



**IN THE
TENTH COURT OF APPEALS**

No. 10-15-00103-CR

IN RE PATRICK KIRK PITZER

Original Proceeding

MEMORANDUM OPINION

Relator, Patrick Kirk Pitzer, filed this pro se petition for writ of mandamus on March 26, 2015, complaining about the Brazos County District Clerk's failure to "transmit" relator's "MOTION TO OBTAIN DOCUMENTS AND TRIAL RECORDS IN FORMA PAUPERIS" to the trial court for consideration. Relator has been appointed both trial and appellate counsel to represent him in connection with the pending criminal charges. In fact, relator's appellate counsel has filed an appellate brief challenging relator's conviction for arson.

We conclude that any original proceeding on the issue raised should be presented by relator's counsel. Relator is not entitled to hybrid representation. *See*

Patrick v. State, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995) (en banc); *see also In re Fisk*, No. 04-15-00139-CR, 2015 Tex. App. LEXIS 2778, at *1 (Tex. App.—San Antonio Mar. 25, 2015, orig. proceeding) (mem. op., per curiam, not designated for publication); *In re Porter*, No. 14-15-00014-CR, 2015 Tex. App. LEXIS 333, at *1 (Tex. App.—Houston [14th Dist.] Jan. 15, 2015, orig. proceeding) (mem. op., per curiam, not designated for publication). 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 Patrick*, 906 S.W.2d at 498; *Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding); *see also In re Fisk*, 2015 Tex. App. LEXIS 2778, at **1-2; *In re Porter*, 2015 Tex. App. LEXIS 333, at *1. Accordingly, relator’s petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
(Chief Justice Gray concurring with a note)*
Petition denied
Opinion delivered and filed April 16, 2015
[OT06]

*(Chief Justice Gray concurs that the petition for writ of mandamus should be denied.
A separate opinion or order will not issue.)

