

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed
September 22, 2015.**



In The

Fourteenth Court of Appeals

**NO. 14-15-00760-CR, 14-15-00761-
CR, and 14-15-00762-CR**

IN RE JEFFERY ALAN HARBERSON, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
122nd District Court
Galveston County, Texas
Trial Court Cause Nos. 15CR0015, 15CR0526, and 15CR0527**

MEMORANDUM OPINION

On September 8, 2015, relator Jeffery Alan Harberson filed a *pro se* petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this Court to compel the Honorable John Ellisor, presiding judge of the 122nd District Court of Galveston County, to proceed to trial in Trial Court Cause Nos. 15CR0015, 15CR0526, and 15CR0527.

The Galveston County records show that the trial court has appointed counsel to represent relator in these matters. A criminal defendant is not entitled to hybrid representation and a trial court's decision not to rule on a *pro se* motion in this situation is not subject to review. *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).

Relator asserts in his petition that the trial court has not ruled on his *pro se* motion for a speedy trial. This issue relates directly to criminal proceedings in which relator is represented by counsel. Therefore, relator has not shown that the trial court has a legal duty to rule on his *pro se* motion and the trial court's failure to rule is not subject to review by this court.

Accordingly, we deny relator's petition for a writ of mandamus.

PER CURIAM

Panel consists of Justices Boyce, Busby, and Brown.
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