



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00740-CR

IN RE Marcus A. COOPER

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Sandee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: December 11, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

Relator Marcus Cooper filed this pro se petition for writ of mandamus on October 24, 2013, complaining of the trial court's failure to rule on a pending motion for speedy trial. Relator has been appointed trial counsel to represent him in connection with his 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.] 1994, orig. proceeding). Accordingly, relator's petition for writ of mandamus is denied. *See TEX. R. APP. P. 52.8(a)*.

¹ This proceeding arises out of Cause No. 2013CR6596, styled *The State of Texas v. Marcus A. Cooper*, pending in the 186th Judicial District Court, Bexar County, Texas, the Honorable Maria Teresa Herr presiding.

Additionally, relator filed a request for 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 motion for leave to file is denied as moot.

PER CURIAM

DO NOT PUBLISH