



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00584-CR

IN RE David KARA

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Marialyn Barnard, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: August 30, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

Relator David Kara filed this pro se petition for writ of mandamus on August 26, 2013, complaining of the trial court's order releasing relator on personal bond rather than dismissing the prosecution after granting relator's application for writ of habeas corpus. Relator has been appointed trial counsel to represent him in connection with the criminal charges pending against him. We conclude that any original proceeding on the issue raised should be presented by relator's trial counsel. 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 mandamus petition will be treated as presenting nothing for this court's review. *See id.*; *see also*

¹ This proceeding arises out of Cause No. 172064, styled *The State of Texas v. David Kara*, pending in the 187th Judicial District Court, Bexar County, Texas, the Honorable Raymond Angelini presiding.

Gray v. Shipley, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding). Accordingly, relator's petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

Additionally, relator requested leave to file the petition for writ of mandamus. No leave is required to file a petition for writ of mandamus in this court. TEX. R. APP. P. 52. Therefore, relator's motion for leave to file is denied as moot.

PER CURIAM

DO NOT PUBLISH