

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§
§ No. 08-12-00350-CR
IN RE: BRIAN ENGLETON § AN ORIGINAL PROCEEDING IN
§ MANDAMUS
§

MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS

Relator, Brian Engleton, has filed a *pro se* “Motion for Writ of Mandamus” which we will treat as a petition for writ of mandamus, requesting that this Court compel a ruling on his “Motion to Quash The ID” from the judge of the 120th District Court. Engleton’s Motion to Quash the ID was filed on January 25, 2012 in the district court but has not been ruled on.

We note that Engleton’s petition states that “Defendant’s court appointed attorney refuses to pursue his obligation to provide effective assistance.” Engleton has counsel in the criminal proceeding before the trial court. Criminal defendants are not entitled to hybrid representation, *i.e.*, representation partly by counsel and partly by themselves, on appeal. *See Robinson v. State*, 240 S.W.3d 919, 922 (Tex.Crim.App. 2007); *Patrick v. State*, 906 S.W.2d 481, 498 (Tex.Crim.App. 1995). A trial court has no legal duty to rule on *pro se* motions or petitions filed with regard to a criminal proceeding in which the defendant is represented by counsel. *See Robinson*, 240 S.W.3d at 922. Because Engleton has counsel, he must look to his counsel for representation. We also note that under TEX.R.APP.P. 52.3(j), Engleton has not provided the necessary certification in support of his petition for writ of mandamus.

Accordingly, the petition for writ of mandamus is denied. *See* TEX.R.APP.P. 52.8(a).

November 30, 2012

CHRISTOPHER ANTCLIFF, Justice

Before McClure, C.J., Rivera, and Antcliff, JJ.