



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE	§	No. 08-21-00189-CR
RICARDO HERNANDEZ,	§	AN ORIGINAL PROCEEDING
Relator.	§	IN MANDAMUS
	§	

MEMORANDUM OPINION

Relator Ricardo Hernandez has filed a pro se petition for a writ of mandamus, or in the alternative a writ of habeas corpus, against the Honorable Bonnie Rangel, judge of the 171st District Court. Hernandez contends that the trial court failed to rule on his request for pretrial release on a non-excessive, non-oppressive bond related to five pending felony offenses.¹

Although Hernandez filed his petition pro se, Hernandez has been represented in the trial court by appointed counsel since August 2021, including during the period in which he filed his petition with this Court. Criminal defendants are generally not entitled to hybrid representation in which they represent themselves while also being represented by appointed counsel, and a court, including an appellate court, is free to disregard any pro se motions presented by a defendant who is represented by counsel, since the pro se motion presents nothing for the court to review. *See*

¹ The cause numbers for those offenses are 20170D04515, 20180D00895, 20190D05644, 20190D04965, and 20190D04726.

In re Muhammad, No. 08-21-00123-CR, 2021 WL 3629989, at *1 (Tex.App.--El Paso Aug. 17, 2021, orig. proceeding) (mem. op., not designated for publication). As such, we may deny Hernandez's petition on this ground alone. *Id.*

Additionally, while this petition was pending, Hernandez pleaded guilty to Counts I and II of the indictment in Cause No. 20170D04515 in exchange for dismissal of Counts III, IV, and V in that trial cause number. He was sentenced to three years confinement for Count I and twenty-four months confinement for Count II. He also pleaded guilty in Cause No. 20180D00895 and was sentenced to three years confinement in exchange for dismissal of all other charges in Cause Nos. 20190D05644, 20190D04965, and 20190D04726. The trial court entered judgment on October 5, 2021.

A subsequent conviction moots an original proceeding relating to a pre-trial bail issue, since upon his conviction the applicant is no longer being subject to pretrial confinement. *See Ex parte Torres*, No. 08-14-00086-CR, 2015 WL 3777279, at *1 (Tex.App.--El Paso June 17, 2015, orig. proceeding). Because Hernandez has since pleaded guilty and been sentenced, we conclude that to the extent we may review the merits of this pro se petition, the petition is now moot.

Accordingly, this mandamus petition is hereby dismissed as moot.

JEFF ALLEY, Justice

October 29, 2021

Before Rodriguez, C.J., Palafox, and Alley, JJ.

(Do Not Publish)