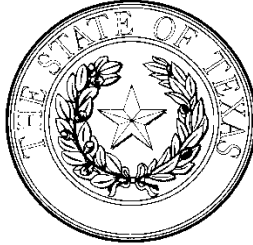


Opinion issued November 3, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00815-CR

IN RE DOMINEX DEWAN PAYNE, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Dominex Dewan Payne, has filed a pro se petition for writ of mandamus. Relator seeks the writ of mandamus to compel the trial court to rule on his application for bail pending trial.¹ Relator also asserts that his trial counsel similarly filed a motion to set bail. A criminal defendant is not entitled to hybrid

¹ The underlying case is No. 1298220, in the 174th District Court of Galveston County, Texas. The respondent is the Honorable Ruben Guerrero.

representation. *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. Consequently, the trial court did not abuse its discretion by declining to rule on relator's pro se motions filed in the criminal proceeding pending in the trial court. Accordingly, the petition for writ of mandamus is denied. TEX. R. APP. P. 52.8(a).

PER CURIAM

Panel consists of Chief Justice Radack and Justices Bland and Huddle.

Do not publish. TEX. R. APP. P. 47.2(b).