

NO. 12-10-00294-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***IN RE: JOHN D. FAILS, JR.,
RELATOR***

§

§ ORIGINAL PROCEEDING

§

***MEMORANDUM OPINION
PER CURIAM***

Relator John D. Fails, Jr. has filed a petition for writ of mandamus complaining of the trial court's alleged failure to timely prosecute him in its cause number 27,984 in which he is charged with theft by check. He urges that this failure has violated his right to a speedy trial. He also asserts that the trial court abused its discretion in failing to respond to his motions and requests.

Relator admits that he has appointed counsel in the underlying cause, but states that his counsel has "refused to communicate with him in any kind of way." Despite his dissatisfaction with his counsel, Relator is not entitled to hybrid representation—partially pro se and partially by counsel. *See Landers v. State*, 550 S.W.2d 272, 280 (Tex. Crim. App. 1977). Because Relator has counsel, we do not address the merits of his pro se mandamus petition. He must look solely to his counsel for representation. Relator's petition for writ of mandamus is ***denied***.

Opinion delivered December 15, 2010.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)