



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00760-CR

IN RE Robert MARTINEZ

Original Mandamus Proceeding¹

PER CURIAM

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

Delivered and Filed: November 13, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

On October 30, 2013, relator Robert Martinez filed a pro se petition for writ of mandamus complaining of the trial court's failure to rule on pro se motions for speedy trial pending in his underlying criminal cases. However, counsel has been appointed to represent relator in the criminal proceedings 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 pro se motions or petitions 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

¹ This proceeding arises out of Cause Nos. 2013CR6698; 2013CR4545; 2013CR4546; 2013CR4547, each styled *The State of Texas v. Robert Martinez*, pending in the 186th Judicial District Court, Bexar County, Texas, the Honorable Maria Teresa Herr presiding.

abuse its discretion by declining to rule on relator's pro se motions filed in the pending criminal proceedings. Accordingly, the petition for writ of mandamus is denied. 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DO NOT PUBLISH