

Opinion issued September 22, 2020



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-20-00619-CR

NO. 01-20-00620-CR

NO. 01-20-00621-CR

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IN RE DAVID RODRIGUEZ, Relator

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Original Proceeding on Petition for Writ of Mandamus

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**MEMORANDUM OPINION**

Relator, David Rodriguez, has filed a pro se petition for writ of mandamus, seeking to compel the trial court to hold a hearing and/or rule on relator's pro se applications for a pre-trial writ of habeas corpus filed in three cases.<sup>1</sup>

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<sup>1</sup> The underlying cases are *The State of Texas v. David Rodriguez*, Cause Nos. 1595712, 1595713, and 1600804, in the 174th District Court of Harris County, Texas, the Honorable Hazel B. Jones presiding.

We dismiss relator's petition for lack of jurisdiction.

Relator has filed his petition for writ of mandamus pro se. In his petition, relator states that he is represented by attorney Alexis Bruegger, who was appointed by the trial court to represent relator. A review of the record confirms that in each of the underlying cases, the trial court has entered an "Order Appointing Counsel," appointing Ms. Bruegger as relator's counsel.

Criminal defendants are not entitled to hybrid representation in the same case and a trial court is free to disregard any pro se motions presented by a defendant who is represented by counsel. *See Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007). As such, "a trial court's decision not to rule on a pro se motion" is not "subject to review." *Id.* Similarly, relator is not entitled to hybrid representation before this Court, and relator's pro se petition for writ of mandamus presents nothing for this Court to review. *See Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995) (because appellant was represented by counsel and was not entitled to hybrid representation, appellant's pro se supplemental brief presented nothing for review); *Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.] 1994, no writ) (orig. proceeding) (overruling pro se motion for leave to file mandamus petition because relator was represented by appointed trial counsel and not entitled to hybrid representation).

Accordingly, we dismiss relator's petition for writ of mandamus for lack of jurisdiction. All pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Keyes, Lloyd, and Landau.

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