

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



MEMORANDUM OPINION

No. 04-10-00465-CR

IN RE Timothy Brant PERKINS

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Rebecca Simmons, Justice

Delivered and Filed: July 14, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On June 22, 2010, relator Timothy Perkins filed a petition for writ of mandamus, seeking to compel the trial court to rule on his *pro se* motion for speedy trial, which he alleges he filed on June 7, 2010.

However, counsel has been appointed to represent relator in the criminal proceeding pending in the trial court.² A criminal defendant is not entitled to hybrid representation. *See Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007); *Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). A trial court has no legal duty to rule on a *pro se* motion filed with regard to a

¹ This proceeding arises out of Cause No. 264347, styled *State of Texas v. Timothy Brant Perkins*, in County Court at Law No. 12, Bexar County, Texas, the Honorable Michael Mery presiding.

² Attorney Mark LaHood was appointed to represent relator in the criminal proceeding pending in the trial court.

criminal proceeding in which the defendant is represented by counsel. *See Robinson*, 240 S.W.3d at 922. Consequently, the trial court did not abuse its discretion by declining to rule on relator's *pro se* motion that relates directly to his criminal proceeding pending in the trial court. Accordingly, relator's petition for writ of mandamus is denied. TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH