

**DISMISS; and Opinion Filed December 15, 2017.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-17-01305-CR**

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**EX PARTE QUINCY BLAKELY**

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**On Appeal from the 194th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. WX17-90052-M**

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**MEMORANDUM OPINION**

Before Justices Lang-Miers, Fillmore, and Stoddart  
Opinion by Justice Lang-Miers

Quincy Blakely appeals the trial court's order declining to review the merits of his pro se pretrial application for writ of habeas corpus. We dismiss the appeal for want of jurisdiction.

Appellant was charged with assault of a public servant. The record includes a "rebuttal to appointment of counsel for indigent defendant" in which appellant confirms that the trial court appointed counsel to represent him on August 15, 2017. Appellant contends the appointment of counsel was made without his request or consent.

On September 20, 2017, appellant filed a pro se pretrial application for writ of habeas corpus raising various issues. On October 2, 2017, the trial court entered an order declining to address the merits of appellant's pro se writ application because he is represented by counsel and not entitled to hybrid representation. Finding "insufficient cause," the trial court refused to issue the writ.

A criminal defendant has no right to hybrid representation. *Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007). Consequently, the trial court is free to disregard any pro se motions presented by a defendant represented by counsel. *Id.* The trial court's decision not to rule upon a pro se motion presented by a defendant represented by counsel is not subject to review on appeal. *Id.*

Furthermore, when, as here, the trial court declines to review the merits of a pretrial habeas application and refuses to issue the writ, this Court does not have jurisdiction to review the trial court's determination. *See Ex parte Hargett*, 819 S.W.2d 866, 868–69 (Tex. Crim. App. 1991), *superseded by statute in article 11.072 writ cases as recognized by Ex parte Villanueva*, 252 S.W.3d 391 (Tex. Crim. App. 2008); *Ex parte Noe*, 646 S.W.2d 230, 231 (Tex. Crim. App. 1983); *Ex parte Young*, 257 S.W.3d 276, 277 (Tex. App.—Beaumont 2008, no pet.).

We dismiss the appeal for want of jurisdiction.

/Elizabeth Lang-Miers/  
ELIZABETH LANG-MIERS  
JUSTICE

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TEX. R. APP. P. 47

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

EX PARTE QUINCY BLAKELY

No. 05-17-01305-CR

On Appeal from the 194th Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. WX17-90052-M.  
Opinion delivered by Justice Lang-Miers.  
Justices Fillmore and Stoddart participating.

Based on the Court's opinion of this date, the appeal is **DISMISSED**.

Judgment entered this 15th day of December, 2017.