

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



MEMORANDUM OPINION

No. 04-08-00600-CR

IN RE Donald Ray MCINTOSH

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Justice
Phylis J. Speedlin, Justice
Rebecca Simmons, Justice

Delivered and Filed: August 29, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

On August 12, 2008, relator Donald Ray McIntosh filed a petition for writ of mandamus seeking to compel the trial court to rule on his pro se Motion for Speedy Trial, Petition for Writ of Habeas Corpus Release for Delay of Prosecution and Illegal Restraint, and Petition for Writ of Habeas Corpus Dismiss for Failure to Provide a Constitutional Speedy Trial or to dismiss with prejudice the underlying criminal cases. We conclude trial counsel is also relator's counsel for an original proceeding on the issue 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 will be treated as presenting nothing for this court's

¹This proceeding arises out of Cause Nos. 220291, 220292, and 220294, styled *The State of Texas v. Donald Ray McIntosh*, in County Court No. 7, Bexar County, the Honorable Monica Guerrero presiding.

review. *See id.*; *see also Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding). Accordingly, relator's petition is denied. Relator's motion for leave to file the petition for writ of mandamus is denied as moot.

PER CURIAM

DO NOT PUBLISH