

NO. 12-10-00432-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

JODY F. MCCREARY,

§

ORIGINAL PROCEEDING

RELATOR

§

MEMORANDUM OPINION

Relator Jody F. McCreary, appearing pro se, requests a writ of mandamus directing the trial court to issue a writ of habeas corpus. We construe Relator's mandamus petition as a complaint that the trial court has failed to rule on his pro se petition for a pretrial writ of habeas corpus.

Counsel has been appointed to represent Relator in the pending criminal proceeding. 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. Moreover, the trial court is entitled to look solely to counsel and is not required to rule on pro se motions or petitions filed in a criminal proceeding in which the defendant is represented by counsel. See *Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007); *Patrick v. State*, 906 S.W.2d 418, 498 (Tex. Crim. App. 1995). Accordingly, the petition is *denied*. See TEX. R. APP. P. 52.8(a).

BRIAN HOYLE

Justice

Opinion delivered January 5, 2011.

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

(DO NOT PUBLISH)