

NO. 12-15-00135-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

DONALD ADKINS,

§

ORIGINAL PROCEEDING

RELATOR

§

***MEMORANDUM OPINION
PER CURIAM***

Relator Donald Adkins, who is presently incarcerated, filed a petition for writ of mandamus complaining that the trial court has deprived him of his constitutional right to a speedy trial. He further relates that he has filed a number of motions in the trial court pertaining to his right to a speedy trial, but the motions have been ignored.¹ Relator seeks an order from this court directing the trial court to proceed to trial on Relator's outstanding criminal charges.

In an original proceeding, the relator is required to file an appendix as part of his petition and also a record. *See* TEX. R. APP. P. 52.3(k), 52.7. The contents of both are prescribed by the rules of appellate procedure. *See* TEX. R. APP. P. 52.3(k)(1), 52.7(a). Here, Relator did not provide an appendix and a record and asserts that he has no documents in his possession. Nevertheless, without an appendix and a record, we are unable to determine that Relator is entitled to mandamus relief. Accordingly, we *deny* Relator's petition for writ of mandamus.

Opinion delivered June 3, 2015.

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

(DO NOT PUBLISH)

¹ Relator states in his mandamus petition that he received notice of the pending charges in 2011 and asked his attorney to file certain motions. We cannot determine from Relator's mandamus petition whether he is presently represented by counsel. We note, however, that Relator is not entitled to hybrid representation. *See Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007). Consequently, "a trial court is free to disregard any *pro se* motions presented by a defendant who is represented by counsel." *Id.*



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

JUNE 3, 2015

NO. 12-15-00135-CR

DONALD ADKINS,
Relator
V.
HON. CHARLES R. MITCHELL,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **DONALD ADKINS**, on May 21, 2015, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DENIED**.

By *per curiam* opinion.

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