

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed
February 9, 2016.**



In The

Fourteenth Court of Appeals

NO. 14-15-01100-CV

IN RE ZAHIR QUERISHI, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
315th District Court
Harris County, Texas
Trial Court Cause No. 86707**

MEMORANDUM OPINION

On December 28, 2015, relator Zahir Querishi filed a 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

Michael Schneider, presiding judge of the 315th District Court of Harris County, to rule on his *pro se* application for writ of habeas corpus.

A criminal defendant is not entitled to hybrid representation in the same cause 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); *Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). As a result, “a trial court’s decision not to rule on a *pro se* motion” is not “subject to review.” *Robinson*, 240 S.W.3d at 922. The absence of a right to hybrid representation also means that a relator’s *pro se* mandamus petition should be treated as presenting nothing for this court’s review. *See Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding); *In re Harrison*, 14-15-00370-CV, 2015 WL 5935816, at *2 (Tex. App.—Houston [14th Dist.] Oct. 13, 2015, orig. proceeding).

Relator admits in his petition and the Appendix shows that he is represented by attorney Mr. Richard Wetzel in a habeas corpus application that Mr. Wetzel filed in the same cause no. 86,707 in the 315th District Court. Relator argues that the rule against hybrid representation does not apply in this context because Mr. Wetzel does not represent him in the habeas corpus application that relator filed that is the subject of relator’s petition for writ of mandamus. We disagree. Because relator is represented by counsel in the cause below, the rule against hybrid representation precludes relator from filing and representing himself in motions in that cause.

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

PER CURIAM

Panel consists of Chief Justice Frost and Justices Christopher and Donovan.