



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-13-00635-CR

**IN RE Juan M. GARCIA**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: September 25, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

Relator Juan M. Garcia filed this pro se petition for writ of mandamus on September 18, 2013, complaining of the trial court's failure to rule on various motions pending in his criminal case. Relator has been appointed trial counsel to represent him in connection with the pending criminal charges. We conclude that any original proceeding on the issue presented 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 Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.]

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<sup>1</sup> This proceeding arises out of Cause No. 2012CR0797, styled *The State of Texas v. Juan M. Garcia*, pending in the 227th Judicial District Court, Bexar County, Texas, the Honorable Philip A. Kazen, Jr. presiding.

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 his 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 request for leave to file is denied as moot.

PER CURIAM

DO NOT PUBLISH