

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



**MEMORANDUM OPINION**

No. 04-10-00549-CR

**IN RE Jonathan MIMS**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Phylis J. Speedlin, Justice  
Marialyn Barnard, Justice

Delivered and Filed: August 11, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On July 27, 2010, relator Jonathan Mims filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his *pro se* motion for speedy trial. However, counsel has been appointed to represent relator in the criminal proceeding pending in the trial court for which he is currently confined. 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 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*

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<sup>1</sup> This proceeding arises out of Cause No. 2008-CR-7180, styled *State of Texas v. Jonathan Mims*, pending in the 437th Judicial District Court, Bexar County, Texas, the Honorable Lori Valenzuela presiding.

*se* motion filed in the criminal proceeding pending in the trial court. Accordingly, the petition is denied. TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH