

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



MEMORANDUM OPINION

No. 04-08-00899-CR

IN RE Daryl WELLS
Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: December 23, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

Daryl Wells filed a pro se petition for a writ of mandamus on December 11, 2008. Wells was sentenced August 28, 2008, and filed a notice of appeal on August 29, 2008. The trial court appointed the Bexar County Public Defender's Office to represent Wells on appeal. In this pro se petition, Wells seeks to compel the trial court to "rule on court reporter's record and trial transcripts motions." We conclude Wells' appointed counsel is also counsel for an original proceeding on the issue presented. Wells is not entitled to hybrid representation. *See Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995); *Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding). Accordingly, the pro se petition for a writ of mandamus is denied. *See TEX. R. APP. P. 52.8(a)*.

¹ This proceeding arises out of Cause No. 2007-CR-2049, styled *The State of Texas v. Darryl B. Wells*, in the 379th Judicial District Court, Bexar County, Texas, the Honorable Bert Richardson presiding.

The clerk of this court is directed to transmit a copy of this opinion to the attorneys of record, the trial court judge, and the trial court clerk.

PER CURIAM

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