App. 1989); *Landers v. State*, 550 S.W.2d 272, 280 (Tex. Crim. App. 1977). It is well-established that a defendant in a

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<sup>1</sup>This proceeding arises out of Cause No. 2007-CR-8706, styled *The State of Texas v. Martin A. Casarez*, pending in the 226th Judicial District Court, Bexar County, Texas, the Honorable Sid L. Harle, presiding.

criminal matter does not have a right to hybrid representation. *Scheanette v. State*, 144 S.W.3d 503, 505 n.2 (Tex. Crim. App. 2004). Accordingly, the act Casarez seeks to compel is discretionary, not ministerial, in nature and we therefore deny the pro se petition for a writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH