

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



MEMORANDUM OPINION

No. 04-08-00486-CR

IN RE Felix **HERRERA**, Jr.

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Alma L. López, Chief, Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: July 30, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

Felix Herrera, Jr. has filed a *pro se* petition for writ of mandamus asking this court to compel the trial court to rule on his motion to quash his indictments which relator states that he filed on June 9, 2008. According to the information available in the underlying causes, Shawn Sheffield has been appointed to represent Herrera. Herrera is not entitled to hybrid representation - partially *pro se* and partially by counsel. *Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007). “[A]s a consequence, [the] trial court is free to disregard any *pro se* motions presented by [Herrera].” *Id.*

¹ This proceeding arises out of Cause Nos. 2008-CR-1192 & 2008-CR-1193, styled *The State of Texas v. Felix Herrera, Jr.*, pending in the 226th Judicial District Court, Bexar County, Texas, the Honorable Sid L. Harle presiding.

Because Herrera has appointed counsel, he must look to his counsel for representation. Accordingly, the petition for writ of mandamus is denied.²

PER CURIAM

DO NOT PUBLISH

²The information available in the underlying causes also shows that they are set for trial on August 18, 2008.