

NO. 07-12-00360-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
JANAURY 31, 2013

PAUL THOMAS GERIK, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

FROM THE 181ST DISTRICT COURT OF RANDALL COUNTY;

NO. 22,925-B; HONORABLE JOHN B. BOARD, JUDGE

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

ORDER

By pro se letter dated December 10, 2012, appellant, Paul Thomas Gerik, requested this Court either compel his court-appointed appellate counsel to raise certain issues in appellant's appeal or to dismiss counsel and allow appellant to represent himself on appeal. In response to this correspondence, this Court notified appellant that he is not entitled to hybrid representation and that, consequently, we could not and would not act on his request. See Ex Parte Taylor, 36 S.W.3d 883, 887 (Tex.Crim.App. 2001).

On January 7, 2013, this Court received appellant's motion to dismiss appellate attorney. By this motion, appellant requests that his court-appointed attorney, R. Walton Weaver, be withdrawn as appellant's counsel on appeal and that either new counsel be appointed or, alternatively, that appellant be allowed to represent himself on appeal. On January 22, 2013, in the absence of any response to appellant's January 7 motion, this Court received appellant's pro se brief. Notably, appellant's pro se brief attempts to incorporate the issues raised by his court-appointed appellate counsel by reference. "Appellants are not allowed to have 'hybrid representation' on appeal, in which an appellant and an attorney can present independent points to an appellate court." Id.; see Patrick v. State, 906 S.W.2d 481, 498 (Tex.Crim.App. 1995) (rejecting appellant's pro se "supplemental brief" to appellate counsel's brief because appellant is not entitled to hybrid representation).

Appellant's court-appointed appellate counsel filed appellant's brief on November 20, 2012. This brief complies with the requirements of Texas Rule of Appellate Procedure 38.1, and has been filed by this Court. It presents three issues for review that appellant, obviously, wishes to have this Court consider. Because a review of the documents that appellant has provided to this Court makes clear that appellant desires to have hybrid representation, we deny appellant's pro se motion to dismiss appellate counsel.

Per Curiam.

Do not publish.